

113877

Governor's Office of Criminal Justice Services

THE STATE OF
CRIME AND CRIMINAL JUSTICE
IN OHIO

113877

U.S. Department of Justice
National Institute of Justice

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Dear Friend:

If you have ever been bewildered by the workings of the criminal justice system, angered by what seems like a consistent pattern of injustice, or concerned about your personal safety, then I believe you will find much of interest and value in this report. For the first time, we have put between two covers a complete overview of crime and criminal justice in Ohio — beginning with our basic attitudes about crime and extending through the commission, investigation, prosecution and adjudication of criminal acts.

The *State of Crime and Criminal Justice in Ohio* report is unique in that it is based upon facts rather than theories, opinions or anecdotes. It is the statistical story of what really happens on a day-to-day, grass-roots level. The report provides important information for all Ohioans. For example:

- The incidence of crime in Ohio has been level or declining during the past decade.
- The number and percentages of prisoner paroles have significantly decreased.
- Seventy percent of all persons charged with serious crimes in our courts are convicted, and most of these go to jail or prison.
- Compensation is available for victims of crime.

In compiling this report, my Office of Criminal Justice Services has made use of eight years of data from Ohio and other parts of the nation. The report is also of national importance — Ohio was one of two states chosen by the U.S. Department of Justice to produce such a document.

Crime affects everyone. Like many of your families, mine has been touched by serious crime in recent years. This has strengthened my resolve to make Ohio a safer place to live. The information contained in this report is an important tool in making that goal a reality.

Although the intention was to present this data as objectively as possible, please keep in mind that no statistic is free of the built in biases of society. This administration's goal is to continue to open up new doors and new opportunities through more jobs and better education — factors that create a better quality of life for all Ohioans.

Sincerely,

Richard F. Celeste

Richard F. Celeste
Governor

Acknowledgements

The *State of Crime and Criminal Justice in Ohio* began its formal development in the fall of 1984, when Ohio was named as one of two states to receive special technical assistance from the federal Bureau of Justice Statistics (BJS). To that end BJS convened a conference in Washington in December, 1984 and, in Ohio's case, provided on-site technical assistance on two subsequent occasions. BJS also awarded Ohio a \$30,000 production grant in July of 1985, primarily to cover the unusually heavy printing costs of the four-color document.

From the beginning this report was designed to capitalize on the many successful features of the *BJS Report to the Nation on Crime and Justice: The Data*, published in 1983. Hence, Ohio has a triple indebtedness to BJS for its expertise, grant funds, and model report.

In addition to those persons cited at the beginning of each chapter and in the footnotes, many people extended themselves beyond routine professional courtesy to make this report a reality. The following list attempts to give them credit for their much appreciated services:

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Preface

The State of Crime and Criminal Justice in Ohio is the product of eight years of data collection and two years of intensive analysis, requiring thousands of work hours and hundreds of thousands of research dollars. It also represents a significant investment of time and money by the Federal Bureau of Justice Statistics, which chose Ohio as one of only two states to produce such a report. The result is Ohio's first comprehensive, statistical overview of crime and criminal justice.

This report is structured to reflect both the nature of crime and the sequence of the criminal justice system in Ohio. It begins with an overview of citizen attitudes about crime. The report then moves to the criminal event itself, including the key actors in that event—the criminal and the victim. At this point the reader is introduced to the central components

of the criminal justice system: the police, prosecution, courts, and corrections. Finally, the report looks at the often separate world of juvenile justice.

More than anything else, however, *The State of Crime and Criminal Justice in Ohio* is a statistical description of crime and justice as they regularly affect the lives of Ohio's citizens and officials. Because of this, the report may frequently conflict with widely held beliefs about crime and justice which are based on incidents that are well publicized but statistically rare. Only during the last couple of years have the quality of, and accessibility to, criminal justice information reached a point where a comprehensive report such as this is possible. It is hoped that it will provide the beginning of a better understanding of this often misunderstood subject.

Foreword

The criminal justice system is designed to perform many socially desirable and legislatively mandated functions: to protect the public, to prevent and deter personal, property and public order offenses, to apprehend and prosecute violators, to restore victims to their pre-offense status (to make victims "whole" again), to give suspected offenders "due process," and to punish, incapacitate, rehabilitate, and correct persons convicted of major offenses. These legitimate demands on the system—and the ever present tensions inherent in performing all these and other functions efficiently and cost effectively—have forced the development of interconnected sub-systems geared to attending to specified portions of the criminal justice process: law enforcement, prosecution, the courts, and corrections. Each of these facets of the process is represented by various agencies and by specialists of every description. Law enforcement involves agencies at the federal, state, county and municipal levels, uniformed and civilian employees, and personnel ranging from forensic scientists, computer experts and hostage negotiators to patrol squad officers. Similarly, the prosecution function is critical and diverse with lawyers, para-legals and investigators

providing most of the professional staffing. The courts—inferior and superior—adjudicate and sentence, investigate and dispose with judges sitting at the apex of a hierarchy of personnel—referees, court administrators, bailiffs and probation officers. Corrections includes a formidable array of agencies and services—incarceration, parole, halfway houses, pre-release centers and employs physicians, nurses, educators, psychologists, in addition to the more visible custody personnel. The entire system is complex and very costly, and the various systems and sub-units frequently mesh poorly.

In 1983, the Bureau of Justice Statistics of the U.S. Department of Justice published *Report to the Nation on Crime and Justice: The Data*. This report, relying heavily on sophisticated graphic presentations and tabular material, details the facts on perpetrators and victims, on criminal events and offender attributes, on the functioning and efficiency of the various layers in the criminal justice process and on the cost of justice. This path-breaking approach to presenting the administration of justice system as a coherent whole has been applied to the painstakingly gathered data in this state in *The State of Crime and Criminal Justice in Ohio*.

The State of Crime and Criminal Justice in Ohio is a compendium of vital statistics obtained from the several administration of justice agencies, carefully analyzed and well presented. This massive effort, which included field survey and attitude data, will be a useful resource to all decision-makers in the criminal justice process in Ohio. Two aspects of this report deserve special note. The first concerns the administration of justice funnel or what happens to persons arrested for major crimes in Ohio based on the outcomes in a statewide cohort of 2493 serious crime cases. The second involves the cost of operating the justice system in Ohio—well over a billion and a quarter dollars per annum. This cost is exclusive of the capital expenditure for prisons, jails and community facilities being spent at the state, county and local levels. The State of Ohio is spending \$600 million to build new prison facilities and may have to appropriate as much more again within a decade to meet the growing numbers of inmates.

The publication of this report is a major service to the criminal justice community and to interested citizens in Ohio. It provides information and analyses critical for making sound public policy decisions and choices.

Simon Dinitz
The Ohio State University

Ohioans' views of crime and justice

Jeffrey J. Knowles
Governor's Office of
Criminal Justice Services

This chapter looks at the attitudes, fears, and opinions of Ohio's citizens relative to crime and criminal justice, and answers such questions as:

How fearful are Ohioans of crime in their own neighborhoods? Do most people think crime is increasing nationwide? In their neighborhoods? Are Ohioans afraid to be out alone in their own neighborhoods at night? Do Ohio citizens worry more about crime than about other risks in their lives?

What is crime prevention? Do people in this state use common sense means to protect themselves?

How many handguns are there in Ohio? Are they important to self-defense? Should handgun purchases require registration? A waiting period? Should handguns be prohibited altogether?

In what parts of the criminal justice system do people have most confidence?

Where does public opinion stand with regard to police use of deadly force? Capital punishment? Jail terms for drunk drivers? The automatic three-year add-on for crimes committed with a firearm? The role of rehabilitation in prisons?

How do citizens get their information about crime and the criminal justice system? How well informed are they?

Chapter I was reviewed and critiqued by Robert Oldendick, Assistant Director of the Institute for Policy Research at the University of Cincinnati; and, Jesse Marquette, Professor and Head of the Department of Political Science, University of Akron. Both have had extensive experience in administering statewide public opinion polls in Ohio.

Citizen attitudes and fears about crime are important starting points in addressing criminal justice issues

Citizens play important roles in the administration of criminal justice in this state

In the voting booth citizens elect key officials to serve in every component of the criminal justice system. These include the legislators who pass criminal laws and the sheriffs, prosecutors, judges, supreme court justices, and coroners who enforce and interpret those laws.

Within the system itself, citizens are called upon to serve as observers, witnesses, and jurors. Citizens also greatly affect a number of more specific operations. Funding for new jail construction, neighborhood placement of halfway houses for recently paroled offenders or delinquent youth, and participation in neighborhood crime prevention programs are among the many operations which rely heavily on citizen support. For these reasons, citizen fears, perceptions, and opinions are an important starting point in understanding crime and criminal justice in Ohio.

How fearful are Ohioans about crime?

According to survey data compiled by the Governor's Office of Criminal Justice Services (GOCJS), Ohio citizens feel there has been a rise in crime in the society at large, but not in their own neighborhoods. Even those who traditionally feel more vulnerable to crime victimization—notably women, senior citizens, and blacks—tend to subscribe to this view. Seventy-three percent of Ohio's citizens felt crime had increased nationwide between 1980 and 1983, but only 35% believed it had increased in their own neighborhoods during the same period. Furthermore, only 2% cited their own neighborhoods as "more dangerous" than others, while 43% said theirs were "about average," and 53% said theirs were "less dangerous." Earlier National Crime Survey findings confirmed that these beliefs were held in even the worst crime neighborhoods in the country.

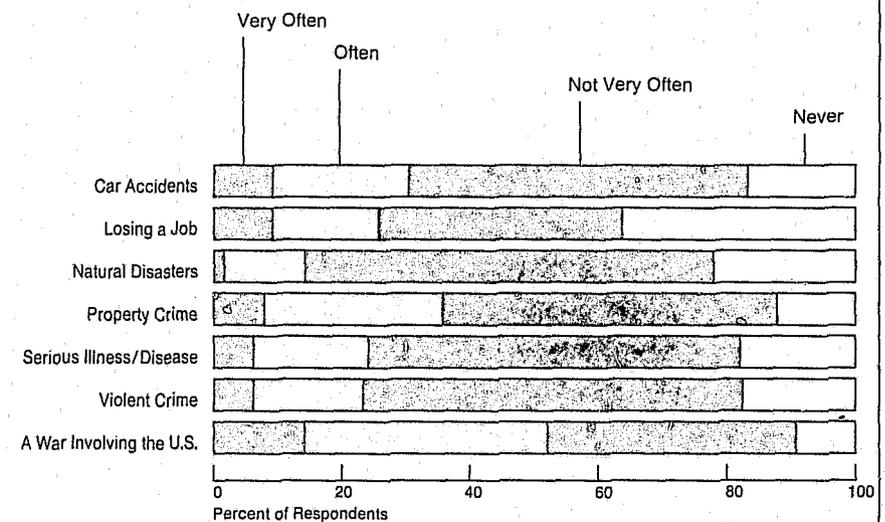
Most Ohioans feel at least reasonably safe in their own neighborhoods

Citizen characteristics	"When out alone in your neighborhood at night do you feel . . ."			
	Very safe	Reasonably safe	Somewhat unsafe	Very unsafe*
State total	45%	39%	6%	9%
Sex				
Male	57%	35%	4%	4%
Female	35	43	7	15
Age				
under 30	45%	40%	10%	5%
30-44	46	44	5	5
45-59	50	36	5	8
60 and +	40	36	3	21
Residential environment				
Urban	43	40	7	9
Rural	52	34	2	11

*includes answer, "I never go out alone."

Source: Ohio Citizen Attitudes Concerning Crime and Criminal Justice, GOCJS, 1986.

How often do Ohioans worry about negative events?



Source: Ohio Citizen Attitudes Concerning Crime and Criminal Justice, Governor's Office of Criminal Justice Services, 1984.

For many Ohioans, crime concerns are seen more in terms of neighborhood environment than the Ohio Criminal Code

Hypothetically, how upset would you be if:	Percent of Ohioans who would be very upset
a group of rowdy juveniles was gathering on your street corner every night for a week?	74%
a national government study commission announced that organized crime is out of control nationwide?	60
a neighbor told you that a burglary occurred three doors down from you?	52
a TV news series exposed a serious drug problem among high school students in the largest city nearest to you (or in which you live)?	45
the FBI reported that crime increased 10% last year?	37

Source: Ohio Citizen Attitudes Concerning Crime and Criminal Justice, GOCJS, 1986.

To what extent do Ohioans keep handguns for self-protection?

There are more than two million handguns in Ohio homes. Twenty-nine percent of all households have at least one handgun. However, only 56% of the State's handgun owners cite "protection" as their main reason

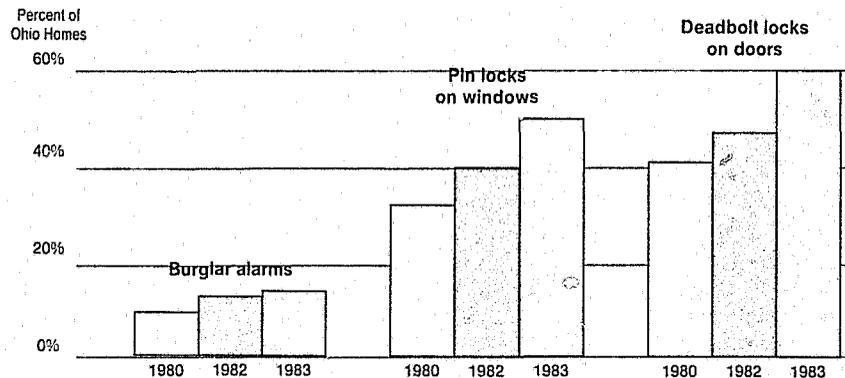
for ownership, and fewer than 7% have ever used them in defense against a crime (with fewer than 3% feeling compelled to fire them). Two-thirds of the handgun owners have had at least one of the weapons present in the house for 10 years or more, and 70% have had some kind of formal training in the use of a handgun.

Crime prevention is being practiced by an increasing number of Ohioans

Citizen surveys show that about half of all Ohio residents take at least some measures to make their homes more secure every year. These mea-

sures take a variety of forms, from increased outside lighting to the installation of burglar alarm systems.

Ohio homes protected by . . .



Source: Ohio Citizen Attitudes Concerning Crime and Criminal Justice, GOCJS, 1984.

Citizen knowledge of crime and criminal justice largely determines public attitudes

Citizen familiarity with the criminal justice system breeds public confidence

Much in the same way that the "neighborhood" factor affects crime fear levels, familiarity breeds public confidence in the criminal justice system. Ohioans' highest confidence ratings are reserved for the most visible of the criminal justice components—law enforcement.

	Percent of Ohioans who have a great deal of confidence
Ohio State Highway Patrol	59%
FBI	37
Local police	34
Local sheriff	29
Private attorneys	28
U.S. Supreme Court	25
Prosecuting attorneys	19
Local criminal courts	12
Court-appointed attorneys	9

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, Office of Criminal Justice Services, 1980.

*Other survey responses included: "some confidence," "not much confidence," and "no confidence," with a solid plurality of the responses falling into the "some confidence" category in all cases (Highway Patrol excepted).

Courtroom encounters increase public appreciation for the judicial role

It is worth noting that citizens who have had direct, personal contact with the courts as witnesses, defendants, jurors, and observers have a higher regard for all aspects of that component than do those who rely on secondhand information for their judgments. Other research has documented that Ohioans, though critical of sentencing practices in general, tend to be much more supportive when confronted with the specific options from which a judge must choose.

Alternatives to prison for nonviolent offenders	Percent of Ohioans who find alternative acceptable
Part-time educational release	77%
Early prison release	77
Part-time work release	76
Victim compensation	71
Community supervision	69
Fines	45

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, GOCJS, 1984.

Three percent of Ohioans are victims of violent crimes annually, but most citizens either don't know or greatly overestimate this fact

This percent of Ohio's citizens believes that this percent of Ohioans is victimized by violent crime each year
21%	0-10% are victims
11	11-20
11	21-30
6	31-40
7	41-50
3	51-60
2	61-70
2	71-80
1	81-90
	91-100
36	Don't Know

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, OCJS, 1982.

Ohioans' attitudes about crime and criminal justice are largely dependent upon the written and electronic media

Sources of citizen information	Percent of Ohioans who rely on source
Television news	46%
Newspapers	33
Radio news	8
Television shows	7
Friends/relatives	5
Other (job, school, etc.)	2

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, OCJS, 1982.

Public opinion does not always make appropriate public policy

Citizen attitudes on crucial issues may vary sharply depending on personal characteristics

Support for a law prohibiting handgun ownership is strongest among Ohio's college graduates.

Personal characteristics	Percent of Ohioans who would support a law prohibiting handgun ownership
Education	
College graduates	49%
Non-college graduates	33
Race	
Blacks	28%
Whites	37
Residence	
Urban dwellers	40%
Rural dwellers	19
Handgun ownership	
Handgun owners	18%
Non-handgun owners	44

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, GOCJS, 1984.

Where does public opinion stand regarding other controversial issues?

Among Ohio's citizens . . .

- 92% feel there should be a waiting period before handgun purchases to allow time for criminal record checks
- 92% say that the mandatory three-year-add-on for gun-related felonies is either fair (60%) or not tough enough (32%)
- 87% favor capital punishment
- 86% favor registration of all handguns
- 82% agree with the use of law enforcement decoy techniques
- 81% believe there is at least some justification for police use of deadly force
- 75% believe that the main purpose of prisons for *first-time offenders* should be to change their behavior
- 75% support three-day jail sentences for first-time drunk drivers
- 73% believe that the main purpose of prisons for *repeat offenders* should be either punishment (30%) or isolation from society (43%)
- 51% support police use of wiretaps
- 14% feel it is all right to house juvenile offenders in adult jails

Source: *Ohio Citizen Attitude surveys*, GOCJS, 1979, 1980, 1982, 1984, 1986.

Public opinion needs a closer look

The citizen attitude surveys have found that few Ohioans have an accurate view of crime occurrence in this state. One-third of the respondents cited the violent crime rate at least six times higher than its actual level, while another one-third could offer no guess at all—although virtually all of the participants elsewhere in the survey offered opinions about rising crime rates.

The survey data also indicated that citizens often have contradictory attitudes regarding criminal justice. For example, citizens strongly approve of many provisions for tougher sentencing yet are unwilling to pay increased tax dollars for the construction and operation of new jails and prisons.

There is much in the survey data base to suggest caution to those who wish to make quick translation of public attitudes into public policies.

Citizens have many misconceptions about crime and criminal justice

True or false?	Percent of Ohioans who responded:*		Correct answer
	True	False	
Senior citizens are more likely to be crime victims.	86%	13%	False
The crime rate has been going up steadily for the past 10 years.	86	10	False
Criminal sentences are more severe now that they have been for many years.	24	68	True
Most persons arrested for serious crimes are never convicted.	61	29	False
In recent years the parole board has gotten tougher about releases from prison.	28	56	True

*All other responses were "don't know"

Source: *Ohio Citizen Attitudes Concerning Crime and Criminal Justice*, GOCJS, 1986.

Basic sources

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Chapter II

The criminal event

Jeffrey J. Knowles
Governor's Office of
Criminal Justice Services

This chapter focuses on the event which triggers all the actions relative to crime and justice, and answers such questions as:

What is crime? How are crimes grouped into the different felony and misdemeanor levels? How do people rate the seriousness of various crimes?

How is crime measured? Is crime going up or down? Has rural crime reached the dimension of crime in Ohio's cities?

Where, when, and how do most Ohio crimes occur? What type of weapons are used? How much personal property is stolen? Recovered?

Principal reviewer for this chapter was Paul Ferrara, Superintendent of the Ohio Bureau of Criminal Identification and Investigation.

How is crime defined and measured?

Crime is defined in terms of both its nature and its seriousness

In a democratic society human acts tend to become "criminal" if they are unacceptable to a significant portion of the people. Public opinion may also make distinctions regarding the severity of a crime. *The Report to the Nation on Crime and Justice*, citing National Crime Survey data, noted that several factors seem to influence people's perceptions of the seriousness of crime, including:

- The ability of the victim to protect him/herself
- Extent of injury and loss
- For property crimes, the type of business or organization from which property is stolen (example: public embezzlement is more serious than private embezzlement).

The same survey, which included 60,000 nationwide respondents who ranked 204 illegal events, documented a wide range of perceptions regarding crime seriousness. For

example, bombing a public building and killing 20 people was ranked as two times more serious (72.1) than stabbing a single victim to death (35.7), and 100 times more serious than violation of a city curfew law by a juvenile (.7).

The seriousness of certain crimes changes over time

Determining the seriousness of a crime is a constant struggle for Ohio's lawmakers, which is one of the reasons why over half of the pages in the massive Ohio Criminal Code were revised in 1984-1985. Changing perceptions of the seriousness of crime are connected to increased public awareness about social issues, such as spouse or child abuse. The changes can relate to the abuse of advancing technology, the most notable example of which is computer crime. And, sometimes these perceptions are simply tied to different values based on place or time, such as attitudes about sex, gambling, alcohol, or drugs.

Crime is measured by two important but very different reporting programs

One of the oldest existing criminal justice reporting programs in the United States is the FBI's Uniform Crime Reporting (UCR) Program, now over a half-century old. It gathers a rich supply of data relative to crimes, arrests, law enforcement manpower, and assaults on peace officers from state and local law enforcement agencies. In Ohio, some 400 law enforcement agencies representing over 90% of the state's population submit data to the UCR program. The UCR program collects information on 29 different categories including murder, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson.

A second, newer program, the National Crime Survey (NCS) of the federal Bureau of Justice Statistics, is now more than a decade old. The NCS uses survey interviews of a sample of the U.S. population to determine the number and types of crimes afflicting citizens. The NCS regularly monitors 15,000 persons in 7,000 Ohio households.

Generally speaking, the National Crime Survey measures personal crime and household crime. Personal crime is based on the individual victim, regardless of place of occurrence, and includes crimes of violence (rape, robbery, and assault) and personal theft (including both non-contact and contact theft, the latter to include incidents such as purse-snatching and pocket-picking). The category household crime, which casts the residence as the victim, includes burglary, household theft, and auto theft. Murder is not included in the NCS measurement as the survey is based on victim response.

The UCR and the NCS together provide a good profile of crime in Ohio. As might be expected, the NCS reports a much larger volume of crimes than does the UCR program. Definitional differences discourage exact comparisons, but the evidence from both programs indicates that almost two-thirds of the most serious crimes are never reported to law enforcement authorities.

How do people rank the severity of crime?

Severity score	Most serious offenses	Severity score	Least serious offenses
72.1	Planting a bomb in a public building. The bomb explodes and 20 people are killed.	1.3	Two persons willingly engage in a homosexual act.
52.8	A man forcibly rapes a woman. As a result of physical injuries, she dies.	1.1	Taking bets on the numbers.
43.2	Robbing a victim at gunpoint. The victim struggles and is shot to death.	1.1	Disturbing the neighborhood with loud, noisy behavior.
39.2	A man stabs his wife. As a result, she dies.	.9	A youngster under 16 years old runs away from home.
35.7	Stabbing a victim to death.	.8	Being drunk in public.
35.6	Intentionally injuring a victim. As a result, the victim dies.	.7	A youngster under 16 years old breaks a curfew law by being out on the street after the hour permitted by law.
33.8	Running a narcotics ring.		
27.9	A woman stabs her husband. As a result, he dies.	.6	Trespassing in the backyard of a private home.
26.3	An armed person skyjacks an airplane and demands to be flown to another country.	.3	A person is a vagrant. That is, he has no home and no visible means of support.
25.9	A man forcibly rapes a woman. No other physical injury occurs.	.2	A youngster under 16 years old plays hookey from school.

Source: *Severity of Crime*, Bureau of Justice Statistics, January, 1984.

Criminal acts in Ohio are defined by the Ohio Revised Code

"No conduct constitutes a criminal offense against the state unless it is defined as an offense in the Revised Code," states Section 2901.03 of the Ohio Revised Code. The statement is not, however, as limiting as it appears. The Criminal Code, largely contained in Title 29, outlines hundreds of criminal offenses on several hundred pages. Many additional offenses are defined in other sections that relate to regulatory functions of government, such as abuse of controlled substances and tax law violations.

The Code organizes its lengthy list of criminal offenses into 15 separate categories, generally listed in order of seriousness. The main points of distinction in this organizational scheme relate to three terms. The first, "aggravated," designates a special degree of seriousness usually associated with physical risk and harm to the victim. The second, "felony," identifies a serious crime char-

Ohio crime classification

- Aggravated murder
- Murder
- Aggravated felony 1
- Felony 1
- Aggravated felony 2
- Felony 2
- Aggravated felony 3
- Felony 3
- Felony 4
- Misdemeanor 1
- Misdemeanor 2
- Misdemeanor 3
- Misdemeanor 4
- Minor misdemeanor

Note: There are also unclassified crimes of varying degrees of seriousness.

Source: Page's Ohio Revised Code Annotated, Title 29, 1982.

Example of classification offense

- Aggravated murder
- Murder
- Rape
- Attempted murder
- Felonious assault
- Child stealing (nonparental)
- Extortion
- Motor vehicle theft
- Possession of criminal tools
- Reporting false alarms
- Desecration (flag, monument, etc.)
- Prostitution
- Failure to report a crime (felony)
- Failure to disperse

acteristically carrying a prison term of at least one year. The third, "misdemeanor," is a lesser crime, punishable by fines, restitution, probation and/or terms of less than one year. There are, of course, exceptions to this order.

The placing of each offense into this broad outline is often affected by extenuating circumstances. Petty

theft of goods under \$300 in value, for example, is a first-degree misdemeanor for the first offense but rises to a fourth-degree felony as a repeat offense. Similarly, the code identifies kidnapping as a first-degree aggravated felony, but drops it to a second-degree aggravated felony "if the offender releases the victim in a safe place unharmed."

Crime is not evenly distributed by place or time of occurrence

Serious crime in Ohio occurs mostly in urban areas

About half of all serious violent crime in the Buckeye State takes place within the largest cities, as does more than 40% of all property crime. If the suburban areas surrounding those cities are included, both figures jump to more than 80%.

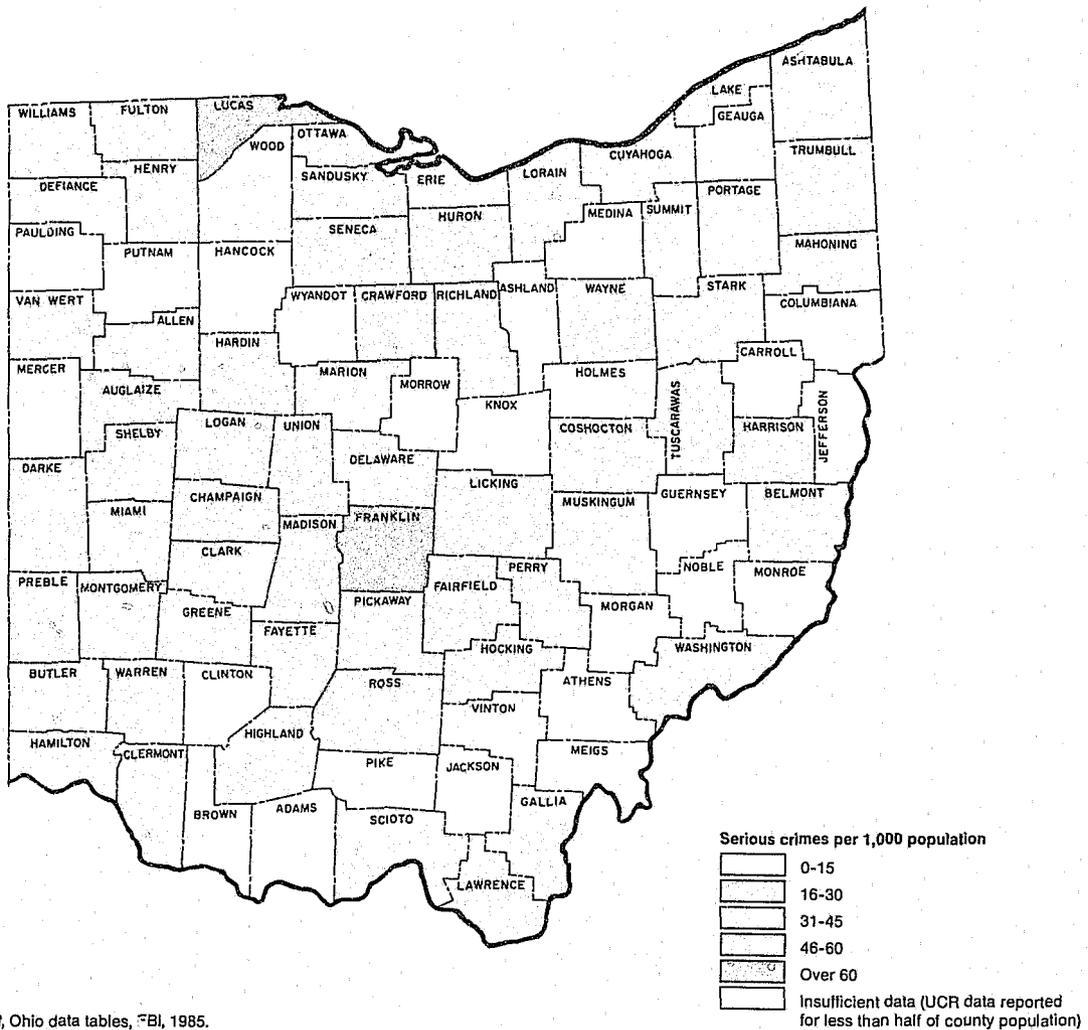
Crimes of violence
 Personal crimes of theft
 Household crimes
 Household burglary
 Household theft
 Household auto theft

1984 Ohio victimization occurring in areas that are:

	Urban	Suburban	Rural
Crimes of violence	124,770	103,930	43,050
Personal crimes of theft	283,160	220,510	67,520
Household crimes			
Household burglary	96,810	73,920	29,110
Household theft	156,510	149,170	73,280
Household auto theft	26,990	14,220	3,010

Source: National Crime Survey, Ohio tables, #20025 and #50025, BJS, 1984.

Ohio's serious reported crime rates are also highest in the urban areas



Source: Uniform Crime Report, Ohio data tables, FBI, 1985.

Crime volume remains heavy, but is decreasing

Reported serious crime peaked in 1981 and has since declined steadily

The number of serious crimes per 100,000 Ohio population in the year . . .

	1977	1978	1979	1980	1981	1982	1983	1984	1985	Percent change 1980-85
All serious crime	4,897	4,788	5,284	5,751	5,781	5,035	4,668	4,530	4,476	-22%
Violent crime	431	428	481	535	540	459	419	418	417	-22
Murder	8	7	9	9	8	7	6	6	6	-33
Rape	29	28	34	37	34	31	33	38	41	+11
Robbery	209	193	210	247	266	195	173	169	150	-39
Aggravated assault	184	200	228	242	232	226	206	211	220	-9
Property crime	4,466	4,359	4,803	5,216	5,241	4,576	4,250	4,112	4,059	-21
Burglary	1,274	1,254	1,338	1,555	1,585	1,330	1,201	1,114	1,042	-33
Theft	2,769	2,690	3,008	3,202	3,194	2,842	2,685	2,602	2,637	-18
Auto theft	423	416	460	457	461	403	364	396	380	-17

Source: Uniform Crime Report, Ohio data tables, Federal Bureau of Investigation, 1977-1985.

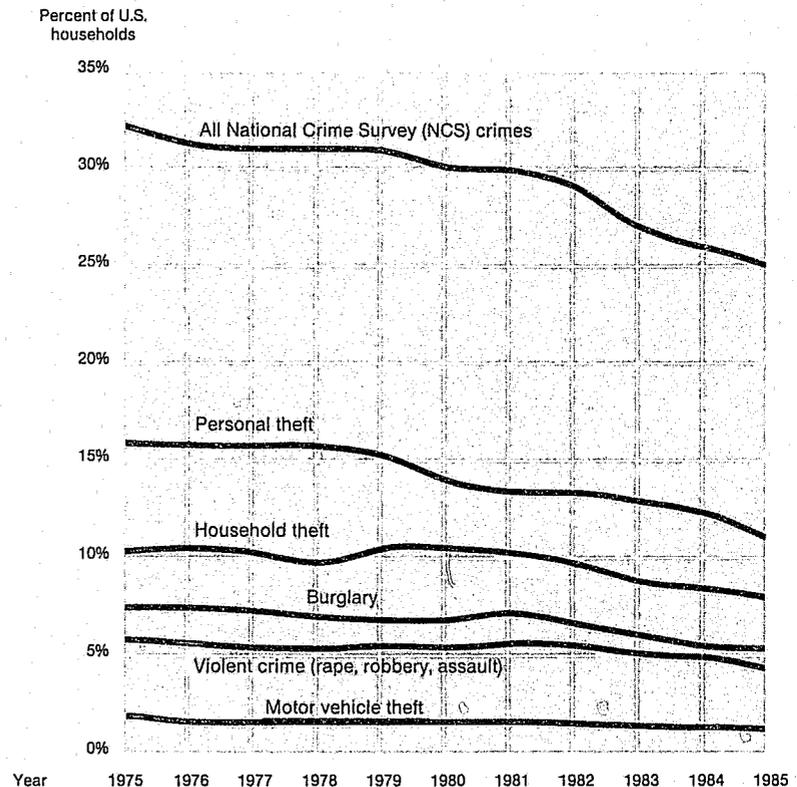
The incidence of serious crime is decreasing, both nationally and in Ohio

Ohio's citizens and households experience over one million crimes each year. Most of these are property crimes, primarily theft. Nationally, that figures into some 35 million crimes annually, affecting one-fourth of all U.S. households. Yet, despite these numbers, the actual incidence of crime has been stationary or declining for over a decade. Since 1981 both NCS and UCR data have shown rather dramatic drops in crime rates.

Most of the crime committed in Ohio is property crime, not violent crime

National Crime Survey data, which generally include unreported crime, indicate that over one million Ohioans and households were victims of violent crime or property crime in 1984. However, more than three-fourths of these crimes were property crimes, and most of those were theft, as opposed to the more serious property crimes of burglary and auto theft.

Crime touched a smaller percentage of U.S. households in 1985 than in 1975



Note: The lower five categories may not total all NCS crimes because of some reporting overlap.

Source: Households Touched by Crime 1985, BJS, June, 1986.

Most violent crimes occur away from home

Location	1984 violent crime victimizations
Street/parking lot/school/parks	120,590
In home or on own property	49,060
Commercial location or place	40,540
Other	39,160
Near own home	23,680

Source: National Crime Survey, Ohio table, #20020, BJS, 1984.

Violent crime occurrence is rather evenly distributed between day and night

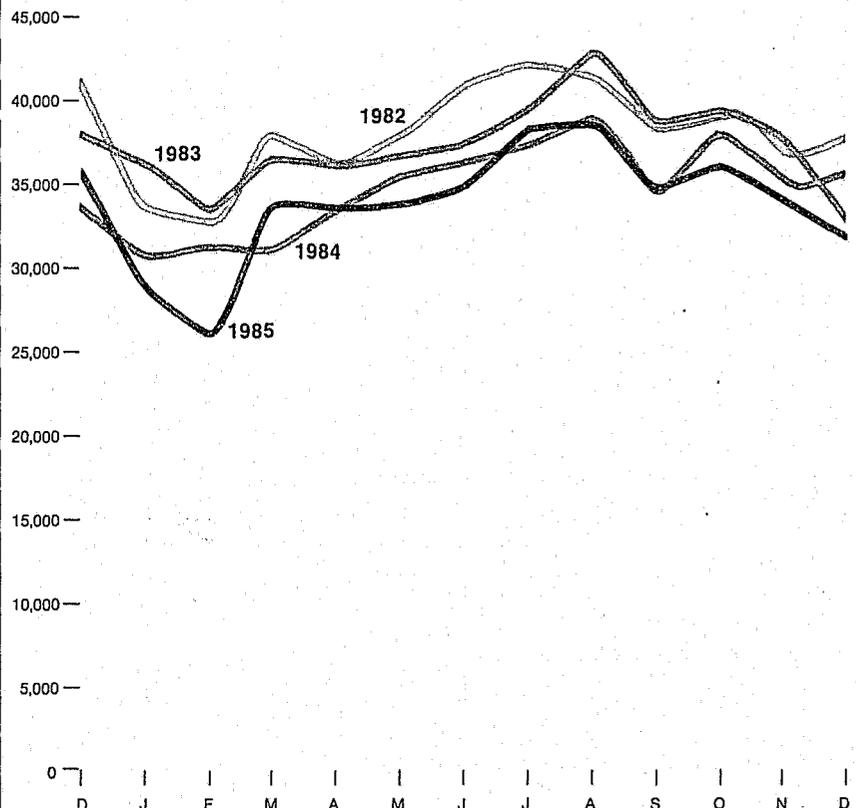
	Percent of victimizations reported to have occurred				
	During the day		During the night		Don't know
	6 AM to Noon	Noon to 6 PM	6 PM to Midnight	Midnight to 6 AM	
Crimes of violence	8%	42%	33%	15%	2%
Personal crimes of theft	14	26	20	13	27
Household crimes					
burglary	5	16	20	12	48
theft	5	14	11	24	45
auto theft	6	14	28	31	21

Source: National Crime Survey, Ohio tables, #20000 and #50010, BJS, 1984.

Serious reported crimes in Ohio tend to be seasonal, peaking during the warm weather

The warm-weather months tend to enhance crime and criminal opportunity. People and property are more likely to be outdoors, juveniles are out of school, and, per-

haps most importantly, windows and doors are more likely to be left open. In 1984, over half of the illegal household entries in Ohio—more than 100,000 crimes—were unforced entries. Most of these occurred because of open or unlocked doors or windows.



Source: Uniform Crime Report, Ohio data tables, FBI, 1982, 1983, 1984, 1985.

Factors such as weapons and personal relationships greatly influence the occurrence and course of crime

Firearms are involved in a majority of U.S. murders

Type of weapon used	U.S. homicides in 1984
Total	17,545
Total firearms	10,296
Handguns	7,548
Rifles	810
Shotguns	1,188
Other guns	24
Firearms—not stated	726
Cutting or stabbing instruments	3,694
Blunt objects (clubs, hammers, etc.)	972
Personal weapons (hands, fists, feet, etc.)	1,180
Poison	7
Explosives	11
Fire	243
Narcotics	31
Drowning	43
Strangulation	311
Asphyxiation	115
Other weapons or weapons not stated	642

Source: *Crime in the United States*, FBI, 1984.

In Cuyahoga County, which accounted for more homicides in 1985 than Franklin, Hamilton, and Summit counties combined, firearm usage has determined the homicide profile for a quarter of a century. Coroner's data indicate that the total number of murders has been closely connected to both the number and percentage of firearm-related murders. In 1962, for example, when the county experienced the lowest number of homicides in the past 25 years (74), only 51% of these were attributed to firearms. By 1974, when total homicides reached an all-time high of 362, gun-related murders accounted for 83% of these deaths. During the last 10 years, both of these figures have fallen. In 1985, there were 186 homicides, 63% of which were gun-related, two of the lowest figures in 20 years.

Domestic violence is emerging as a major issue in criminal justice

Abuse of family members—children, spouses, and aged parents—is beginning to be recognized as criminal conduct rather than as a private matter. As the concept of domestic violence gains legal clarity and societal understanding, an increasing number of cases are being reported to the authorities. The obvious factors working against the reporting of such cases—fear of reprisal, threatened security, family pride, a sense of futility—severely restrict any attempt to measure these domestic crimes. Yet, there are hints as to the magnitude. A 1984 study by the Franklin County Alliance for Cooperative Justice found that 50% to 60% of the 20,000 cases that annually pass through the Columbus City Prosecutor's office have a "domestic orientation," and that 1,500 qualify as domestic violence cases under Ohio law.

Statewide, a 1986 poll of Ohioans found that 10% were aware of at least one family troubled by child abuse, with one-third of these involving sexual abuse.

In Columbus, Ohio, the Children's Hospital reported that it was asked to medically evaluate 1,053 children for determination of abuse or neglect in 1985. Of these, 769 were reported to authorities as probable cases of abuse or neglect, with over half involving sexual abuse. One hundred twelve of these children required hospitalization, and five died. Since 86% of the 1,053 cases came from Franklin County, the figures point to a much more serious problem statewide.

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The criminal offender

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This chapter profiles the men, women and, frequently, children who make up Ohio's criminal population, and answers such questions as:

How do age, race, and sex affect patterns of criminality? Are female offenders as violent as male offenders? Have females been "catching up" to males in criminal activity in recent years? What is the peak age for property criminals in Ohio?

How does alcohol affect criminal behavior? What about drug use?

What is a career criminal? What role does he or she play in the crime picture in this state?

What is recidivism?

What kind of problems are posed by mentally disturbed offenders? Does the criminal justice system treat the mentally disturbed arrestee differently? How many cases are lost to pleas of mental incompetency (to stand trial) and insanity?

Chapter III was reviewed by S. Michael Miller, Franklin County Prosecuting Attorney; and Simon Dinitz, Professor of Sociology at The Ohio State University.

Characteristics of Ohio offenders reflect those of victim populations

Males, youths, and blacks are over-represented among Ohio felony arrestees, much in the same way that they are overrepresented in the victim population

Arrest records are not the only information sources pointing to a disproportionate number of males, youths and blacks among criminal offenders. This finding is also documented in victimization surveys, court records, and analyses of Ohio's prison population.

Percent that are:

	Male	Under 21	Black
Total population	48%	34%	10%
Serious crime arrestees ^a	77	50	40
Violent crime arrestees ^b	89	31	52

^aIncludes murder, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson.

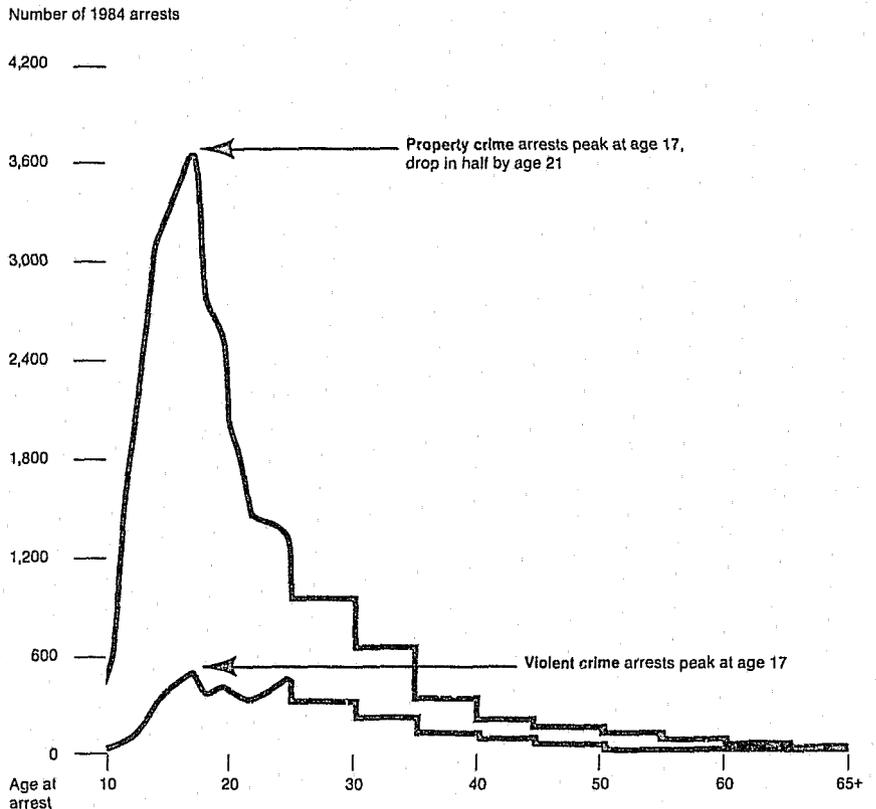
^bIncludes murder, rape, robbery, and aggravated assault.

Source: Uniform Crime Report, Ohio data tables, Federal Bureau of Investigation, 1985.

Patterns emerge from studies of crime victims

Research shows that about 12% of Ohio households will be the targets of property crime each year. Nearly 4% of all Ohioans will be victimized by violent crime annually. Males and blacks are more likely to be crime victims than females and whites. A young black male is most likely to be victimized.

Seventeen is the peak age for Ohio's serious crime arrests



Note: FBI data tables group older age groups by 5-year increments (e.g., 40-44, 45-49), thus causing the step effects on the right side of the graph. For these groups, averages are used for the 5-year periods.

Source: Uniform Crime Report, Ohio data tables, FBI, 1985.

Such individual characteristics as age, race, and sex are often associated with rate of crime victimization

<u>Personal crimes of violence</u>	<u>Ohio victimizations per 1,000 population</u>
Sex	
Male	48
Female	27
Race	
White	34
Black	60
<u>Personal crimes of theft</u>	
Sex	
Male	66
Female	69
Race	
White	66
Black	79

Sources: National Crime Survey, Ohio tables, #10050 and #10060, BJS, 1984.

Patterns in female criminality have not changed significantly in recent years

Some have suggested that increased involvement of women in the workforce outside the home provides them with new opportunities to commit crimes. This theory, however, is not borne out by Ohio arrest and offense data for the past decade. As noted, women represented only 11% of Ohio's violent crime arrestees in 1985. That approximate 90% - 10% ratio for women was the same in 1980 and 1976. The same pattern holds true when property crimes are added to the total. Women accounted for 22% of all serious crime arrests in 1976, 20% in 1980, and 23% in 1985. The total number of female arrests fell during that nine-year period, following the overall state trend.

Female offenders tend to commit different types of crimes than males

Even when limited to only the most serious crimes, the profile of female criminality in Ohio differs greatly from that of males. Most serious crime female arrestees are charged with crimes of theft.

Arrest offense	Percent of male arrests for serious crimes	Percent of female arrests for serious crimes
Murder	1%	*
Rape	3	*
Robbery	7	3%
Aggravated assault	9	5
Burglary	21	4
Theft	53	85
Auto theft	5	2
Arson	1	1
	100%	100%

*Less than one-half of 1%.

Source: Uniform Crime Report, Ohio data tables, FBI, 1985.

Female offenders are less likely than males to be imprisoned

Women accounted for 23% of those arrested for serious crimes, and 11% of those arrested for violent crimes in Ohio. However, only 6% of Ohio's state prison population is women. (Nevertheless, Ohio has one of the highest female incarceration rates in the nation.)

The same kind of trend can be seen in Ohio's county jails. A GOCJS study of preliminary bonding decisions found that females were less likely than males accused of similar crimes to be given the more difficult bonds which often result in pre-trial jail terms.

	Number of women inmates	Percent of all inmates that are women	Percent change in the number of women prisoners 1984-85
All state institutions	20,687	4.5%	9.7%
States with at least 500 women inmates			
California	2,906	5.8%	25.8%
Texas	1,599	4.3	-5.4
Florida	1,304	4.6	11.0
Ohio	1,153	5.5	12.9
New York	1,061	3.1	4.9
Georgia	825	5.1	8.1
Michigan	816	4.6	19.5
North Carolina	747	4.3	6.4
Illinois	673	3.6	5.0
Louisiana	620	4.5	2.0
Alabama	562	5.1	7.9
Oklahoma	524	6.2	11.0
South Carolina	511	4.8	13.6
Pennsylvania	500	3.5	5.3

Source: *Prisoners in 1985*, Bureau of Justice Statistics, June, 1986.

Alcohol and drugs are key factors in criminal behavior

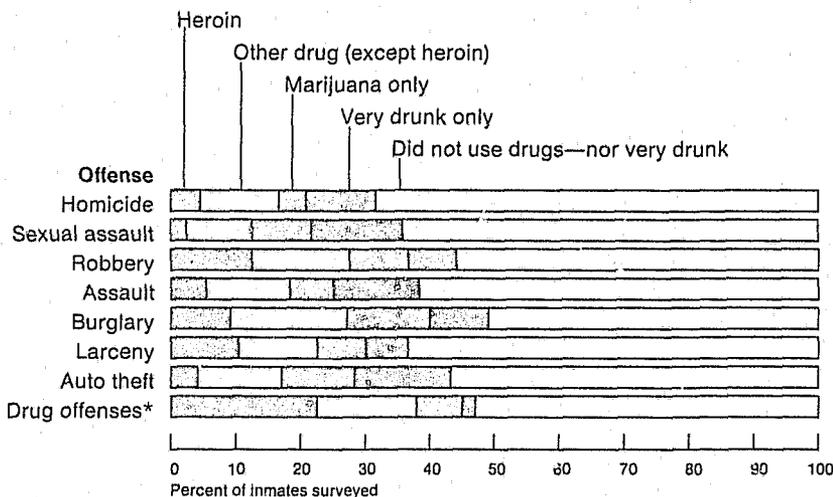
Alcohol abuse is present in a significant percentage of criminal acts

The extent to which alcohol undermines inhibitions against criminal behavior, fuels the need for illegal income, or in itself becomes the object of thefts, cannot be precisely measured and may be complicated by what some prosecutors feel is an over-reliance on drinking as an excuse for criminal behavior. The data that are available, however, strongly indicate that alcohol abuse is a key factor in offender behavior.

Nearly 75,000 of Ohio's 1985 criminal arrests, approximately one-fourth of all arrests, were for the offenses of "Driving Under the Influence," "Drunkenness," and "Liquor Law" violations.

Concerning alcohol's link to more serious crimes, a Bureau of Justice Statistics' study, "Prisoners and Alcohol," found that almost one-third of the nation's state prisoners had been drinking heavily just prior to committing the crimes for which they were imprisoned. These prisoners reported they consumed the equivalent of *at least* eight cans of beer during time periods ranging from three to more than nine hours before committing the crimes.

2 out of 5 prison inmates reported they were under the influence of drugs or were very drunk around the time of the offense



*Includes trafficking and possession.

Source: Report to the Nation on Crime and Justice, BJS, 1983.

Offenders are much more likely than other citizens to be heavy drinkers

Of the nearly 2,000 Ohio prisoners paroled in 1979 and 1980, 26% were found to have a history of alcohol abuse. The same pattern held true for state prisoners throughout the nation.

Percent who daily consumed:

	No alcohol	0-.99 oz.	1 oz. or more
Males			
U.S. total	25%	60%	14%
Prisoners	17	36	47
Females			
U.S. total	40	56	4
Prisoners	34	44	22

Note: One ounce of ethanol (pure alcohol) is equivalent to two cans of beer. Thirty-six percent of the inmates admitted to averaging four or more ounces of ethanol a day for the year prior to their arrest.

Source: Prisoners and Alcohol, BJS, January, 1983.

Criminal behavior is also characterized by drug use

Thirty-six percent of Ohio's state prison parolees had a history of drug abuse prior to imprisonment. Nationwide, prisoners are twice as likely as the general populace to have used illegal drugs, and almost three times as likely to have experienced recent drug usage. One-third said they were under the influence of an illegal drug at the time they committed their crime.

The Rand study of 2,190 jail and prison inmates in California, Texas, and Michigan found that drug use was significantly related to most crimes analyzed, and that hard drug use among juveniles was strongly associated with the later adult crimes of robbery, assault, and burglary. Similarly, a National Institute of Justice study of District of Columbia arrestees concluded that "drug abusers released before trial were more than twice as likely as non-users to be arrested again before trial."

Patterns of criminality differ widely

A few chronic offenders account for a large portion of serious crime

In recent years, research has supported the long held belief that a small number of hard-core offenders are responsible for a disproportionately large number of serious crimes. The research also supports the theory that these criminals often cannot be rehabilitated. Hamparian's study of serious juvenile offenders born in Columbus between 1956 and 1960 found that chronic offenders (those who had five or more arrests prior to age 18) were responsible for 45% of the violent juvenile offenses even though they constituted only 31% of the 1,138 juveniles studied. An earlier landmark study by Wolfgang, Figlio and Sellin, which concentrated on Philadelphia youth, found an even greater disparity, with 18% of the offenders proving responsible for 52% of the violent crimes.

Many career criminals begin at an early age

While there is conflicting research testimony concerning the progression of criminal career patterns, it can safely be said that a significant number of serious felony offenders were in trouble with the law prior to their 18th birthdays. While most juvenile offenders do not become career criminals, the Rand study found that the smaller number of serious violent offenders were more likely than other offenders to have committed violent crimes early (before age 16) and often.

Age at first arrest	Percent of parolees
12 years or less	11%
13-17	45
18-20	24
21-24	11
25-29	5
30-34	2
35 and over	2

Source: Patricia L. Hardyman, "Ohio Parole Population, 1979-1980," Ohio Department of Rehabilitation and Correction, April 1, 1983.

What is a career criminal?

The "career criminal," though not precisely defined in the world of criminal justice, is generally characterized by a long history of serious felony offenses beginning at an early age. The career criminal also seems beyond the reach of rehabilitation efforts.

Some studies, such as Rand's, have suggested that drug dependency is also a key element in the makeup of "violent predators." If there is hope for reforming these offenders, it is more likely to rest with the arrival of their 35th birthdays than with any intervention by, or treatment in, the criminal justice system.

Among the chronic juvenile offenders, Hamparian found a predominance among males and low income people, with over 90% coming from below-average income census tracts.

Repeat offenders present a major problem for the criminal justice system in Ohio

Career criminality is best evidenced by high recidivism—the tendency to commit new crimes after being convicted and sentenced for an earlier one. If crime in Ohio consisted of nothing more than the acts of one-time offenders, it would probably be a relatively minor social issue. Interestingly, public opinion in Ohio does favor leniency for first time, non-violent offenders, but that tolerance evaporates quickly with the commission of additional offenses.

While recidivism figures vary—it is a difficult concept to define and measure precisely—they all point to the serious issue of the repeat offender. The Bureau of Justice Statistics reports that 61% of the inmates admitted to state prisons in 1979 had previously served some kind of prison or jail term, and that most of the remaining "incarceration-free" inmates had prior convictions (27% were on probation when admitted to prison with the 1979 group). Most of the recidivism occurred within the first three years after release from prison.

In Ohio, of the nearly 2,000 state prisoners paroled in 1979 and 1980, 42% failed to stay free of trouble during their periods of parole supervision—usually 18 months or less—and nearly a quarter (22%) were returned to state prisons during that time. Of those 573 ex-inmates reconvicted of new crimes during their parole supervision period, 71% had been rearrested within nine months of their prison release.

A similar trend was noted by Miller, Dinitz and Conrad in their comprehensive study of 1,591 Columbus violent crime arrestees captured by the police between 1950 and 1976. The researchers found that these persons accounted for 12,531 arrests of all kinds during the time frame, averaging approximately eight arrests per man. The researchers also found that each subsequent arrest increased the probability that there would be a future arrest. Even when limited to violent crime arrests (including lesser assaults) the study showed that persons with multiple arrests were more likely to commit another violent crime.

The Ohio parolee information is based on less than two years of follow-up. Because of this, and the well-established fact that most serious crimes are not reported to the police (and that most which are will not be cleared by arrest), it is likely that repeat offenders in Ohio are responsible for more criminal activity than the figures indicate.

Mentally ill persons pose special problems for Ohio's criminal justice system

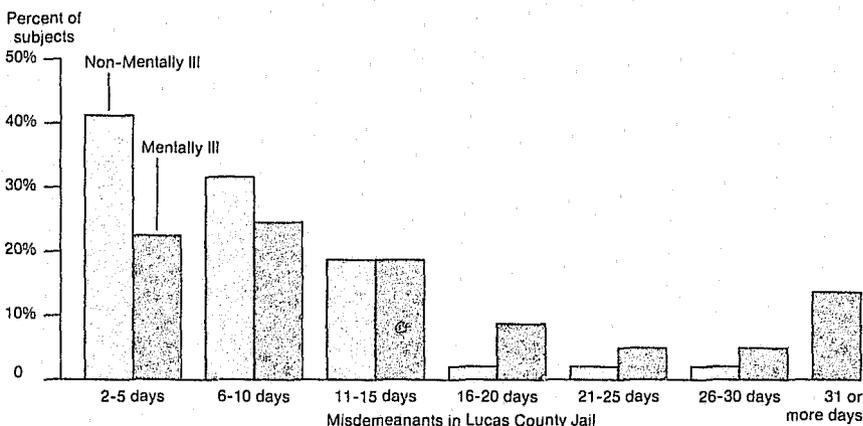
Mentally disturbed persons constitute a disproportionately large segment of Ohio's offender population

Studies of arrested persons being processed into county jails and correctional institutions in Lucas and Hamilton counties indicate that at least 10% typically display moderate to severe mental disorders, a figure several times higher than that found in community populations. Cassel's month-long analysis of incoming Lucas County jail inmates found that 11% had been previously hospitalized for mental disorders, while an additional 20% had received outpatient treatment or evaluation. A total of 39% had at least some prior contact with a mental health agency. At the state level, the Ohio Department of Mental Health reported that in June of 1985, 126 state inmates were receiving inpatient hospital services at the Oakwood Forensic Center in Lima, with an additional 2,270 (11.4% of all prisoners) receiving outpatient treatment at the 12 State prisons. Teplin's 1985 Cook County (Illinois) Jail study found that 11% of the inmates "had been psychiatric inpatients at some point in their lives," while an additional 4% had received outpatient treatment.

Mentally ill persons appear to draw a disproportionate amount of attention from the criminal justice system

Teplin's research, which analyzed 1,400 police-citizen encounters, found that "mentally disordered" citizens were twice as likely to be arrested as their non-disordered citizen counterparts. She concluded that "other things being equal, being mentally disordered appears to enhance the probability of arrest."

Lucas County Jail study shows mentally ill offenders often serve longer sentences



Source: Louis Ventura and Joseph Jacoby, "Converting Potential Patients to Criminal Offenders—The Other Direction: Corrections and Mental Health Processing of Mentally Ill Offenders in Lucas County, Ohio," 1983.

Ventura and Jacoby found a similar trend among mentally ill offenders in the Lucas County Jail. Misdemeanor offenders with mental health problems were more likely to be held in jail and to have longer stays than were those offenders without symptoms of mental illness.

There is concern among criminal justice officials that recent trends toward removing the mentally ill from 24-hour mental health hospitals, combined with a shortage of community-based services, have made persons with mental illness more vulnerable to arrest and incarceration. As Teplin noted, two California studies found large-scale increases of former mental patients arrested and in local jail populations following rights legislation that helped free persons being treated involuntarily in mental hospitals.

Pleas of mental incompetency and insanity seldom affect the outcomes of criminal cases in Ohio

Between late 1983 and January of 1986 the 13 forensic centers certified by the Ohio Department of Mental Health received 2,055 court referrals involving cases in which the defendant claimed he or she was mentally incompetent to stand trial. The evaluators recommended denial of three-fourths of these pleas outright, and suggested an additional 505 be found "not competent, but restorable," meaning they could stand trial for their crimes at a later time, after treatment. Only 43, or 2% of the referrals, were evaluated as "not competent and not restorable," many of which resulted in placements in mental care hospitals. The same time period saw 1,058 referrals for cases pled "not guilty by reason of insanity." Only 10% of these were sustained by the evaluations of the forensic centers.

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Victims of Crime

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Chapter IV concentrates on Ohio's crime victims, and answers such questions as:

How is it possible to know how many crime victims there are in Ohio? Why don't people report most crimes?

How does crime victimization compare to other life events such as accidents, divorce, and disease?

How do Ohio's victimization rates compare to those of the nation?

What types of households are most likely to experience crimes? What about people—are senior citizens more prone to victimization than young adults? Are women more likely targets than men?

How do victims of crime try to defend themselves?

What are the costs of crime victimization? How many Ohio crime victims lost work time? Required medical care? Hospitalization?

Does the State of Ohio do anything to help victims of crime?

Chapter IV was critiqued by Bradley Weiss, Mediation Program Director in the Cleveland Prosecutor's Office and Carole Garrison, Professor of Criminal Justice at the University of Akron and President of the Ohio Council of Criminal Justice Education.

Crime victimization in Ohio is monitored by two different reporting programs

How can victimization be measured?

Crime victimization in Ohio is measured by the FBI's Uniform Crime Reporting (UCR) program, which reflects crimes reported to the police, and the National Crime Survey, which semi-annually polls 15,000 Ohioans to measure all crime victimizations. Over half of the state's crimes never come to the attention of law enforcement authorities. Those crimes are not reported because the victims fear reprisals, are anxious and confused by the complexities of the criminal justice system, are pessimistic about the apprehension and punishment of the offender and/or, in some cases, are bothered by feelings of personal shame.

Why don't people report crimes to the police?

	Percent of Ohio victims who did not report . . .	
	Violent crime	Household crime
Problems with identifying stolen property	6%	23%
Distrust/lack of confidence in police	8	12
Fear of reprisal	4	—
Too unimportant/inconvenient	24	28
Too late once discovered	—	8
Reported to someone else	10	2
Object recovered/offender unsuccessful	3	6
Victim handled privately	27	8
Other	17	12

Source: National Crime Survey, Ohio tables, #30530 and #50470, BJS, 1984.

How do U.S. crime rates compare with the rates of other life events?

Event	Rate per 1,000 adults per year		
Accidental injury, all circumstances	290	Motor vehicle accident death	0.3
Accidental injury at home	105	Pneumonia/influenza death	0.3
Personal theft	82	Suicide	0.2
Accidental injury at work	68	Injury from fire	0.1
Violent crime victimization	33	Homicide/legal intervention death	0.1
Assault (aggravated and simple)	25	Death from fire	0.03
Injury in motor vehicle accident	23		
Divorce	23		
Death, all causes	11		
Serious (aggravated) assault	9		
Death of spouse	9		
Robbery	7		
Heart disease death	4		
Cancer death	2		
Rape (women only)	2		
Accidental death, all circumstances	0.5		

Source: Report to the Nation on Crime and Justice: The Data, Bureau of Justice Statistics, 1983.

Ohio victimization rates are similar to national rates

	Ohio	U.S.
Personal crimes per 1,000 population	103	103
Rape	*	1
Robbery	4	6
Assault	32	24
Theft	67	72
Household crimes per 1,000 households	157	178
Burglary	51	64
Theft	95	99
Auto theft	11	15

*Too few cases to be statistically reliable.

Sources: National Crime Survey, Ohio tables, #10060 and #40030, BJS, 1984; and Criminal Victimization in the United States, 1984, BJS, May, 1986.

Reported thefts cost Ohioans nearly \$300 million in losses in 1985, only about one-third of which was ever recovered

	Value of Ohio property that was:		
	Stolen	Recovered	Percent recovered
Total	\$279,557,636	\$105,842,417	38%
Autos	148,771,711	95,269,340	64
Firearms	1,919,317	307,726	16
Consumable items	2,345,501	269,171	12
Clothing	5,823,340	663,153	11
Miscellaneous	48,461,547	4,449,110	9
Office equipment	3,926,652	334,576	8
Currency	19,265,189	1,443,259	8
Jewelry	18,221,150	1,260,279	7
Household goods	6,542,302	442,233	7
Livestock	221,937	14,996	7
TV-radios	24,058,990	1,388,574	6

Source: Uniform Crime Report, Ohio data tables, FBI, 1985.

Some people are more vulnerable to crime victimization than others

Victimization risk is linked to gender and race among factors

Studies of crime in Ohio indicate that roughly one of every 27 Ohioans will be the victim of a violent crime each year, while one in every six households will suffer a property crime.

The individual's lifestyle can also affect his or her chances of becoming a victim of crime. The Cuyahoga County Coroner's Office reports that 43% of all homicide victims tested in 1985 had alcohol in their blood and 29% were legally drunk when they were killed.

Such individual characteristics as age, race, and sex are often associated with rate of crime victimization

Personal crimes of violence	Ohio victimizations per 1,000 population
Sex	
Male	48
Female	27
Race	
White	34
Black	60
Personal crimes of theft	
Sex	
Male	66
Female	69
Race	
White	66
Black	79

Sources: National Crime Survey, Ohio tables, #10050 and #10060, BJS, 1984.

City dwellers experience the highest rates of victimization

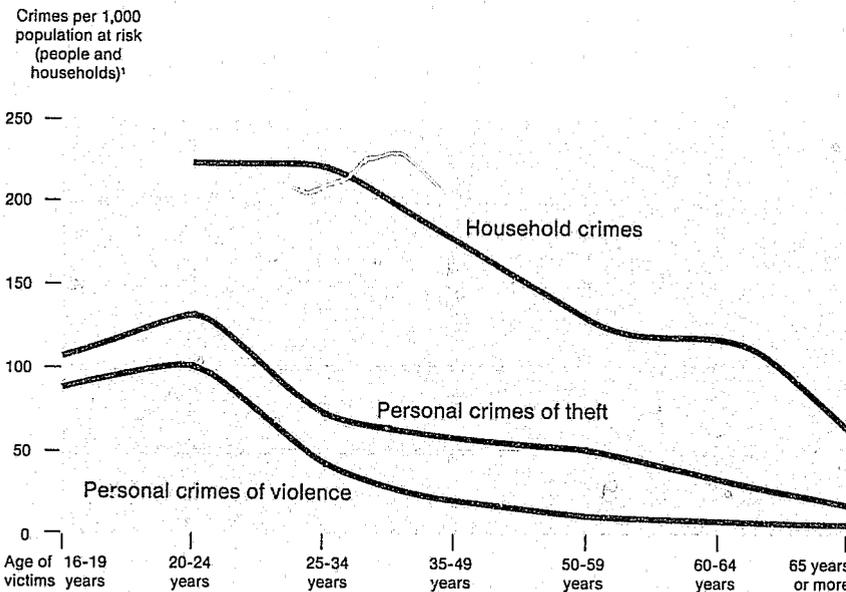
	Crimes of violence per 1,000 population	Crimes of personal theft per 1,000 population	Crimes against households per 1,000 households
Ohio cities ²	61	89	232
Ohio suburbs	35	74	145
Ohio rural areas	17	32	98

Source: National Crime Survey, Ohio tables, #10330 and #40385, BJS, 1984.

Larger households are more likely to be victimized

Single-person households run the lowest risk of property crime victimization, with a rate of 114 household crimes per 1,000 households. At the opposite end of a steadily rising rate of risk are households with six or more members, which suffer a rate of 326. As might be expected, household larceny (theft) drives this trend up.

Ohio's young adults are prime targets for serious crime



Note: The first two age groupings for "household crimes" are "under 20" and "20-24."

Sources: National Crime Survey, Ohio tables, #100 and #400, BJS, 1984.

Renters fall victim to household crime more frequently than homeowners

	Number of victimizations per 1,000 homes that are ...	
	Owned or being bought	Rented
Household crimes	134	208
Burglary	40	74
Theft	81	127
Auto theft	13	7

Source: National Crime Survey, Ohio tables, #40030, BJS, 1984.

How do income, education, marital status and employment affect crime victimization?

Families with incomes under \$3,000 per year are more likely to become victims of crimes than higher income families. For families with incomes above that level, however, there is little connection between income and crime. Nor do the probabilities of becoming a crime victim increase or decrease with one's educational level. Chances of becoming a serious crime victim are greater for those never married and divorcees, for students, and for the unemployed.

Victim-offender encounters are often damaging, but compensation is becoming increasingly available

Violent crime victims usually make some attempt to defend themselves

Of the state's estimated 323,600 violent crime victims in 1984, 239,100, or 74%, offered at least some resistance. About 40% of these chose to use force, although defense involving a knife or gun figured in less than 2% of the resistance incidents. A large number of the victims chose forms of non-physical resistance, such as seeking help, using threats, or attempting evasion.

There are many costs related to crime victimization

Becoming a victim of crime involves more than the single act of being victimized. The unfortunate event itself usually becomes the trigger for a series of personal setbacks for the victim. Almost certainly there is financial loss. There also may be prolonged emotional trauma, chronic physical problems, and broken relationships.

Crime interrupts the work lives of Ohioans

National Crime Survey findings indicate that some 90,000 personal and household crimes resulted in at least some lost work time to Ohio victims in 1984. While most of these incidents cost the victim only a few work hours, over one-third involved the loss of at least one full workday. Job time loss came as a result of injury, dealings with the criminal justice system, settling insurance claims, and repairing damages.

Victimization often leads to injury requiring medical care

An estimated 50,000 Ohioans required medical care for violent crime victimizations in 1984. Some of those (30%) were treated informally in private homes, but most needed the professional services of emergency medical technicians, doctors, or hospital/clinic staff. Of the 36,000 violent crime victims needing hospital services in 1984, slightly over half needed only emergency room treatment. An additional one-third were admitted but did not stay overnight. National Crime Survey estimates placed formal medical expenses for Ohio victims of violent crimes at over \$12 million in 1984.

How do U.S. victims of crime defend themselves?

Victim Response*	Percent of victims who used resistance		
	Rape	Robbery	Assault
Use of weapons—used or brandished gun or knife	1%	2%	2%
Physical force—used or tried physical force	33	23	23
Verbal response—threatened, argued, reasoned, etc. with offender	17	8	13
Attracting attention—tried to get help, attract attention, scare offender away	15	7	6
Nonviolent evasion—resisted without force, used evasive action	10	11	19
Other	5	4	7
No self-protective actions	19	45	30
	100% (873)	100% (5,868)	100% (24,876)

*Victim self-protective responses are listed in the table in order of assertiveness. If victims indicated that they took more than one type of action, only the most assertive action was used in the analysis.

Source: Report to the Nation on Crime and Justice: The Data, BJS, 1983.

Ohio courts are required to order the preparation of a victim impact statement

Victim impact statements are required in felony cases involving the threat, risk or occurrence of physical harm. This statement, prepared by a probation officer or victim assistance worker, is supposed to inform the court about any economic loss suffered by the victim, as well as detail the physical and psychological impact on the victim and victim's family.

Victims are sometimes compensated for their losses

In cases where a victim suffers a financial loss, the offender may be ordered to make restitution. Assault victims, for example, often have medical expenses as a result of their injuries. Victims of theft offenses cannot count on the return of the stolen property. Offenders on probation consequently may have to make good their victim's losses before receiving a final discharge.

Under certain circumstances, persons may make application for reparation to the Ohio Victims of Crime Program administered by the Court of Claims.

The Ohio Victims of Crime Program is financed entirely by convicted offenders. That is, those found guilty of criminal offenses are assessed a fee as part of their court costs—\$20 for felonies, \$6 for misdemeanors. More than \$49 million have been given in awards to victims. The average award runs between \$4,000 and \$5,000. Between July 1, 1985, and June 30, 1986, a record 2,251 Ohioans filed claims for compensation under the program. Two-thirds of the claimants are male, and most victims are 21 to 30 years old.

In 1984, the Ohio General Assembly passed the Victim Assistance Program. The Attorney General's Office administers this \$2 million program which encourages the creation and maintenance of victim assistance programs around Ohio, such as shelters for abused spouses or rape victims. A 1986 survey by the Governor's Office of Criminal Justice Services found over 600 programs and agencies serving Ohio victims of family violence.

In addition, 1986 saw one-half million victim assistance dollars passed through to local Ohio governments from the Governor's Office of Criminal Justice Services.

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Notes

1. All of the rates in this chapter are based on "at-risk populations"; that is, the populations for each subgroup, rather than the entire population. Hence, the victimization rate for 20 to 24 years old is based on the number of 20 to 24 year olds in Ohio, not on the total state population. This allows for a much more accurate means of comparison and analysis.
2. These three terms correspond to the U.S. Department of Census terms *Core City*, *Standard Metropolitan Statistical Area (SMSA)*, *Balance of SMSA*, and *Outside SMSA*. The first relates to SMSA cities over 50,000, the second to contiguous areas (includes about half of all Ohio counties), and the third to all areas not in the sphere of any major metropolitan area.

An overview of Ohio's criminal justice system

Jeffrey J. Knowles
Governor's Office of
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This chapter provides an overview of society's response to crime—the criminal justice system. It sets the stage for the four succeeding chapters, and answers such questions as:

What is the criminal justice system? Why is it so complicated? Who are the key actors and what is their discretionary authority?

How effective is the criminal justice system in this state regarding the prosecution of serious crime?

Which types of government in Ohio (federal, state, county, city/village/township) are primarily responsible for which criminal justice functions? How much money is spent annually on police, courts, and corrections in Ohio? How many people are employed in each of those functions?

Chapter V was reviewed by Simon Dinitz, Professor of Sociology at The Ohio State University and Howard Tritt, Regional Coordinator of Criminal Justice Studies at the Tuscarawas Campus of Kent State University and Past-President of the Ohio Council of Criminal Justice Education.

Criminal justice is a complex, dynamic process relying on the daily decisions of many officials

There is no simple path through Ohio's criminal justice system

Ohio's process of criminal justice moves along a line which begins with an investigation and ends with the making and administration of a judgment. Given that general direction, however, there is little else that is predictable about the course of criminal justice. Each "step" in the process leads to several different possible options, each of which often leads to further options. For example, a suspected criminal may be arrested or charged by the police at the scene of a crime, or at the end of a lengthy police investigation, or as a result of a bill of information by the county prosecutor, or as a consequence of a direct indictment handed down (perhaps secretly) by the county grand jury, or in response to a bench war-

rant by a judge. The defendant chooses from a large number of options regarding type of defense counsel, waiver of certain hearings, type of trial, and plea bargain possibilities. Other system actors, such as prosecutors, judges, witnesses, and juries can also greatly affect the course of each case, depending on which of their legally permissible options they choose to exercise or forego.

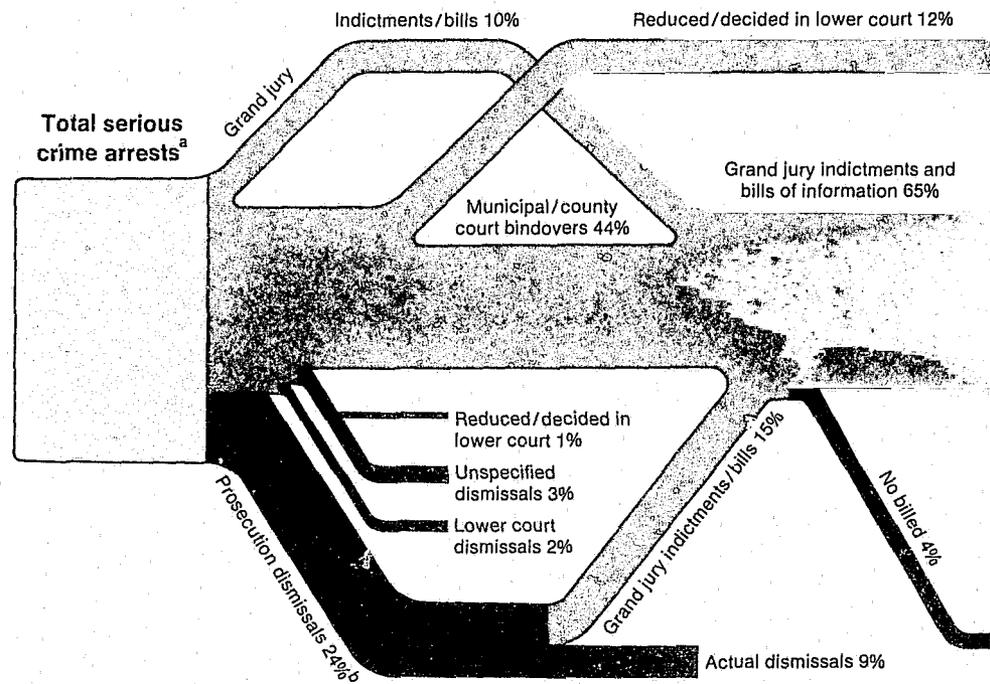
Why is the system so complicated?

Criminal justice in the United States did not begin as a neat, comprehensive package designed to deal with crime. It is, in fact, difficult to say just when and where it did begin—assuming such terms as "begin" are even appropriate. Some legal concepts are

hundreds of years old and rooted in the practices or common law of European countries. Other criminal justice system foundation stones such as state prisons, municipal police forces and government criminal investigations were largely unheard of before the last century. Adding to the complexity of the system are hundreds of changes made to the body of criminal law each legislative session. Too, at least some parts of the system are found in all three branches of government.

Because of this absence of centralized control, the criminal justice system is in a constant state of change and redefinition. In such a system, the discretionary authority of individual officials greatly influences the administration of justice.

What happens to persons arrested for serious crimes in Ohio?



^a All subsequent percentages are based on this total

Source: Offender-based Transactional Statistics study, Governor's Office of Criminal Justice Services, 1984.

Who exercises discretion?

These criminal justice officials must often decide whether or how to—
Police	Enforce specific laws Investigate specific crimes Search people, vicinities, buildings Arrest or detain people
Prosecutors	File charges or petitions for adjudication Seek indictments Drop cases Reduce charges
Judges or magistrates	Set bail or conditions for release Accept pleas Determine delinquency Dismiss charges Impose sentence Revoke probation
Correctional officials	Assign to type of correctional facility Award privileges Punish for disciplinary infractions
Paroling authorities	Determine date and conditions of parole Revoke parole

Source: Report to the Nation on Crime and Justice: The Data, Bureau of Justice Statistics, 1983.

Lack of citizen involvement accounts for much ineffectiveness in the criminal justice system

Much criticism has been directed at the criminal justice system for its seeming failure to arrest, prosecute, and punish criminals. About half of all violent offenses reported to the police result in arrests, but the figure falls to about one in five for property offenses. In Ohio courts, most persons prosecuted for serious criminal offenses are convicted.

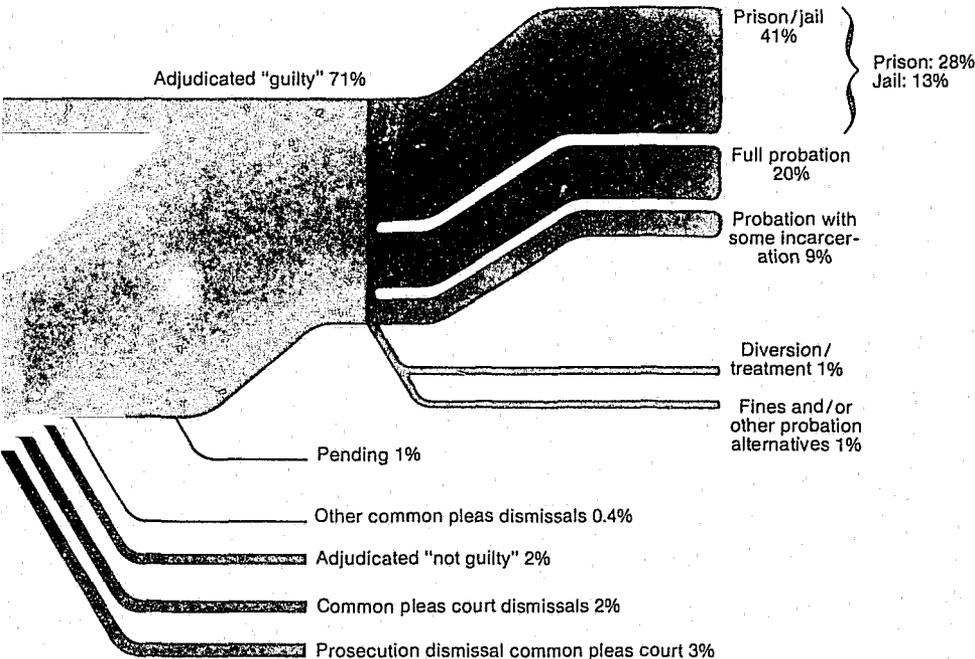
Criminal justice system efficiency suffers for many reasons. Over half of all serious crimes are never reported to the police by either eyewitnesses or the victims themselves. Lack of witness cooperation also destroys many criminal cases at the court level.

Most persons arraigned for serious crimes* in Ohio's courts are found guilty. For every 100 arraignments . . .

- 71 are found guilty
- 28 go to state prison
- 13 go to county jail
- 9 get probation with some jail time
- 20 get probation
- 2 get fined or some other kind of treatment alternative

*Includes murder, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson.

Source: Offender-Based Transactional Statistics study, GOCJS, 1984.



^b Many cases are dismissed in anticipation of grand jury action

Criminal justice functions are divided among several different levels of government

Criminal justice is primarily a concern of state and local governments

The criminal justice system in Ohio includes the traditional components of police, courts, corrections, and juvenile justice. These are defined and administered almost exclusively at the state and local levels. The federal role is limited to the broad backdrops of the U.S. Constitution and Supreme Court, as well as special investigations and prosecutions relative to federal criminal law. Most criminal acts and judgments are spelled out in Ohio law, as modified by judicial decisions. Criminal justice system components are regulated by Ohio law in accordance with the state and federal constitutions.

There are few federal criminal justice personnel in Ohio

Criminal justice function	Percent of Ohio criminal justice employees in:		
	Local government	State government	Federal government
Police	81%	11%	9%
Judicial and legal	57	32	11
Corrections	35	62	3
Total	65%	27%	8%

Source: *Justice Expenditure and Employment, 1983*, BJS, May/June, 1986.

Cities and villages employ more criminal justice personnel than any other level of government in Ohio

	Total	Criminal justice employment in Ohio ...			
		State ^a government	County government	City/Village government	Township government
	48,893	10,289	13,609	23,484	1,511
Law enforcement	28,630	2,417	4,833	19,911	1,469
Total					
Full-time	23,858	2,396 ^a	4,497	16,121 ^b	844
Part-time	4,772	21	336	3,790	625
Sworn					
Full-time	19,072	1,641	3,249	13,463	719
Part-time	1,852	0	139	1,175	538
Civilian					
Full-time	4,786	755	1,248	2,658	125
Part-time	2,920	21	197	2,615	87
Courts	10,067 ^c	1,342	5,393	3,295	37
Full-time	9,054	1,286	5,098	2,658	12
Part-time	1,013	56	295	637	25
Corrections	10,196	6,530	3,383	278	5
Full-time	9,804	6,384	3,146	271	3
Part-time	392	146	237	7	2

(a) includes an estimated 500 officers in state universities, parks, and other special enforcement divisions. *Peace Officers Task Analysis: The Ohio Report*, Office of Criminal Justice Services, 1982.

(b) includes some 100 private sworn officers contracted to local police departments or school districts. *Peace Officers Task Analysis: The Ohio Report*, Office of Criminal Justice Services, 1982.

(c) includes municipal court employees.

Source: Fiscal survey of state and local governments in the U.S., Ohio data tables, Bureau of the Census, 1982.

Each level of government has a primary area of criminal justice responsibility

All three levels of local government in Ohio (state, county, and municipal) maintain at least some functions in each of the three primary system components — police, courts, and corrections. However, these operations are not evenly maintained in terms of employment support. Cities, villages, and townships, for example, play only a tiny part in the corrections role, but employ three-fourths of

Ohio's law enforcement officers. The state government, in contrast, employs rather small numbers of law enforcement and court personnel, yet is responsible for 64% of all corrections employment in Ohio. Probably the most balanced of these is the county level of government whose sheriffs contribute significantly to Ohio's law enforcement (17%) and corrections (33%) personnel, and which also employs 54% of all court personnel in its 88 courts of common pleas.

Ohio state and local governments spend over one billion dollars a year on criminal justice

	Ohio's criminal justice expenditures by . . .				
	Total	State ^a government	County government	City/Village government	Township government
Total	\$1,202,681,000	\$296,528,000	\$316,193,000	\$566,505,000	\$23,455,000
Law enforcement	\$666,863,000	\$67,991,000	\$95,190,000	\$480,227,000	\$23,455,000
Current operations	631,346,000	61,489,000	90,319,000	460,509,000	19,029,000
Construction	9,122,000	2,000	950,000	7,860,000	310,000
Other capital expenses	9,917,000	0	1,703,000	7,025,000	1,189,000
Equipment	8,546,000	3,582,000	316,000	4,648,000	0
Other	7,932,000	2,918,000	1,902,000	185,000	2,927,000
Courts	\$266,284,000	\$44,325,000	\$153,432,000	\$68,527,000	0
Current operations	252,949,000	34,333,000	151,621,000	66,995,000	0
Construction	819,000	0	539,000	280,000	0
Other capital expenses	905,000	0	538,000	367,000	0
Equipment	1,179,000	526,000	628,000	25,000	0
Other	10,432,000	9,466,000	106,000	860,000	0
Corrections	\$269,534,000	\$184,212,000	\$67,571,000	\$17,751,000	0
Current operations	229,997,000	158,159,000	55,804,000	16,034,000	0
Construction ^b	4,952,000	2,033,000	2,562,000	357,000	0
Other capital expenses	720,000	0	708,000	12,000	0
Equipment	1,562,000	1,376,000	99,000	87,000	0
Other ^c	32,303,000	22,644,000	8,398,000	1,261,000	0

(a) Law enforcement figures only include Highway Patrol.

(b) Ohio has since implemented a \$638,000,000 prison construction and jail renovation program.

(c) Monies paid out to other governments.

Source: Fiscal survey of state and local governments in the U.S., Ohio data tables, Bureau of the Census, 1982.

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The Law enforcement function

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Chapter Six profiles Ohio's police and sheriffs, and addresses such questions as:

How many crimes reported to law enforcement agencies are solved?
How does the speed of reporting a crime affect the probability of making an arrest?

What kinds of duties make up a law enforcement officer's job?

How many law enforcement agencies exist in Ohio and how do they differ?
How many law enforcement officers are there in this state, and where do they serve? How are volunteers used?
How many private police officers are there?

What demands are made on Ohio's officers with regard to training? What types of equipment do police officers typically use? How much physical activity is involved in police work?

How do Ohio's citizens rate their police protection?

How frequently are law enforcement officers killed or assaulted in the line of duty?

This chapter was reviewed by Ted Jones, Chief of Police in Athens and Past-President of the Ohio Association of Chiefs of Police; Robert Cornwell, Director of the Buckeye State Sheriffs' Association; William Ensign, Professor of Criminal Justice at Ohio Dominican College; and Wilfred "Bud" Goodwin, former Director of the Ohio Peace Officer Training Council.

The initial response to crime is usually by law enforcement officers

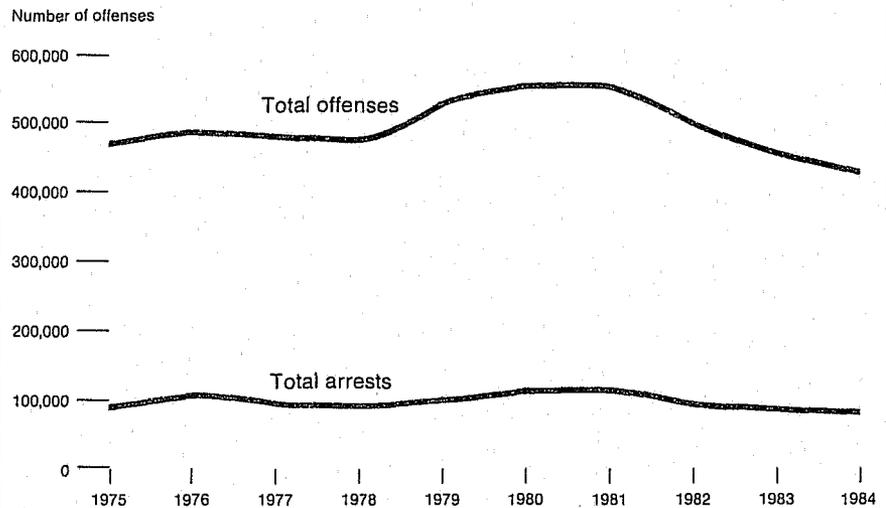
Traditionally, the criminal justice system responds to crime reactively

For most offenders, law enforcement officers are the first point of contact with the criminal justice system. Officers react to crimes they observe in progress or to those called to their attention by citizen complaints or requests for assistance.

How many crimes are reported to law enforcement agencies?

A total of 449,882 index (serious) offenses were reported to Ohio law enforcement officials in 1985, a 2% reduction in the previous year's figure, and a 23% reduction since 1980.

How many Ohio crimes are cleared by arrest?



Note: "Index" offenses include murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft.

Sources: *Crime in the United States*, Federal Bureau of Investigation, 1982-84; *Crime in Ohio*, Ohio Bureau of Criminal Identification and Investigation, 1976-81.

Property crimes are least likely to be cleared by arrest

Percent of reported crimes cleared by arrest

	Nation	Midwestern region	Ohio
Murder	74%	72%	79%
Aggravated assault	61	55	66
Forcible rape	54	49	61
Robbery	26	22	30
Burglary	14	12	14
Larceny—theft	20	20	20
Motor vehicle theft	15	14	16
All UCR index crimes	21	20	21

Note: Figures are rounded to the next whole number. The midwestern region includes Ohio, Illinois, Michigan, Indiana, Wisconsin, Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota.

Source: *Crime in the United States*, FBI, 1984.

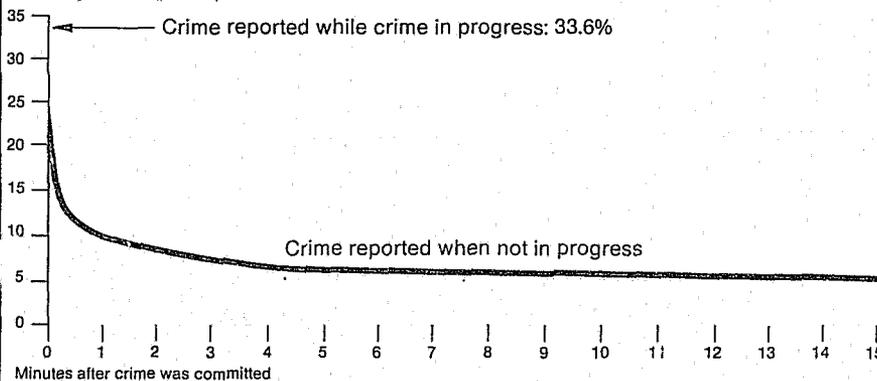
When do law enforcement agencies consider a crime solved?

Law enforcement agencies classify a case as solved or "cleared" when a person connected to the offense is arrested, receives a citation, or is summoned to appear before a court. A case is also considered cleared when the agencies know the location and identity of the suspect but cannot make an arrest because of exceptional circumstances. In some instances, criminal offenses may be designated as cleared when an offender is apprehended and confesses to their commission, regardless of the outcome of prosecution. A case can be listed as cleared even though there may be multiple suspects still at large.

Ohio's percent of index offenses cleared by arrest has changed less than 2% between 1975 (19%) and 1984 (20.8%). Although clearance rates of crimes against persons are slightly higher, overall figures are consistent with national trends.

Delays in reporting sharply reduce the probability of arrest

Probability of arrest (percent)



Source: *Report to the Nation on Crime and Justice: The Data*, Bureau of Justice Statistics, 1983.

Ohio law enforcement has many dimensions

A variety of duties make up a law enforcement officer's job

Ohio's law enforcement officers, like law enforcement officers nationwide, have a variety of official roles and duties. These include:

- Law enforcement—applying legal sanctions to violations of state and municipal law. These sanctions usually involve an arrest, summons, or citation.
- Order maintenance—taking steps to control events and circumstances that disturb or threaten to disturb the peace. For example, an officer may be called on to mediate a family dispute, to disperse an unruly crowd, or to quiet an overly boisterous party.
- Gathering information—asking routine questions at a crime scene, inspecting crime scenes, and filling out forms needed to register criminal complaints.
- Performing service-related duties—providing immediate short-term relief in response to personal problems. These non-crime assignments include referring the disadvantaged to social agencies, furnishing information to citizens, providing emergency ambulance service, preventing suicide, aiding the physically disabled and mentally ill, and assisting disaster victims.

What types of law enforcement agencies exist in Ohio, and how do they differ?

• A municipal department enforces the laws of the city and state within the geographical confines of a particular city. These departments comprise the vast majority of police personnel and include municipalities of all sizes, from the urban metropolis to rural townships. Some municipal departments also assist municipal courts in much the same manner as sheriffs' departments assist common pleas courts, e.g., serving court papers and acting as bailiffs.

• A sheriff's office gives full police protection to the unincorporated areas of a county. Sheriffs also have concurrent jurisdictional rights in the various cities within the county. Many sheriff's offices provide police service

under contract to cities which do not have their own municipal departments. In addition to the normal police functions, most sheriff's offices also provide bailiffs for courts within the county and are responsible for the service of court papers and for overseeing court-ordered auctions. They also maintain the county jail facilities, transport and deliver prisoners to court and prison, and, in general, perform all law enforcement duties on behalf of the county.

• The State Highway Patrol is responsible for the enforcement of the motor vehicle code of the State. In addition, the patrol handles violations of penal, health and safety, street and highway, and welfare and institutions codes, as well as all investigations of violations of these codes that occur on state property.

• Special police agencies include park rangers, port authority police, transit police, metropolitan housing authority police, park officers, forest officers, and game protectors and state watercraft officers of the Department of Natural Resources. Liquor control investigators in the enforcement and intelligence divisions of the Department of Liquor Control, railroad police, private police, taxation investigators, court constables, and campus security forces are also considered "special police." Although their powers and duties vary by jurisdiction and agency, all special police officers are mandated to complete a minimum police standards curriculum specified by the Ohio Peace Officer Training Council. In addition to their independent responsibilities, these agencies often provide valuable support to local law enforcement agencies.

There are over 1,000 law enforcement agencies in Ohio

	Number of agencies
Municipal police departments serving:	
over 100,000 population	7
25,000-100,000 population	59
10,000-25,000 population	120
2,500-10,000 population	242
under 2,500 population	461
County sheriff's offices serving:	
over 250,000 population	10
100,000-250,000 population	13
under 100,000 population	65
State Highway Patrol	1
Special police agencies	100
TOTAL	1,078

Source: *Peace Officers Task Analysis: The Ohio Report*, Office of Criminal Justice Services, 1982.

Who are Ohio's peace officers?

How many law enforcement officers are there in Ohio?

	Sworn officers		Civilians		Total police employees	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Municipal departments	13,363	1,175	2,658	2,615	16,021	3,790
Township departments	719	538	125	87	844	625
Sheriffs' departments	3,249	139	1,248	197	4,497	336
State Highway Patrol	1,141	0	755	21	1,896	21
All agencies	18,472	1,852	4,786	2,290	23,258	4,772
Full- and part-time	20,324		7,706		28,030	

Note: These figures do not include or reflect special police officers or sworn, non-compensated law enforcement officers.

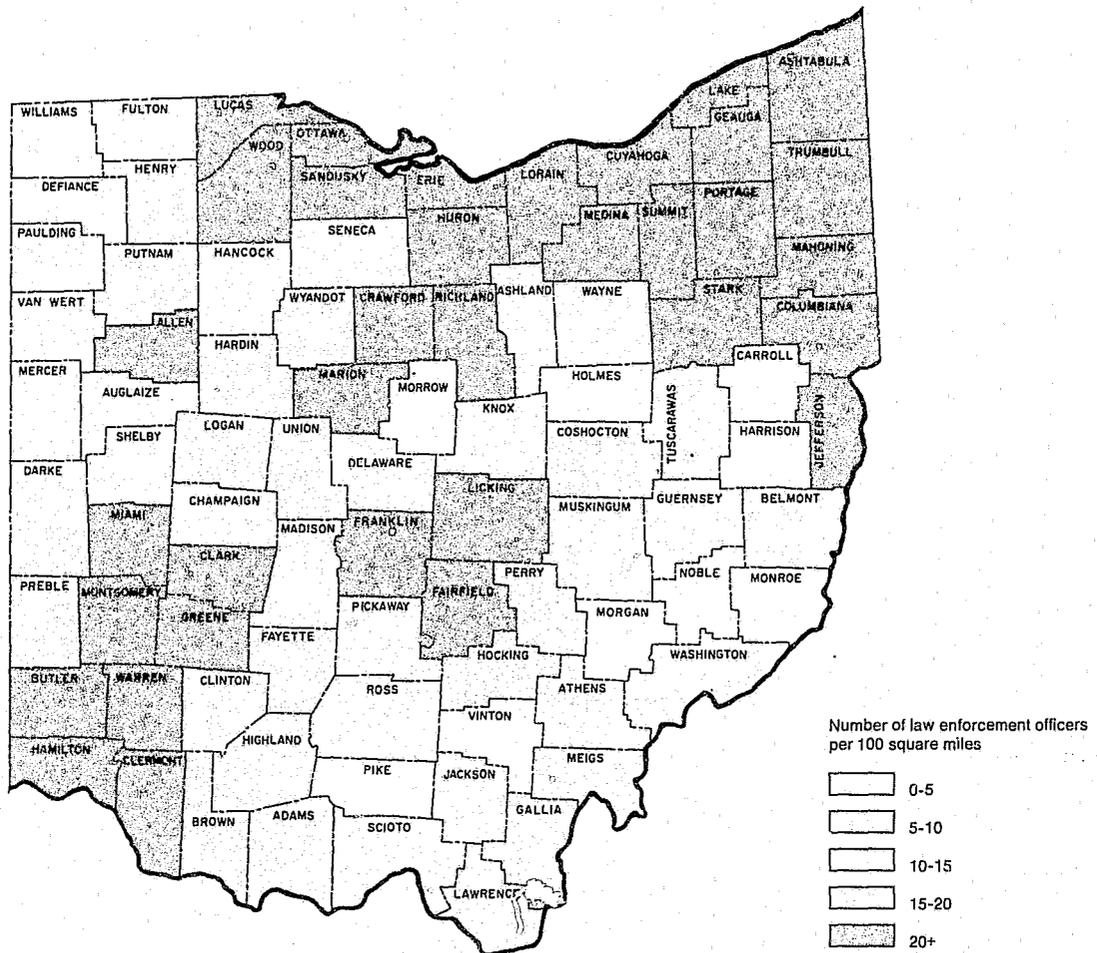
Source: Fiscal survey of state and local governments in the U.S., Ohio data tables, Bureau of the Census.

Most Ohio counties have more than 10 police officers per 100 square miles

A variety of factors, ranging from budgetary constraints to special enforcement problems, determine the size of a police force. However,

population density appears to be one of the major variables that contributes to determining police strength. As the number of residents per

square mile increases, there is likely to be an increase in the number of police per capita.



Source: Report to the Nation on Crime and Justice: The Data, BJS, 1983.

Females constitute a low percentage of law enforcement officers

A 1982 study of 2,620 basic patrol officers, selected by the (now Governor's) Office of Criminal Justice Services, showed that law enforcement in Ohio continues to be a profession dominated by white males in their twenties and early thirties. Women constituted only 6.5% of all patrol officers in the study. The study also indicated, however, that the racial composition among newer patrol officers is comparable to that found in the general population.

	Percent who are:		
	White	Black	Other
General population	89%	10%	1%
Patrol officers employed by:			
Police departments	88	10	2
Sheriffs' offices	95	4	1
Special police	84	14	1

Note: The category "Other" includes patrol officers of all other races and nationalities.

Source: *Peace Officers Task Analysis: The Ohio Report*, OCJS, 1982.

Many officers have educational attainment beyond high school and have prior law enforcement experience

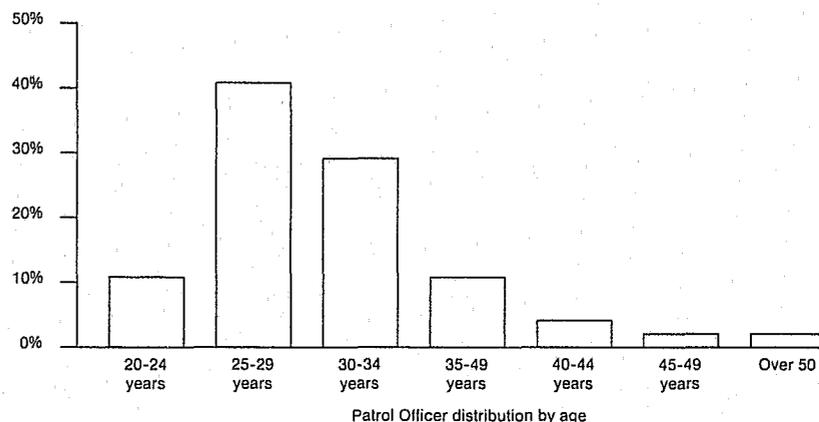
The (now Governor's) OCJS study also made some interesting findings concerning officers' educational backgrounds and prior law enforcement experience. Patrol officers averaged 13.39 years of formal education (12 years = high school), and 60% had completed at least some post-high school studies. Moreover, 14% had completed at least four years of college.

The study noted that 53% of the officers in departments with jurisdiction populations of over 100,000 had at least two years of college, while only 18% of the officers in departments with jurisdiction populations under 2,500 had completed the same amount of post-high school studies. Most of the surveyed patrol officers held at least one other law enforcement-related job prior to their current assignments. Twenty-nine percent had experience as security guards and 24% indicated experience as police reservists.

Ohio's law enforcement officers must meet statewide training standards

At one time, the Ohio Peace Officer Training Council (OPOTC) administered a mandated police basic training course of at least 304 hours for certification of all peace officer candidates in the state of Ohio.

Most Ohio officers are between 25 and 34 years of age



Source: *Peace Officers Task Analysis: The Ohio Report*, OCJS, 1982.

However, in 1982 the Ohio Peace Officer Training Council and Office of Criminal Justice Services conducted a statewide Peace Officer Task Analysis. Data from that study helped to develop the training curricula for newly appointed peace officers. Although currently under revision, the new curricula increased the number of training hours within the basic police training program. The new curricula will assure that officers who complete the required training will be well-trained upon their entry into the law enforcement profession. The new curricula will be implemented later in 1987.

The majority of the remaining entrance requirements for police officer candidates, including physical, educational, and criminal background standards are left up to each jurisdiction. Ohio deputy sheriffs, however, must be at least 18 years old, free of any felony conviction, and certified by the OPOTC within their first year with the department. Training standards approved by the Buckeye State Sheriffs' Association require that deputy sheriff candidates complete at least 360 hours of training for certification.

Private citizens and groups often affect police work

Private police officers outnumber their public counterparts in Ohio

In Ohio, as in many other states, private security is a growing industry. Officers may be employed by a company that maintains its own security force, or by a private police service such as Burns, Pinkerton, or Wells Fargo. Ohio companies involved in the field offer services from security control equipment and systems to security guard and patrol services.

Currently, the Ohio Peace Officer Training Council certifies a voluntary training program for private security officers. Candidates can receive certification after completing a 118-hour training program. Approximately 2,800 officers completed the program in 1985.

House Bill 402, effective February 25, 1986, requires that all licensees and registered employees of licensees engaged in the business of private security or the business of security services who carry a firearm in the course of engaging in such business shall successfully complete 20 hours in training in handgun use and five hours of training in any firearm other than a handgun. The program must be approved by the OPOTC.

Some kinds of law enforcement operations do not require traditional "street duties"

Police departments are not staffed solely by patrol officers. In addition to uniformed officers, departments also employ detectives who are responsible for follow-up investigations of criminal activities. Detectives may be assigned to a variety of different types of investigation (e.g., homicide, auto theft, burglary, juvenile, vice, etc.). In addition, officers may specialize in traffic accident investigation, laboratory or crime scene investigation, radio communications/dispatch, community relations, research and planning, jail maintenance, and others. Generally, less than 58% of a police department's total manpower is allocated to patrol and actually out on the streets.

Citizen and auxiliary groups help law enforcement agencies

- Neighborhood crime watches are the most widely used form of citizen effort to curb crime. The primary goals of Ohio's neighborhood crime watch programs are to prevent burglaries, increase crime reporting, and use citizens as the eyes and ears of the police.

- Citizen patrols participate more directly and actively in community crime prevention. Under the auspices of the police department, unpaid groups of citizens patrol their blocks, neighborhoods, or buildings on foot or in private cars to deter crime and report illegal activity to the police. Neighborhood crime watches and citizen patrols are found in cities throughout the country.

- Volunteer police auxiliaries or reserves are often the most visible form of citizen participation in community crime prevention. The Ohio Volunteer Peace Officer Association reports there are approximately 17,000 police volunteers statewide. Currently, senior citizens are the fastest growing group of volunteers working directly with law enforcement agencies. The Ohio Association of Chiefs of Police is actively working in this area with the American Association of Retired Persons.

Citizens on patrol as police auxiliaries receive formal training and are under direct supervision of the police.

Although uniformed, police auxiliaries are not armed and do not have the law enforcement powers of sworn police officers unless they have received Ohio peace officer certification through the Ohio Peace Officer Training Council. In addition to adding needed manpower when necessary, the primary role of auxiliaries, like those of neighborhood crime watches and citizen patrols, is to act as additional eyes and ears of the police.

Most Ohioans react positively to police officers

When asked their first reaction to law enforcement officers, three out of four Ohioans expressed feelings of either respect (50%) or friendship (26%). Ten percent were only willing to tolerate the presence of a police officer. One citizen in 20 indicated either fear (4%) or dislike (1%). In addition, over one-half (54%) of the 800 respondents in a 1982 OCJS Ohio citizen attitude survey felt that the main role of today's police officers should be to patrol and be visible in the community. The remainder felt that a police officer's role should be directed at solving crimes (22%), helping people during emergencies (12%), or some combination of the above categories (13%).

Ohio's citizens feel that their police are doing a good job

Statewide, Ohioans rate their neighborhood police protection as very good (27%) or good (38%). Of the remainder, 26% consider their neigh-

borhood police protection adequate and only one in 10 citizens considers it poor (8%) or very poor (2%).

This trend holds true among a wide variety of Ohio citizens.

Ohioans who are:	Percent of Ohioans who feel that their police protection is ...				
	Very good	Good	Adequate	Poor	Very poor
Senior citizens	28%	44%	20%	7%	1%
Women	30	36	25	7	2
College educated	26	43	25	6	—
Black	32	28	29	8	2
Not married (never been married)	23	37	28	10	2

Source: Ohio Citizen Attitudes Concerning Crime and Criminal Justice, OCJS, 1982.

Law enforcement can be both demanding and dangerous

How do Ohio's peace officers feel about their jobs?

Nine out of ten patrol officers surveyed by the (now Governor's) Office of Criminal Justice Services perceived their jobs as either interesting or very interesting. Fifty-five percent of the sheriffs' deputies surveyed considered their jobs very interesting. In addition, 55% of the officers felt their personal talents were being used quite well or very well on the job. Less than 10% of the officers felt their talents were being used very little or not at all. When asked how well their basic training prepared them for their job, six out of ten answered very well (15%) or well (44%). Although 39% of the surveyed officers felt their basic training prepared them only somewhat, only 2% felt the training did not prepare them at all. It is interesting to note that municipal officers in the largest and smallest jurisdictions felt better trained than officers in the medium-sized jurisdictions.

How much physical activity is involved in the job?

Police work is, and always has been, a physically demanding profession.

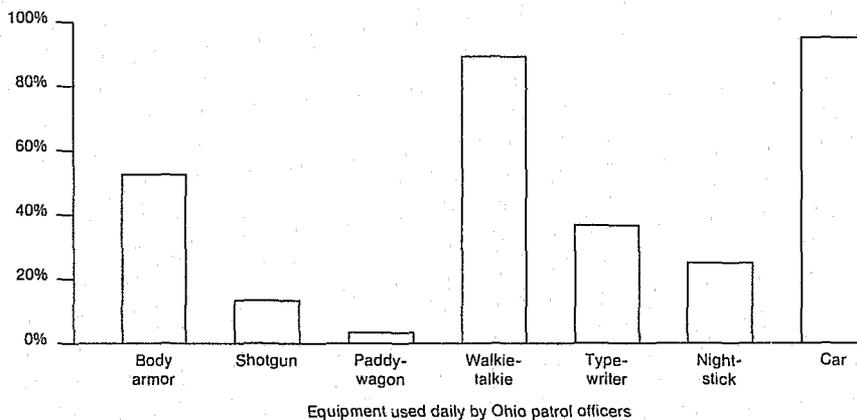
Officers are called on to do everything from picking up objects to breaking down doors to subduing attackers.

Percent of respondents who performed physical activities a few times per year or more often

	Officers from urban areas	Officers from suburban areas	Officers from rural areas	Officers who work in a combination of two or more areas
Climb obstacles	90%	85%	69%	82%
Run after suspects	90	80	64	79
Run up stairs	90	79	65	74
Jump over obstacles	83	80	64	75
Lift heavy objects or persons	84	78	68	78
Subdue persons resisting arrest	90	87	68	82
Physically push movable object	86	89	80	82

Source: Peace Officers Task Analysis: The Ohio Report, OCJS, 1982.

Law enforcement officers use a variety of equipment on the job



Source: Peace Officers Task Analysis: The Ohio Report, OCJS, 1982.

Ohio peace officers rarely use deadly force

During one week, officers were required to:	Percent of respondents
Engage in some form of physical activity	64%
Encounter resistance during an arrest	28
Use weapons during an arrest (i.e., PR-24, nightstick or chemical agent)	10
Discharge a firearm (i.e., deadly force)	1

Note: Figures are for a one-week time frame.

Source: The Use of Force in Patrol Work, OCJS, 1983.

Is police work dangerous?

Types of weapons used in assaults on Ohio police officers in 1984

Type of activity	Firearm	Knife	Other weapon	Hands	Total
Total	71	56	133	2,086	2,346
Disturbance calls	36	26	28	570	660
Burglaries	6	2	4	25	37
Robberies	4	1	1	14	20
Attempting other arrests	5	7	32	474	518
Civil disorders	0	1	2	17	20
Handling prisoners	0	2	8	396	406
Suspicious persons	6	3	9	182	200
Ambush	2	0	2	8	12
Mentally deranged	1	6	1	25	33
Traffic pursuits	5	1	30	131	167
All Other	6	7	16	244	273

Source: *Law Enforcement Officers Killed and Assaulted*, FBI, 1984.

One out of every twelve Ohio police officers was assaulted in 1984. Domestic disturbances, arrest situations, and the handling of prisoners accounted for 70% of these assaults. In addition, 48% of the assaults on police officers occurred between 10:00 p.m. and 4:00 a.m.

The number of Ohio law enforcement officers killed in the line of duty has remained constant

Ohio peace officers killed	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	Total
Total	7	8	2	5	9	3	5	9	7	6	61
Feloniously	5	6	1	2	6	1	3	3	2	3	32
Accidentally	2	2	1	3	3	2	2	6	5	3	29

Source: *Law Enforcement Officers Killed and Assaulted*, FBI, 1984.

Firearms remain the predominant weapon in the killing of police officers. Nationally, 92% of law enforcement officers feloniously killed between 1975 and 1985 were killed by a firearm. Handguns accounted for 63% of the deaths in 1984 and 67% of the deaths since 1985. Two of the three (67%) Ohio police officers feloniously killed in 1984 died as a result of the use of a handgun.

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Prosecution and the courts

Mark S. Davis
Governor's Office of
Criminal Justice Services

This chapter highlights the system's prosecutorial and judicial responses to crime, and answers questions such as:

In criminal cases, who represents the defendant? Who represents the government?

What is bail and how does it work?

Why are there so many different kinds of court hearings and what do they mean?

What is the role of the prosecutor?
The grand jury?

Do most cases go to trial? Are most defendants found guilty or not guilty?
Is plea negotiation primarily a defendant benefit?

What are presentence reports and how do they affect sentencing?

What is probation? Shock probation?
Can anyone get probation instead of a prison term?

Invaluable information for this chapter was supplied by the Ohio Department of Rehabilitation and Correction. Chapter VII was reviewed by Burt Griffin, Judge of the Cuyahoga County Common Pleas Court; John Murphy, Executive Director of the Ohio Prosecuting Attorneys Association; Randall Dana, State Public Defender; Simon Dinitz, Professor of Sociology at The Ohio State University; C. Ronald Huff, Associate Professor of Public Administration, The Ohio State University; and Allan Whaling, Director of the Ohio Judicial Conference.

The court system pits the prosecutor against the defense attorney

In this country's adversarial system of justice, the state and defense counsel oppose one another in a legal contest mediated by a judge and, in some cases, a jury

The process is designed to uncover the truth and promote justice

Since this adversarial contest in law is deemed important to the preservation of democracy, the United States Supreme Court has interpreted the Sixth Amendment of the U.S. Constitution as guaranteeing all citizens the right to legal representation. This means that even if a person accused of a crime cannot afford to hire an attorney, one will be made available for his defense.

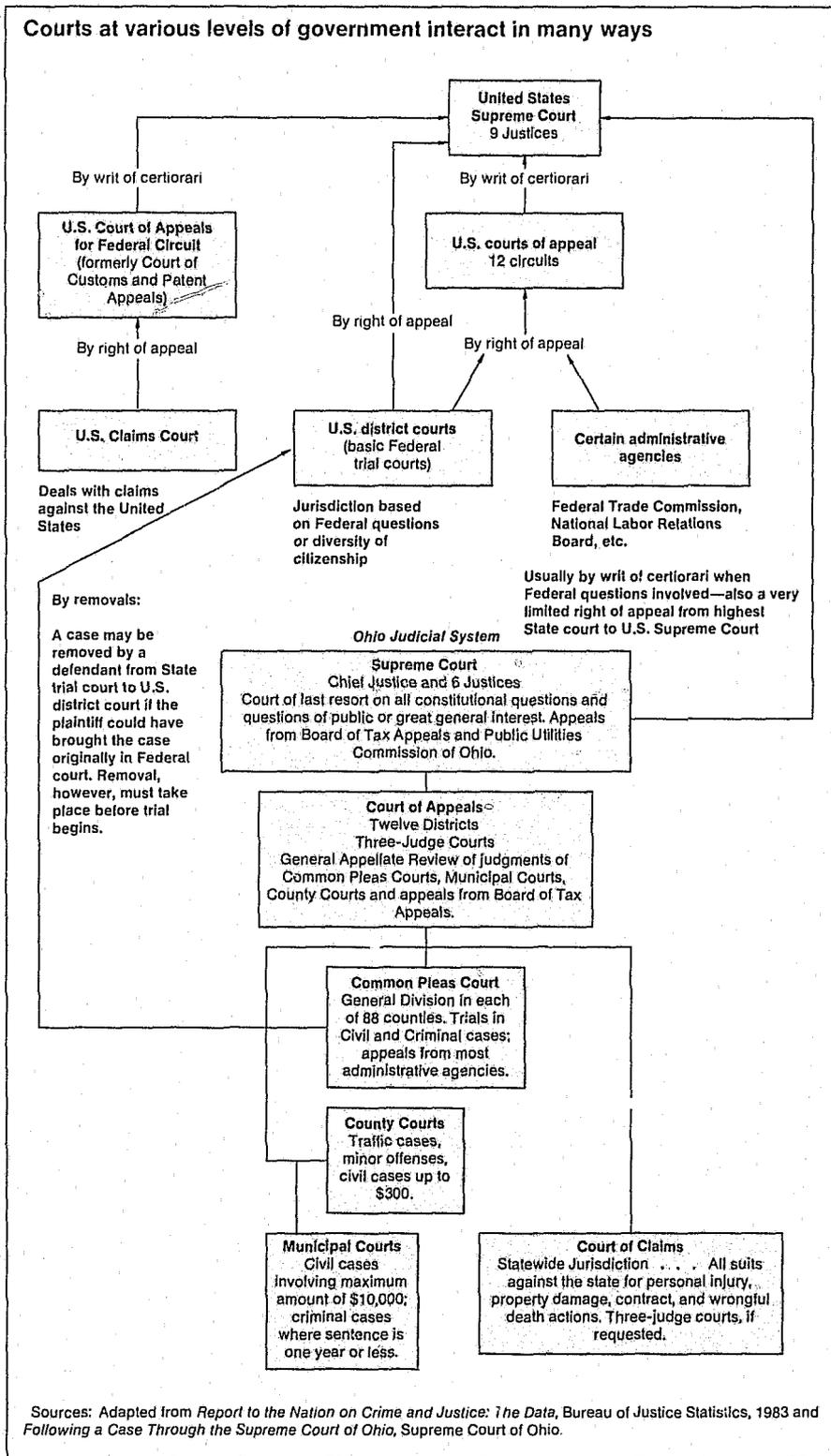
In criminal cases, the government is represented by the county prosecutor

The county prosecutor is an elected official who serves a term of four years. Currently only nine counties in Ohio have full-time prosecutors. The balance have attorneys who divide their time between prosecution duties and private legal practice.

Public defenders or private attorneys may be appointed to represent indigent defendants

In Ohio this guarantee of counsel takes several different forms. Some counties, for example, have set up public defender agencies which represent most criminal defendants who are found to be indigent. Other counties appoint private attorneys to represent indigent defendants, relying on the attorneys' professional obligation to make legal services fully available to all¹. And a number of counties use both systems, especially when conflicts of interest prohibit the public defender from representing certain criminal defendants. In yet other instances, attorneys from the Office of the State Public Defender represent indigent defendants.

Courts at various levels of government interact in many ways



Legal counsel and bail are important to criminal defendants

Ohio's largest counties tend to use public defender's offices



Note: The Tuscarawas County office also serves Carroll and Harrison Counties.

Source: 1984 Annual Report, Ohio Public Defender Commission.

 Counties with Public Defender Offices
 Counties Using Only Appointed Counsel

What are the bail options in Ohio?

Cash bond	The defendant or someone acting on his behalf must deposit with the court the required sum of money, all of which may be forfeited should the defendant fail to appear in court. The entire amount will be returned if the defendant appears for trial.
10% appearance bond	The defendant deposits 10% of the total amount set. Once the case is settled, the defendant forfeits one-tenth of the deposit. Should the defendant not appear, he is liable for the additional 90% of the amount as well as the deposit.
Surety bond	A surety is a bail bondsman or an individual who makes himself responsible for the defendant's appearance in court. Usually licensed, the surety promises to pay a specified sum to the court if the defendant fails to appear.
Signature or recognizance bond	Defendants with strong community ties who are deemed not to be high risk sometimes are permitted to sign a promise to appear at subsequent court proceedings. This type of pretrial release does not involve the pledging or forfeiting of money.

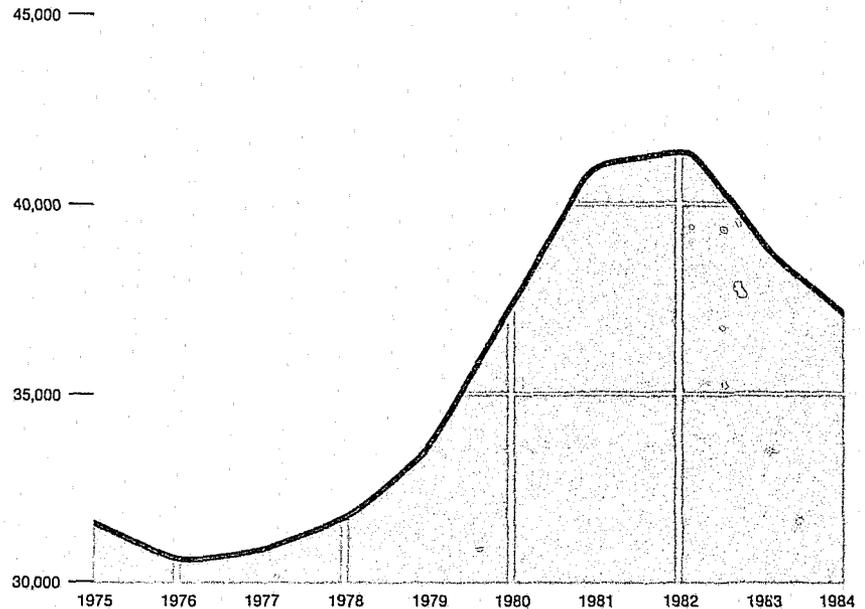
Adult felons may face a number of court appearances

Felons may have several court appearances

Initial Appearance	An arrestee must be brought before a magistrate immediately or at least without unnecessary delay. During this hearing the judge informs the defendant of the nature of the charge and of the right to counsel.
Preliminary Hearing	In this hearing, the county prosecutor must convince the court there are reasonable grounds for believing the defendant committed the offense in question. If the court decides the evidence is sufficient, it will then bind the case over to the grand jury. The defendant may waive his right to this process and consent to be bound over.
Arraignment	Once indicted, a defendant must appear before the court to enter a plea. If bond has not yet been set, the court will set bond. If indigent and unable to employ counsel, the defendant will be informed of his right to have counsel appointed to represent him.
Pretrial Hearing	Sometimes before trial the county prosecutor and defense counsel will meet to discuss possible plea negotiations. At other times the court holds hearings to hear and rule on pretrial motions.
Guilty Pleas	In cases where a defendant pleads guilty, he often is not sentenced immediately. If the offense is probationable, the judge may order a presentence report and may also then set a date for sentencing.
Trial	This process exemplifies the adversarial system of justice. In a trial, the county prosecutor must prove his case "beyond any reasonable doubt." When jury members reach a decision, which usually must be unanimous, it is called a verdict. In trials by one or more judges, the decision is referred to as a judgment.
Sentencing	At this hearing the court informs the defendant what punishments it will impose. In most non-violent or otherwise less serious cases the court uses a presentence report to help make the sentencing decision.

Felony arraignments in Ohio peaked in 1982

Number of felony arraignments



Sources: Ohio Courts Summary, Supreme Court of Ohio, 1975-1984.

Indicted defendants may be prosecuted or diverted from the criminal justice system

What is a grand jury?

A grand jury is a special body of persons brought together to evaluate accusations against persons charged with crimes. Its members are chosen from the list of registered voters. The grand jury in some states consists of as many as 23 members, hence the term "grand" jury. Ohio requires only nine members, including the foreman.

During grand jury proceedings the prosecuting attorney presents evidence to the jurors. When the grand jury accepts the accusation presented by the prosecutor, it issues an indictment, or true bill.

Grand jury proceedings are secret. Neither the defendant nor his attorney has the right to attend the session. No one is allowed to disclose that an indictment has been handed down until the case has been filed, at which time it becomes public information.

In some cases the court may insist that the indictment be kept secret until the defendant is in custody. This is done primarily when the state fears that the defendant, if forewarned, will flee to avoid prosecution.

The county prosecutor decides which cases to take to the grand jury

Once an arrest is made, or once there is reason to believe a crime has been committed, it is up to the county prosecutor to decide which criminal cases should or should not be pursued. If the prosecutor believes the evidence supporting a felony case is sufficient, he may take it to the grand jury. If he does not believe the state has strong evidence, he has the discretion to terminate the case. Once a defendant has been indicted, however, the county prosecutor can terminate prosecution only with the approval of the court.

Not all felony charges go to the grand jury

There are times when the county prosecutor enlists the cooperation of the defendant and defense counsel in expediting a criminal case. In such a case the county prosecutor might prepare a bill of information which, like the indictment, accuses the defendant of a specific offense. Implicit in this type of arrangement is the understanding that the defendant will enter a plea of guilty to the offense described in the bill of information. This saves the county prosecutor the trouble of presenting his case to the grand jury. For the defendant, it shortens what sometimes is a drawn-out legal process. In Ohio, bills of information are the exception rather than rule. Prosecutors in Ohio use them in relatively few cases, and generally only when the offense is of a non-violent nature.

Some first-time offenders are diverted from the criminal justice system

Some county prosecutors in Ohio have established programs which give selected offenders a second chance. If a person is charged with a non-violent crime, has a clean record, has led a law-abiding life, and was involved in an incident which perhaps was justifiable and unlikely to recur, he may be eligible to participate in a diversion program. Most of these programs, however, are not "diversion" programs in the strictest sense of the term since they do not route the individual away from the criminal justice system.

Those who enter a diversion program waive their right to a speedy trial as well as the other time limits by which the prosecution is bound. Once accepted, participants are set free from jail on the condition they comply with the terms of the program. The county prosecutor is obligated to notify the victims of the crime and the arresting officers of his decision to accept the defendant into the program. The victims and officers may then file their objections to this decision.

Defendants in diversion programs are subject to conditions similar to those which govern the conduct of persons on probation

Typically, diverted offenders are expected to abide by all laws, report regularly, maintain lawful employment, refrain from the unlawful use of drugs, and avoid association with convicted felons.

If the defendant completes the diversion program, the county prosecutor will approach the court and request that all charges be dismissed. If, however, the defendant violates the conditions of participation in the program, he may be brought to trial on the original charges.

Most felony cases result in a trial or a guilty plea

In Ohio, the right to trial by jury is guaranteed for all adults

Echoing the spirit of America's early lawmakers, the framers of Ohio's Constitution deemed the right to trial by jury as sacred. The only criminal defendants not entitled to trial by jury are those facing a fine of \$100 or less. Defendants charged with felonies are automatically entitled to a trial, whereas misdemeanants must request one.

Those who choose not to invoke the right to trial by jury must do so in writing. The Ohio Rules of Criminal Procedure require that such a waiver be made "knowingly, intelligently and voluntarily." But even if a trial has already started, the defendant may change his or her mind and waive the right to trial.

A criminal defendant in Ohio has the option of being tried by a judge instead of a jury. In such a case, the judge is supposed to "hear, try, and determine" the case as though it were a jury trial. If the defendant's pending charge is punishable by death, then a panel of three judges must decide guilt or innocence.

Most cases are settled by guilty pleas

Even though the participants may be adversaries, they generally try to arrange settlements that satisfy their respective needs. County prosecutors, often handicapped by heavy workloads and weak evidence, want to secure convictions. Defense attorneys know that if they take their cases to trial, they run the risk of losing and, as a consequence, may incur stiffer penalties for their clients. For judges, the interest often is in clearing crowded court dockets. Everyone in the process, therefore, has something to gain from a negotiated plea.

Despite the aura of mystery that surrounds plea negotiation, it is a legitimate means of settling a criminal case. Although judges normally agree to a prosecutor's recommendation of a lesser charge, they are not required to do so. Long a part of the informal criminal justice process, plea negotiation achieved full legitimacy in 1970,

when the United States Supreme Court gave the process its stamp of approval and outlined some safeguards that should accompany it.²

Plea negotiation can take one of several forms

A county prosecutor, for example, may offer to let the defendant plead guilty to a reduced charge. Or, if the defendant has several pending charges, the prosecutor may decide to drop some of them in return for a plea of guilty to one or the rest. If the indictment contains a firearm specification which requires an addition to the defendant's sentence, the prosecutor may drop the specification as part of the negotiation process.

The benefits of plea negotiation which accrue to the defendant are many. Fewer charges mean fewer potential sentences. And, if the severity of an original charge is lowered, so then is the severity of the sentence. No matter what form plea negotiation takes, the purposes are the same: quickly to settle criminal cases and serve the ends of justice.

It deserves mentioning that some experts believe serious charges are reduced because the prosecutor overcharged originally. Others maintain that plea negotiation would take place even if caseloads and court dockets were not a problem.

While county prosecutors are generally successful at convicting most of those they charge, they often must settle for a lesser conviction. The implications such reductions have for sentencing are obvious. When charges are lowered through either the trial or the negotiation process, it forces the judge to sentence accordingly.

Felonious assault offenders who were convicted of:	Number	Percent	Average minimum sentence
Original charge	17	22%	2 years, 9 months
Lesser felony	23	30	1 year, 3 months
Misdemeanor	37	48	3 months
	77	100%	

Source: Offender-Based Transactional Statistics study, Governor's Office of Criminal Justice Services, 1984.

A recent Ohio study showed that of all persons charged with homicide, only slightly more than one-third were convicted of and confined for the original charge. The rest were convicted, but many on substantially lower charges.

Aggravated murder charges are often reduced

Fifteen original charges of aggravated murder resulted in final charges of:	# of cases	Minimum sentence	Maximum sentence	# of cases
Aggravated murder	6	Death	Death	1
		Life	Life	5
Murder	4	Life	Life	1
		15 years	Life	3
Voluntary manslaughter	2	5 years	25 years	1
		4 years	25 years	1
Involuntary manslaughter	3	7 years	25 years	1
		5 years	25 years	2

Source: Offender-Based Transactional Statistics study, GOCJS, 1984.

Sentencing poses a huge responsibility for judges

Presentence reports aid judges in sentencing offenders

Under certain conditions, a judge may place an offender on probation. Before doing so, the judge must take into consideration a written presentence investigation report. The presentence report is usually prepared by a probation officer and contains information about the offense, the defendant's criminal record, social history, employment record, and other relevant aspects of his or her life. The purpose of the report is to provide the sentencing judge with in-depth information on the defendant to ensure a more informed, more just decision.

Presentence reports vary in length and content from one jurisdiction to another

Despite efforts of federal and state authorities to standardize the presentence report format,³ variations still exist. In one county a presentence investigation may consist of a record check and a brief interview with the defendant whereas in another county, the investigating officer may contact a number of victims, witnesses, officers, and family members. There does not seem to be any evidence, though, that longer is better. A short presentence report may serve the needs of a judge in one county just as adequately as a longer report does for a judge in another.

The presentence report is an important document in the sentencing process.

Studies show a high rate of agreement between the recommendations of probation officers and the sentences meted out by judges.⁴ This suggests that sometimes probation officers serve in a quasi-judicial role.⁵

These findings place an even greater responsibility on probation officers to verify the data in the presentence report. Otherwise, defendants may be sentenced on the basis of erroneous information.

Ohio common pleas judges preside over felony cases

Number	— Ohio has 210 judges of the Common Pleas Courts of General Jurisdiction.
Selection	— Judges are nominated by partisan primary and run on a separate non-partisan judicial ballot.
Tenure	— Common Pleas Court judges are elected for six years.
Qualifications	— A judge of the Common Pleas Court must be admitted to practice law in Ohio and must have engaged in the practice of law in Ohio for a total of at least six years preceding appointment or commencement of the term.

Source: Adapted from the *Ohio Courts Summary, Supreme Court of Ohio, 1984.*

Judges may sentence offenders to concurrent or consecutive terms

Defendants who stand convicted of two or more offenses may find that the sentencing judge has permitted them to serve the prison terms at the same time so that they will not have to serve as long before being eligible for release.

On the other hand, due to either the gravity of the charges or their extensive prior records, some offenders have their sentences "stacked." In cases like these, the offenders must serve the minimum term of the first sentence, then the second, and so on. The result is a longer prison term since the convict must sequentially serve all minimum sentences before being considered for release.

Ohio judges have a code of professional conduct

CANON 1	— A Judge should uphold the integrity and independence of the judiciary.
CANON 2	— A Judge should avoid impropriety and the appearance of impropriety in all his activities.
CANON 3	— A Judge should perform the duties of his office impartially and diligently.
CANON 4	— A Judge may engage in activities to improve the law, the legal system, and the administration of justice.
CANON 5	— A Judge should regulate his extra-judicial activities to minimize the risk of conflict with his judicial duties.
CANON 6	— A Judge should regularly file financial disclosure statements required by statutes and reports of compensation received for quasi-judicial and extra-judicial activities.
CANON 7	— A Judge should refrain from political activity inappropriate to his judicial office.

Source: *Page's Ohio Revised Code Annotated, Title 19, 1982.*

Probation permits convicted offenders to remain in the community

Probation is a popular alternative to confinement

Probation is the freedom granted by a judge to a convicted offender, on the condition the offender abides by certain rules. Probation, often confused with parole, differs from the latter in that it is a conditional release granted by a judicial officer. Parole, in contrast, is a release from a penal institution granted by correctional authorities.

For judges who have a limited number of sentencing options at their disposal, probation serves several functions. It allows the state to maintain a certain degree of control over the offender while permitting the offender to promote his own personal and social stability. It also helps keep prison and jail populations from growing to unmanageable sizes.

Judges have few guidelines which control their discretion in granting probation. One requirement, however, is that they consider the risk that the offender will commit another offense.

Persons convicted of certain crimes cannot be placed on probation

Those convicted of aggravated murder or murder are ineligible for probation. Others prohibited by Ohio law from receiving probation include, among others, repeat and dangerous offenders, those convicted of rape, and those committing crimes with firearms or dangerous or explosive-type weapons.

Probation places many restrictions on the offender

The offender on probation must abide by the conditions set forth by the court and by the probation officer. Standard rules prohibit probationers from breaking the law, changing addresses or traveling out of state without permission, or owning or possessing firearms. Other conditions might require the probationer to ask the probation officer before getting married or buying a motor vehicle. Less common are conditions such as compulsory church attendance or daily reporting to the probation officer.

One chance at probation may well be all offenders get

For those who violate their probationary conditions the consequences can range from mild to severe. There are times when the sentencing judge chooses to give the offender yet another chance, and simply decides to continue or extend the term of proba-

tion. Quite often, however, judges feel that one chance is sufficient, and that those who violate probation must suffer the consequences. In these cases, the judge revokes the probation and reinstates the suspended sentence.

Outcomes of terminated probations	Number	Percent
Expired/received final release	1,886	79%
Classified as probation violators at large	201	8
Returned to prison due to rule violation	120	5
Returned to prison due to new offense	182	8
Total	2,389	100%

Source: Probation case outcome statistics for fiscal year 1985, Ohio Department of Rehabilitation and Correction.

Shock probation jolts offenders with a short stay in prison followed by probation

In 1965 Ohio became the first state to enact a shock probation law. The law enables judges to give young or non-serious offenders a taste of prison life without subjecting them to the more damaging effects of long-term confinement.⁶ A defendant convicted of a non-aggravated felony who has served at least 30 days but no more than 60 days may file a motion for shock probation.

The defendant who gets "shocked" then must abide by conditions and maintain law-abiding behavior as do those who receive regular probation.

In 1983 Ohio enacted a "super shock" probation law. Under this law, a defendant convicted of an aggravated felony may file a motion to be placed on probation after he has served six months in prison. He must, of course, be otherwise eligible for probation before it can be granted.

Institution type	Offenders who were: Granted shock probation		Returned due to violation of shock probation	
	Number	Percent	Number	Percent
Penitentiary	406	28%	11	6%
Reformatory	934	65	152	84
Women's institution	87	6	19	10
Total	1,427	99%	182	100%

Source: Statistical Summary for Fiscal Year 1985, Ohio Department of Rehabilitation and Correction.

Notes

1. Canon 2, Code of Professional Responsibility.
2. *Brady v. United States* (1970).
3. Publications 103 and 104, Administrative Offices of the U.S. Courts, U.S. Government Printing Office.
4. Robert M. Carter and Leslie T. Wilkins, "Some Factors in Sentencing Policy," *Journal of Criminal Law, Criminology and Police Science* 58(4) (December 1967):503-514.
5. Eugene Czajkoski, "Exposing the Quasi-Judicial Role of the Probation Officer," *Federal Probation* 37(3) (September 1973): 9-13.
6. Gerald D. Robin, *Introduction to the Criminal Justice System* (New York, NY: Harper & Row, 1980). p. 424.

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An overview of Ohio's correctional system

Brian E. Simms
Governor's Office of
Criminal Justice Services

Chapter VIII focuses on the large-scale operations needed to incarcerate criminals in Ohio, and addresses such critical questions as:

How many people are in Ohio's prisons and jails? How do prisons, jails, workhouses, and lockups differ? What kind of prisoners are housed in each?

Who are Ohio's prisoners?

How many prisoners are on death row?

Do prisoners usually serve their full sentences? How are sentences affected by pardons, paroles, furloughs, and good time credit? Are more paroles being given now than in the past?

What is the extent of prison crowding in Ohio? What kinds of problems does crowding cause? Will crowding be eased in the near future? What are the State's plans for dealing with it?

Are there alternatives to prison for some offenders?

Chapter VIII was reviewed by Richard P. Seiter, Director of the Ohio Department of Rehabilitation and Correction; C. Ronald Huff, Associate Professor of Public Administration, The Ohio State University; and Simon Dinitz, Professor of Sociology, at The Ohio State University.

Ohio has a wide variety of correctional facilities

Ohio has the 5th largest prison population in the United States

In January 1987, the Ohio prison population reached 22,175. As one of the nine states with prison populations over 15,000, Ohio is exceeded in total prisoner population only by California, Texas, New York, and Florida. These states, including Ohio, account for 37% of the total number of offenders confined in U.S. correctional facilities.

Where are Ohio's offenders confined?

- **Lock-ups** are temporary holding facilities generally found in police stations or precincts. They hold offenders less than 48 hours.

- **Jails** may be used to confine criminal offenders for 48 hours or longer. They may also hold individuals awaiting trials, awaiting transfers to prison, or serving short sentences. Most jails are county facilities operated by county sheriffs. In 1984, the average daily population for all 88 county jails was approximately 6,000.

- **Workhouses** are similar to jails in that they can hold offenders serving short-term sentences (less than one year). These facilities can be operated by a city or county.

- **State prisons** house inmates serving sentences of one year or longer. In Ohio, prisons are typically designated as either reformatories or penitentiaries. Reformatories imprison 18 to 30 year-old offenders. Penitentiaries are more secure and are intended for older and repeat offenders.

Prisons differ by their security ratings

Prisons are classified by the degree of security needed to house inmates securely and safely. Most state correctional systems and the Federal Bureau of Prisons use the classification levels of maximum/close, medium, and minimum. Prisons may also be classified by the degree of internal security they provide.

- **Maximum/close security** prisons have double fences or massive stone walls enclosing the facility. Correctional officers watch the prison

Ohio has 13 major state correctional facilities

Correctional facility	Sex of inmates	Security level	Current population	Design capacity
Chillicothe Correctional Institute (penitentiary)	Male	Medium	2,750*	1,710
Hocking Correctional Facility (penitentiary)	Male	Medium	325	205
Lebanon Correctional Institution (reformatory)	Male	Close/minimum	2,223	1,418
Lima Correctional Institution (penitentiary)	Male	Medium	1,732	850
London Correctional Institution (penitentiary)	Male	Medium	2,246	1,595
Marion Correctional Institution (penitentiary)	Male	Close	2,145	1,538
Ohio Reformatory for Women (penitentiary)	Female	Maximum/minimum	1,153*	925
Ohio State Reformatory (reformatory)	Male	Maximum/minimum	2,697*	1,126
Orient Correctional Institution (penitentiary)	Male	Medium	2,141	860
Pickaway Correctional Institution (penitentiary)	Male	Medium/minimum	1,017	625
Ross Correctional Camp (penitentiary)	Male	Medium/minimum	174	250
Southeastern Correctional Institution (reformatory)	Male	Medium/minimum	1,185	825
Southern Ohio Correctional Facility (penitentiary)	Male	Maximum	2,387	1,645
Totals			22,175	13,572

*includes reception center inmates

Source: Correctional facility statistics for 1987, Ohio Department of Rehabilitation and Correction.

grounds from guard towers. Within the prison, inmate movement and freedom is restricted by correctional officers and by electronic securing devices. The Southern Ohio Correctional Facility near Lucasville is one of Ohio's maximum security prisons.

- **Medium security** prisons differ from maximum security prisons in that their perimeter security is less extensive. Inside the prison, inmates have more freedom of movement. Ohio has eight medium security institutions.

- **Minimum security** prisons have a perimeter security system less secure than the other two, most likely a single fence. Inmates inside have greater freedom of movement as they go to educational or job-related activities. Currently, Ohio has no prison classified totally under minimum security; however, the Ohio Reformatory for Women and five male facilities contain areas designated as minimum security.

Who is doing time?

Most prisoners are less than 35 years of age

Slightly more than one-third (32%) of the inmates in Ohio's prisons are between 18 and 25 years of age. In contrast, less than one-fourth (24%) are over 35 years of age. According to current figures, most (67%) criminal offenders in the U.S. are between the ages of 15 and 29. The Ohio prison population is no exception.

Women represent a small portion of Ohio's prison population

With female inmates representing only 5% (1,054) of the 19,834 prisoners held in the Ohio correctional system (1985), the male to female prisoner ratio is 19 to 1. Likewise, women inmates make up only 23,091 (5%) of the total 480,510 inmates confined in U.S. correctional facilities.

Blacks in the prison population

Although they represent only 10% of Ohio's population, blacks comprise 48% of the total prison population. In 1985, 43% of the 10,000 offenders sent to Ohio prisons were black.

In 1985, 54% of the offenders placed in correctional confinement were from the five most populous counties

Ohio's prison system received 10,000 offenders in 1985. The counties that represent Ohio's major urban areas—Cuyahoga, Franklin, Hamilton, Montgomery, and Summit—accounted for 54% of these inmates. Cuyahoga County's 1,967 prison commitments represented 20% of the total intake for the Ohio prison system. Hamilton and Franklin counties placed 1,189 and 1,094 offenders, respectively, in

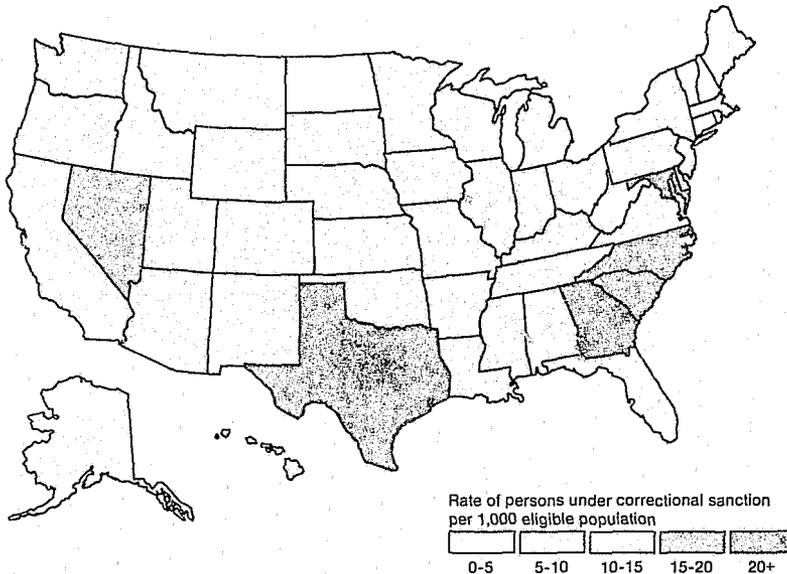
and 1,094 offenders, respectively, in state correctional confinement in 1985. The other two counties, Montgomery and Summit, together sent 1,186 offenders to state prisons. In contrast, Noble County sent the fewest number of offenders (1) to prison in 1985.

What types of offenses have prisoners committed?

Offenses for which men and women are confined differ substantially. This is due to the types of offenses that each sex typically commits. Males tend to commit crimes of aggression, while females traditionally commit crimes that are less aggressive. In Ohio, 54% of the males in prison are serving sentences for the following crimes: robbery-20%; burglary-12%; murder-11%; rape-7%; and breaking and entering-4%.

The female offenders are confined for quite different offenses. More women (16%) go to prison for grand theft than for any other offense. Women sentenced for forgery and voluntary manslaughter make up 11% and 6%, respectively, of the total female prison population.

For every 1,000 Ohioans, five to ten individuals are under some form of correctional sanction



Source: Report to the Nation on Crime and Justice: The Data, Bureau of Justice Statistics, 1983.

No Ohioan has been executed since 1963

Death row inmates account for less than 1% of the total prison population

Currently, Ohio has 69 inmates serving sentences for capital crimes. While awaiting execution, these inmates are segregated from the general prison population. In addition, they spend most of their day within their cells. With the exception of women, all death row inmates serve their sentences at the Southern Ohio Correctional Facility.

Ohio has carried out 343 executions

From 1885 to 1896, 28 men were hanged for their crimes. Prior to 1885, executions were carried out in the county where the crime occurred.

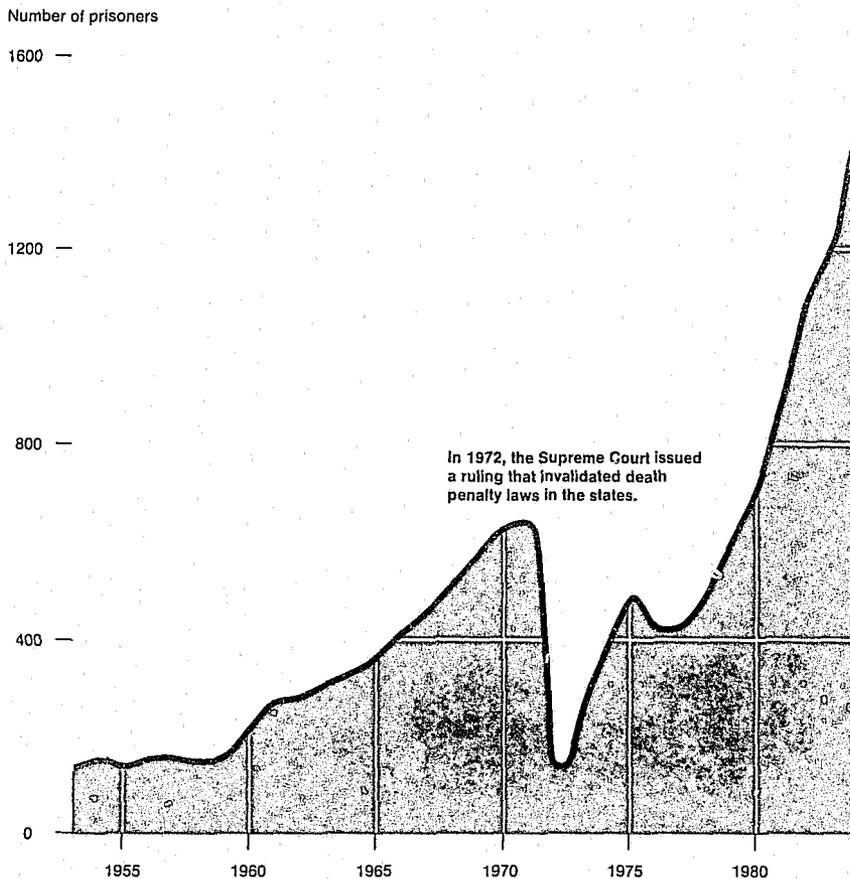
On April 21, 1897, William Haas became the first person to be executed in Ohio's electric chair. Since then, 314 other persons have met the same fate. Of these inmates, 99% were male, 61% were white, and 63% were under 30 years of age. Ohio's last execution took place on March 15, 1963.

Although the U.S. Supreme Court reinstated the use of capital punishment in 1972, the Ohio General Assembly did not reenact the sanction until 1981. A total of 50 inmates have been executed nationwide since the Supreme Court decision. Yet in Ohio, like many other states, a lengthy judicial appeals process has prevented executions from being carried out.

Southern states continue to execute a disproportionately large number of offenders

State	Number executed	
	Since 1930	Since 1977
U.S. total	3,909	50
Georgia	372	6
New York	329	
Texas	307	10
California	292	
North Carolina	265	2
Florida	183	13
Ohio	172	
South Carolina	163	1
Mississippi	155	1
Pennsylvania	152	
Louisiana	140	7
Alabama	136	1
Arkansas	118	
Kentucky	103	
Virginia	96	4
Tennessee	93	
Illinois	90	
New Jersey	74	
Maryland	68	
Missouri	62	
Oklahoma	60	
Washington	47	
Colorado	47	
Indiana	43	2
West Virginia	40	
District of Columbia	40	
Arizona	38	
Federal system	33	
Nevada	31	2
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Kansas	15	
Utah	14	1
Delaware	12	
New Mexico	8	
Wyoming	7	
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

Nationally, the number of prisoners on death row has increased dramatically since 1977



Sources: Report to the Nation on Crime and Justice: The Data, BJS, 1983; and Capital Punishment 1984, BJS, Aug., 1985.

Source: Capital Punishment, 1985, BJS, 1986.

Many factors affect the amount of time an inmate serves

Release of offenders from prison prior to the expiration of sentence occurs as the result of correctional, judicial, gubernatorial, or parole authority decisions or policies.

- **Parole** is the release of a prisoner by the state parole board. Prior to release, a parole hearing is held to determine the risk to society and the chance that the inmate will commit further crimes. Upon return to the community, the offender is supervised by a parole officer who enforces the conditions of release established by the parole board. In 1986, 3,797 male inmates were granted parole from Ohio penitentiaries and reformatories. Fifty women were granted parole from the Ohio Reformatory for Women.

- **Shock parole** may be awarded to an offender provided that he: (1) has not served more than six months of his sentence; (2) is not serving a sentence for a crime of violence; (3) will benefit from release; (4) is not likely to commit another offense; and (5) has not been convicted of a felony nor served a previous sentence of more than 29 days. The intention is to give the offender a taste of confinement. Ohio was the first state to implement shock parole (1974). A total of 549 prisoners were granted shock parole during 1986.

- **Pardon and commutation of sentence** are options the Governor may exercise to release an inmate. Traditionally, this power is used only when inmates are unjustly imprisoned or when other extraordinary circumstances warrant their release. Although the Adult Parole Board makes recommendations, the ultimate decision rests with the Governor.

- **Good time credit** is awarded to inmates for good behavior or achievement. This allows inmates to serve less time before their first parole hearing. It does not, however, guarantee their release on parole. Good time credit in Ohio is awarded through the Department of Rehabilitation and Correction. The amount of good time inmates earn depends on whether

they are serving time in a reformatory or penitentiary. Inmates doing time in reformatories can earn up to 12 days per month, as compared to the eight days per month penitentiary inmates can receive.

- **Furlough** allows inmates to be released for work or education in the community. Time served, security status, and type of offense are among the factors that influence furlough decisions made by the State Parole Board of the Department of Rehabilitation and Correction.

Why are Ohio prisoners not being paroled rapidly?

The proportion, as well as the number, of offenders receiving parole has declined since 1983. One reason is that under Ohio's new sentencing law, some offenders are being sentenced to fixed terms, and as such, are not considered for parole. In addition, the

new sentencing law changed the way good time credit is calculated, resulting in slightly longer stints before inmates get an initial parole hearing. It may also be that the parole board is now less apt to award parole, perhaps due to public pressure and a general "get tough" attitude toward criminals.

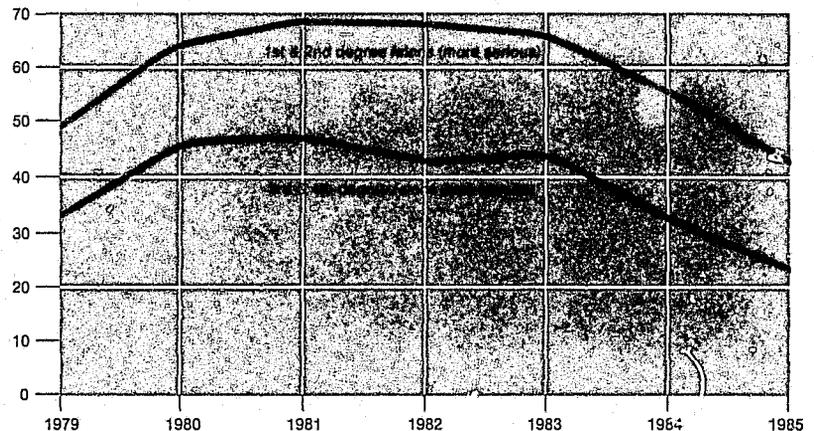
Few prisoners are pardoned

	Number of prisoners requesting:		
	Commu- tations	Par- dons	Reprieves
Total requested	225	50	14
Recommended	28	3	0
Not recommended	197	47	14

Source: Inmate release statistics for 1985, Ohio Department of Rehabilitation and Correction.

Fewer offenders are being paroled at their first hearings

Percent of prisoners awarded release at first parole hearing



Source: Ohio Adult Parole Authority, Parole Board Monthly Report, Ohio Department of Rehabilitation and Correction, 1979-1984.

Prison crowding is a major problem

Ohio's prison system operates at 61% over design capacity

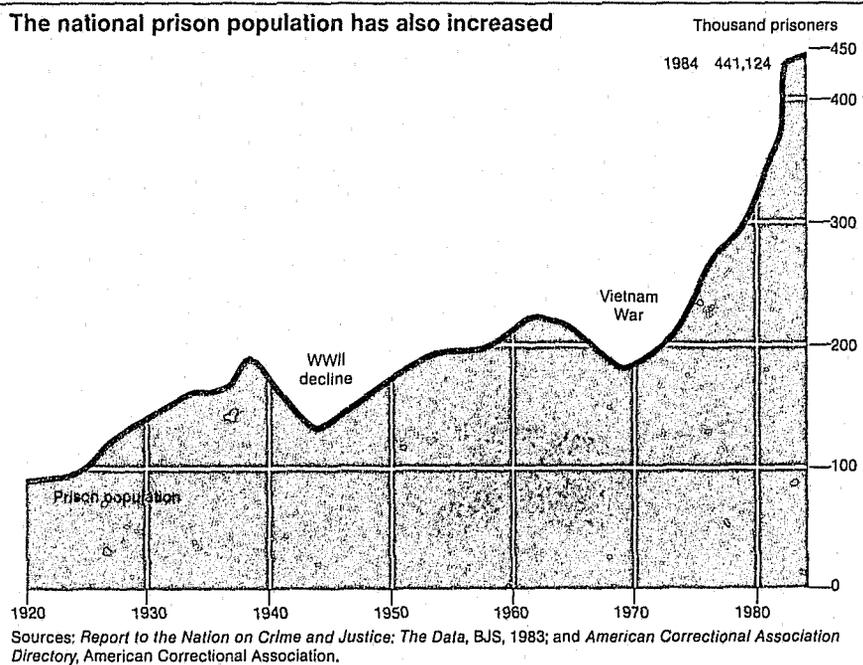
Throughout the U.S. from 1983 to 1985, state and federal prisons experienced a net gain of 33,074 convicted offenders. Most of these correctional facilities held more prisoners than they were designed to accommodate in a safe and humane manner. The majority of state and federal prisons operate at 110% of design capacity. The Ohio prison system, designed for 13,572 inmates, confined 22,175 prisoners in 1987.

Many factors contribute to the prison crowding problem

- Stricter sentencing laws are responsible for sending more offenders to prison for longer periods of time. In 1982, the Ohio Legislature enacted Senate Bill 199. This new law established aggravated felony levels with longer sentences, increased sentences for existing felony levels, reduced judicial discretion in sentencing, and imposed a mandatory three-year penalty for using a firearm in the commission of a crime.

- The granting of furlough, parole, and shock parole has declined in

The national prison population has also increased



recent years. This has resulted in more inmates serving their sentences in prison rather than under supervision in the community.

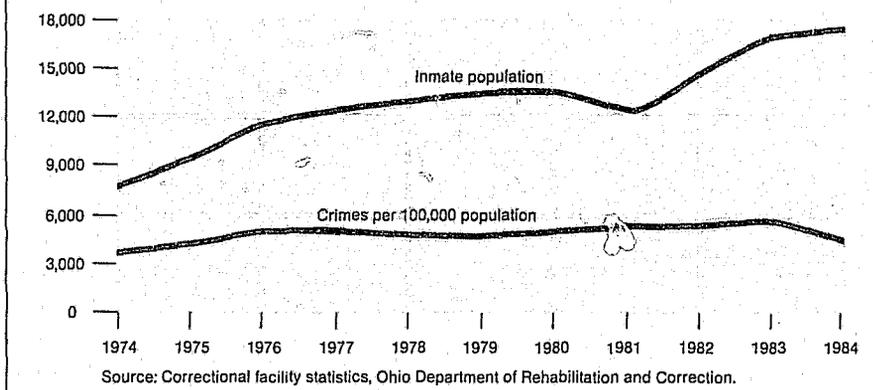
- In recent years, the level of crime has declined slightly, yet Ohio's prison

population continues to grow. This is due to the postwar baby boom generation passing through the high confinement ages (mid-twenties). Current research suggests that this nationwide trend will continue into the 1990's.

- A "get tough" attitude held by the public has prompted legislators, prosecutors, and judges to react toward criminals by imposing stiffer sentences. Citizen attitude surveys show that crime is a major public concern.

- The costs incurred for prison construction have discouraged many states from expanding their correctional systems. A single cell may cost from \$25,000 to \$125,000 to build. In addition, a recent economic analysis determined that it currently would cost \$30 million to build a 500-bed prison. In 30 years, the same facility will cost the taxpayers a total of \$350 million. Today, most states are being forced to expand their correctional systems and to replace antiquated facilities.

Although the crime rate has been relatively stable since 1974, Ohio's prison population has increased 230%

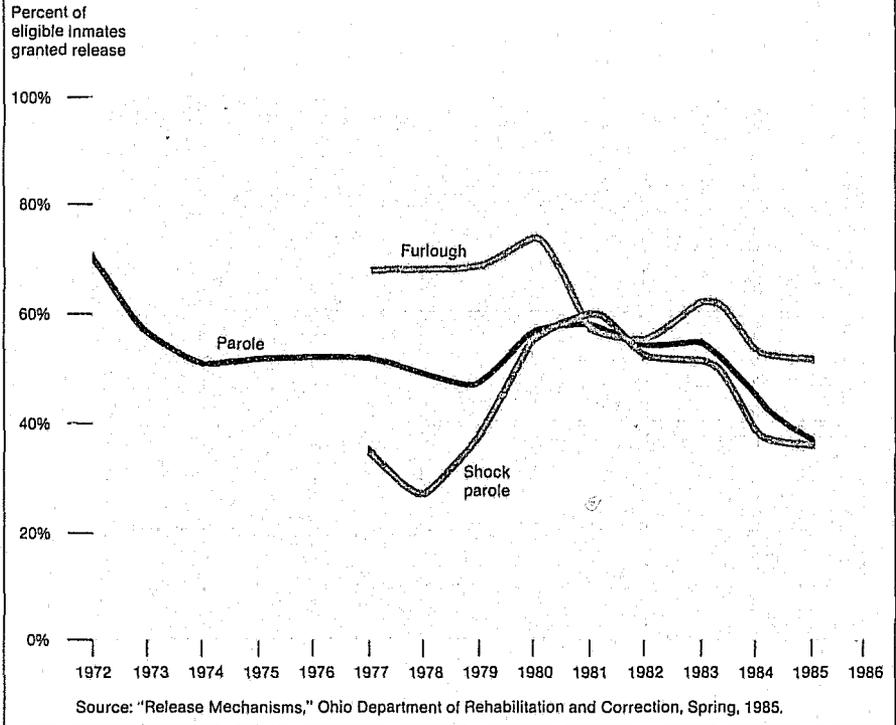


Prison crowding has serious consequences

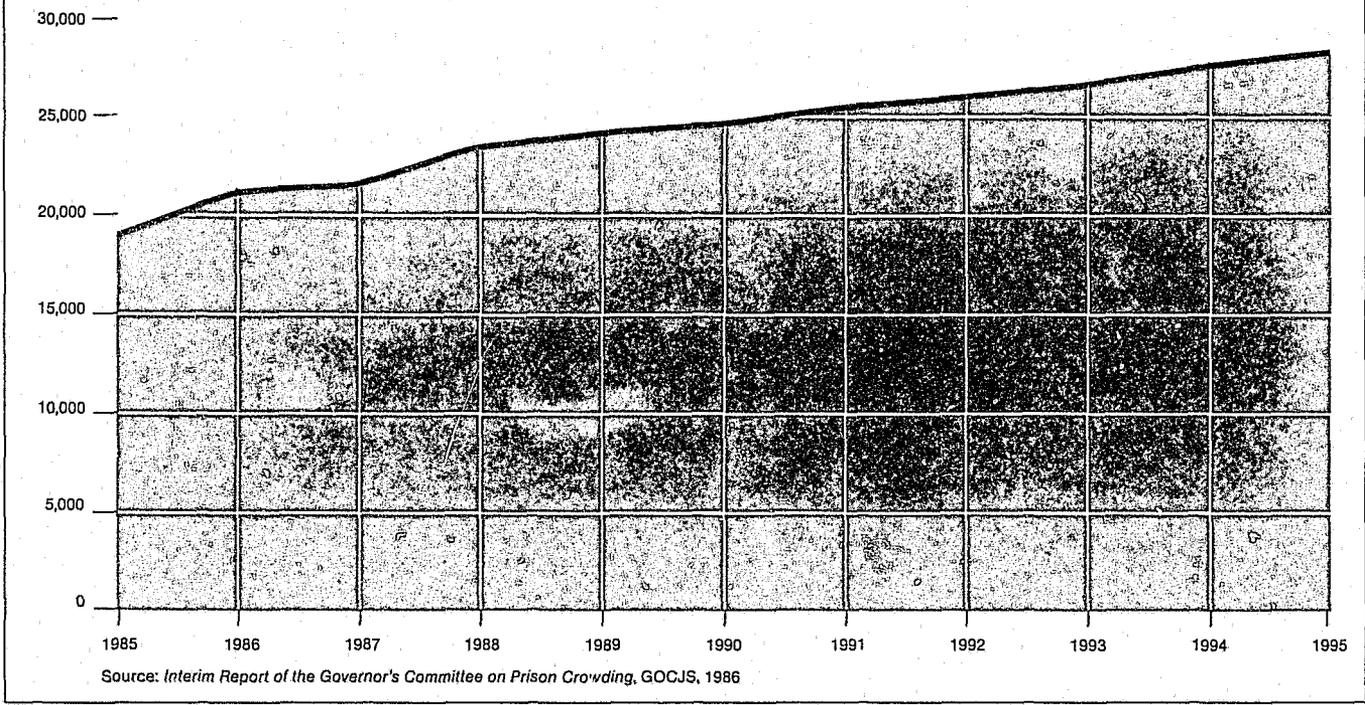
Crowded prison conditions can incite disruptive inmate behaviors ranging from minor rule infractions to serious violence. Research has shown that the transmission of disease, illness complaints, and psychological problems are all made worse by crowded conditions.

For Ohio, the major problem has been the gradual deterioration of correctional facilities due to crowded conditions. Water treatment and sewage systems are strained. The feeding of large prison populations becomes an all-day process due to inadequate dining facilities. Inmates have limited recreational space since all available room must be converted to temporary housing for new prisoners. In addition, other rehabilitative programs such as alcohol/drug treatment, educational courses, and social services are overburdened by prisoner needs. Finally, prison crowding has promoted stress among correctional staff.

Since 1981, the use of many prison release methods has declined



During the next 10 years, Ohio's prison population will increase dramatically



Ohio is taking action to reduce prison crowding

Ohio plans to build 14 new correctional facilities by 1988

<u>Correctional facility</u>	<u>Design capacity</u>	<u>Scheduled completion date</u>
Ross Correctional Camp	250 (completed)	June, 1985
Dayton Correctional Institution	500	January, 1987
Ross Correctional Institution	1,000	January, 1987
Allen Correctional Institution	500	June, 1987
Madison Correctional Institution	1,000	June, 1987
Orient Reception Center	900	June, 1987
Northeast Ohio Pre-Release Center	350	July, 1987
Franklin County Pre-Release Center	250	August, 1987
Grafton Correctional Institution	500	October, 1987
Warren Correctional Institution	750	November, 1987
Lorain Correctional Institution	750	February, 1988
Lucas County Pre-Release Center	200	April, 1988
Hamilton County Pre-Release Center	350	July, 1988
Cleveland Correctional Institution	500	October, 1988
Totals	7,800	

Source: Correctional facility statistics, Ohio Department of Rehabilitation and Correction, 1985.

Ohio has implemented two measures to reduce overcrowding

• One method adopted by Ohio to ease prison crowding is prison construction. In 1983, the Ohio General Assembly appropriated \$540 million for the construction of six new facilities and additions to several existing facilities. Four pre-release centers and one reception center are also planned. This will bring the total design capacity of Ohio's prison system to 21,071.

• In August of 1984, Governor Richard F. Celeste appointed the bipartisan Governor's Committee on Prison Crowding. The committee was charged with examining Ohio's prison crowding problem and recommending strategies for its solution. Committee members represent all areas of the criminal justice system: law enforcement, courts, and corrections. Nationwide, there are 24 states with similar committees.

In January of 1986, the Governor's Committee on Prison Crowding presented several recommendations to safely reduce Ohio's prison population

• **Community-based punishment.** The committee proposed that some nonviolent offenders could serve their sentences in local correctional facilities or in community treatment programs. Yet, state funds would pay for such local community efforts.

• **Prison management options.** Good time credit and furlough were identified as tools to reduce prison crowding. For example, inmates who participated in educational or rehabilitative programs could earn additional good time credit.

• **Sentencing law revision.** The committee proposed the elimination of mandatory sentences for some crimes. This would allow more judicial discretion in the sentencing process. However, such sentences would be subject to appellate review.

• **Prison construction.** To accommodate Ohio's future prison population, the committee recommended the construction of more prisons if its other recommendations were not implemented.

Alternatives to locking up offenders

What is community corrections?

Community correctional programs permit offenders to serve their sentences in the community while under some type of supervision. Offenders have regular contact with the community for at least part of the day. Supervision can range from periodic phone calls by the offender to his supervisor to constant supervision of offenders by correctional staff.

Community corrections may be imposed by either the judiciary or correctional officials. For example, the sentencing judge may order the defendant to enter a treatment program or serve a period on probation. If sentenced to prison, the offender may later be released to a halfway house or community treatment center. These criminal justice officials generally base their decisions on the needs of the offender and of society, as well as on program availability and effectiveness.

Ohio has a variety of community correction programs

- **Community service programs** give offenders a chance to participate in a variety of community service activities in lieu of a prison sentence. Activ-

How much do community correction programs cost?

Community program	Cost per day for one offender	Cost per year for one offender
Probation	\$ 1.59	\$ 579
Community service	\$ 1.65	602
Intensive supervision	\$ 3.92	\$ 1,429
Work release	\$ 6.89	\$ 2,515
Substance abuse	\$11.79	\$ 4,302
Halfway house	\$25.00	\$ 9,125
State prison	\$27.50	\$10,038
Monday program	\$54.00	\$19,710

Source: Community correctional financial statistics for 1985, Ohio Department of Rehabilitation and Correction.

ities range from participating in community improvement projects to providing assistance to the elderly.

- **Halfway houses** are a major part of Ohio's community corrections system. Ohio's 18 halfway houses can accommodate a total of 767 offenders. Services available to inmates in these facilities include drug and alcohol programs, as well as career counseling.

- **Intensive supervision** diverts nonviolent felons from prison while maintaining community safety. During this time, staff members assess inmate needs (e.g., alcohol counseling) and develop individualized treatment plans.

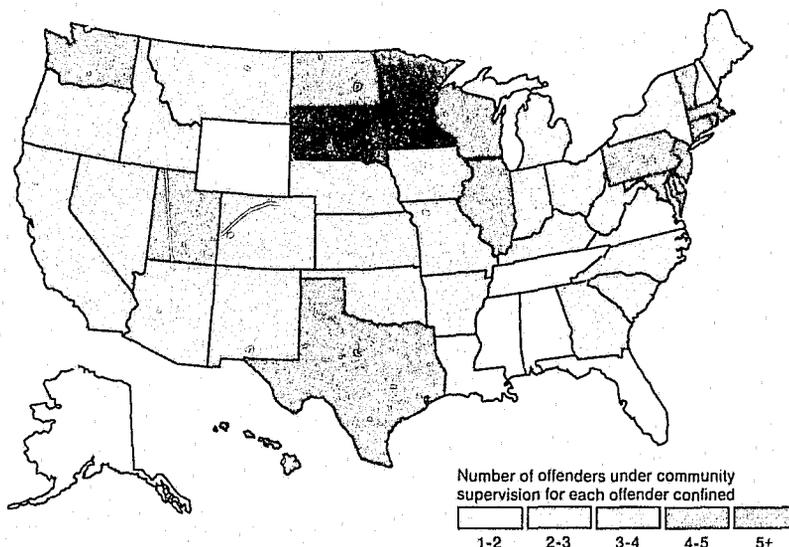
- **"Monday"** is a local community corrections facility maintained by the Montgomery County Court of Common Pleas. Once an offender is sentenced, he may be accepted by the Monday Program in which he will serve a split sentence of incarceration and probation. The Monday Program can accommodate 80 men and women.

- **Probation** allows a judge to suspend the imposition of imprisonment and, instead, place the offender under the supervision of a probation officer. If the offender does not abide by the probationary conditions, he or she may be sent to prison.

- **Substance abuse programs** allow offenders to deal with their drug dependency in the community rather than in prison. Individual counseling and group therapy are typically offered to the offender.

- **Work release programs** give offenders a chance to work in the community while serving their sentences in a county jail or a similar local facility. This improves an offender's employment potential after serving his sentence.

Two out of three persons under correctional sanction in Ohio are being supervised in community



Source: Report to the Nation on Crime and Justice: The Data, BJS, 1983.

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Chapter IX

Juvenile justice in Ohio

Robert G. Swisher
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This chapter deals with crime and justice as they affect Ohio's citizens under 18 years of age, and answers questions such as:

How and why are juvenile offenders treated differently from adults? What are the roles played by the juvenile courts?

What kind of cases come before the juvenile courts? Who are the juvenile offenders?

What are the procedures for handling juvenile court cases?

Is sentencing different for juveniles than for adults? Can youths be tried as adults for serious crimes?

What are the court's alternatives when sentencing a juvenile? When are juveniles locked up?

This chapter was critiqued by J. Thomas Mullen, Director of the Ohio Department of Youth Services; Donna Hamparian, Director of Ohio's Serious Juvenile Offender Project, Federation for Community Planning; C. Ronald Huff, Associate Professor of Public Administration, The Ohio State University; Joseph White, President, The Academy, Inc; and Gerald E. Radcliffe, Judge, Ross County Court of Common Pleas, Juvenile Division. Invaluable contributions were made by the Ohio Department of Youth Services.

For what offenses are juveniles arrested?

Most juvenile arrests are for less serious offenses

Sixty-seven percent of the juvenile arrests in 1985 were for less serious offenses, ranging from being a run-away and violating curfew, to less serious assaults. Three percent of the arrests were for violent offenses including murder, manslaughter, forcible rape, robbery, arson, and aggravated assault. The remaining 30% were for serious property offenses, including burglary, breaking and entering, larceny, theft, and motor vehicle theft.

Offense type	Juveniles arrested in 1985	Percent of arrests
Violent offenses	1,609	3%
Serious property offenses	17,182	30
Other offenses	38,057	67
Total	56,848	100

Source: *Crime in the United States*, Federal Bureau of Investigation, 1986.

Juveniles arrested for serious property and violent crimes tend to be males from large urban counties who are 16 or 17 years of age

In 1980, the large urban counties, which included 51% of the state's juvenile population, accounted for 62% of the juvenile arrests for

serious property crimes and 75% of the juvenile arrests for violent crimes. In both offense categories, the overwhelming majority of those arrested were males. Older juveniles account for the more serious crimes; 61% of juveniles arrested for violent offenses were 16 or 17 years old.

Juvenile characteristics	Percent of youths arrested in 1980 for:	
	Violent offenses	Serious property offenses
County of residence*		
Large urban	75%	62%
Small urban	20	27
Rural	5	11
Gender		
Male	90%	82%
Female	10	18
Age		
Under 11 years old	2%	4%
11-12	5	9
13-14	16	22
15	16	19
16	27	22
17	34	24
Race		
White	54%	74%
Non-white	46	26

*Large urban counties includes Cuyahoga, Franklin, Hamilton, Lucas, Montgomery, and Summit. Small urban counties are the 33 counties within Standard Metropolitan Statistical Areas. Rural counties are the 49 counties not in Standard Metropolitan Statistical Areas.

Source: Joseph M. Davis and Donna Hamparian, *Serious Juvenile Crime in Ohio: 1981 and Past Trends*, Federation for Community Planning, 1983.

The juvenile justice system differs considerably from the adult system

Juvenile courts are specialized to handle the unique nature and volume of juvenile cases

The juvenile court system is a specialized court system. As a separate division of the common pleas court, it has exclusive jurisdiction for all complaints concerning children under 18 years of age. In 81 of Ohio's counties, the juvenile division is combined with either the probate or domestic relations divisions of the courts of common pleas. In Cuyahoga, Hamilton, Lake, Lucas, Mahoning, Montgomery, and Summit counties it is a separate division of the court of common pleas.

Calendar year	Cases filed in Ohio juvenile courts
1980	213,140
1981	202,835
1982	190,431
1983	185,551
1984	186,690
1985	203,909

Source: *Ohio Courts Summary*, The Supreme Court of Ohio, 1980-85.

The juvenile court and a separate process for handling juveniles resulted from reform movements of the late 19th century

The first juvenile court was based on the English law concept of *parens patriae*, or the belief the court should fulfill the role of parent to the child, and the belief that juveniles needed protection and treatment rather than punishment. The juvenile court was created as a means of avoiding the stigma normally associated with criminal proceedings.

The reform movement began in this country as early as 1857, when provision was made in Ohio for committing children who were unruly or had committed crimes to houses of refuge rather than to prisons. The modern movement began with a juvenile court in Chicago, Illinois in 1899. Ohio followed in 1902 by giving the Insolvency Court in Cleveland original jurisdiction of children under 16. By 1904, similar provisions had been made in eight other Ohio counties whose common pleas, insolvency, and superior courts were given jurisdiction to regulate the treatment and control of delinquent, neglected, and dependent children. All Ohio probate judges were first required to act as juvenile court judges in 1906.

Juvenile courts are established by the Ohio Legislature and only exercise the authority and jurisdiction expressly given by the Legislature. The present juvenile court act in Ohio was enacted in 1937. Since succeeding legislatures have amended the law, many of the options formerly afforded to juvenile courts have been either materially altered or obliterated altogether. This has been especially true in recent years as lawmakers have moved to balance the needs of juveniles and the need to protect society.

The juvenile courts hear a variety of cases

In addition to delinquency cases, or cases involving offenses which would be crimes if committed by an adult, the juvenile court accepts complaints concerning unruly children charged with "status offenses," or ones with which adults cannot be charged, such as home or school truancy, running away, or failure to submit to the control of their parents. These courts also hear cases in which juveniles are in violation of traffic laws, are abused or neglected, or are homeless or destitute due to the actions of the parent or guardian.

An additional type of case which the juvenile courts may hear involves juveniles who are alleged to be dependent—homeless or destitute—through no fault of their parent or guardian. Such a situation might occur after an automobile accident in which both parents are seriously injured, leaving no one to provide care for the child or children. In such instances, the court makes provisions for the temporary care of the children involved.

The largest number of complaints filed in juvenile courts are for offenses which constitute neither delinquency nor unruly charges

Of known petitions (complaints) filed in 1985, 29% (59,053) were for delinquency offenses, 9% (17,597) were for status offenses, and 62% (127,259) were for other causes (being dependent, neglected, or abused, or for traffic offenses).

Juvenile courts are very different from criminal courts

- Juvenile court proceedings are more informal and the court is empowered with wider discretion.
- The language used is less harsh than in adult courts. For example, juvenile courts accept "petitions" rather than criminal complaints, accept admissions or denials rather than guilty or not guilty pleas, conduct "hearings," not trials, "adjudicate" rather than find guilt, and order "dispositions" rather than sentence.
- Juveniles are protected by most, though not all, of the due process safeguards associated with adult criminal trials. The most conspicuous difference is lack of a right to trial by jury and the right to release on bail.

In addition to handling cases, juvenile courts also perform the executive role of providing social services to youth

Juvenile courts of Ohio provide initial case review, detention, and probation services. They also provide individual and group counseling, family counseling, education, and job training. The state and counties now share the funding for juvenile court services under a state subsidy plan approved by the juvenile judges, the board of county commissioners, and the Ohio Department of Youth Services.

The types and quality of services provided vary greatly from county to county based on the plan assembled by a citizens' advisory board, the judge and the commissioners of each county.

Juvenile court services are complemented by other state and local services

- For the youth and their families, juvenile courts use other state and locally provided services including medical, mental health, welfare, educational, and employment services.
- Local juvenile courts receive state funding through the "510 Subsidy Program" administered through the Ohio Department of Youth Services. This \$18,700,000 program (fiscal year 1986) provides a minimum of \$50,000 per year in less populated counties, to as much as \$2,400,000 in Cuyahoga County. The amount is allocated by legislative formula according to the population of the county.
- The Ohio Department of Youth Services also provides state institutional training and aftercare services for youth who are found to be delinquent for committing a felony level offense and who have been committed to the department for institutional training.
- Ohio receives approximately \$1,900,000 in federal funds for juvenile justice projects through the federal Juvenile Justice and Delinquency Prevention Act block grant program. These funds are administered by the Governor's Office of Criminal Justice Services and are distributed to counties around the state based on a juvenile population/crime rate formula.

Intake triggers a large number of decisions and options in the juvenile justice system

Arrest is only one of the ways cases are referred to juvenile courts

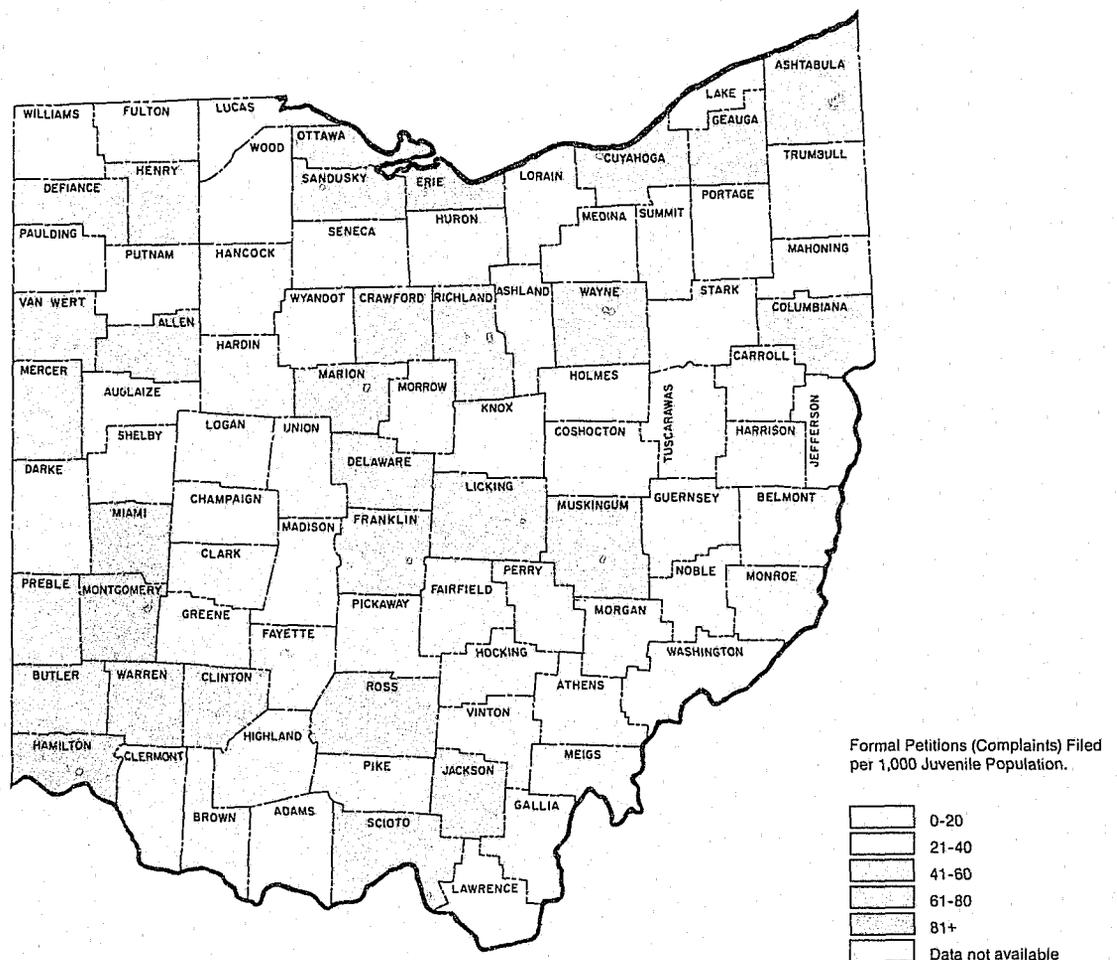
Cases are referred to the courts from a variety of sources, including law enforcement agencies. Many cases are referred by parents, schools, and social service agencies. A few are self-referrals—made by juveniles themselves. There were 70,605 charges known to have been filed in juvenile courts statewide in 1984 and 51,428 known juvenile arrests that year. It is possible, indeed quite common, for a particular juvenile to face more than one charge when he or she appears in court.

When juveniles are referred to juvenile courts, the cases are normally reviewed by intake officers

Intake officers in Ohio are employees of the local juvenile court. The role of the intake officer evolved out of the role of probation officers. In many smaller courts some staff members may serve in both roles. The intake officer reviews the case and interviews the juvenile, and, in some cases, the arresting officer, the parents, and/or the victim to determine whether to continue the case in court through the formal filing of a complaint. If a complaint is not filed, the

juvenile may be diverted to his or her family and/or a community program. Diversion directs the juvenile to treatment or supervision without going through the formal court process. It generally occurs in cases of minor offenses where it is determined that community safety is not endangered and that the best interests of the juvenile do not warrant formal court proceedings.

The rate at which juvenile petitions are filed varies from county to county



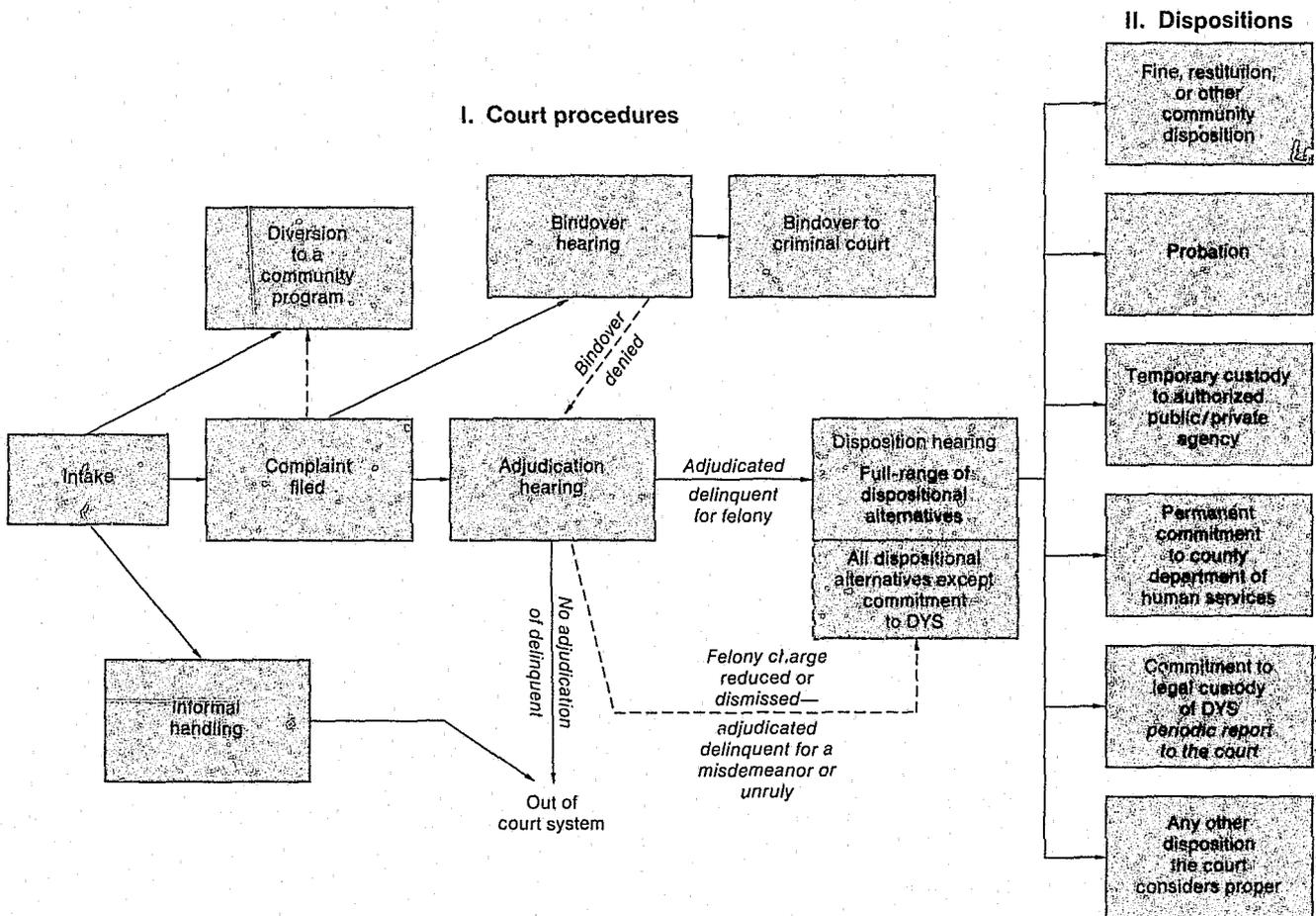
Source: Judith L. Pilotta, et al., *Project Maps: Ohio's Master Plan for Detention Homes and Rehabilitation Facilities for the Decade of the Eighties*, The Academy, Inc., 1985.

After the filing of a petition, the decision is made whether to detain the juvenile

Juvenile courts may order juveniles held in secure confinement pending case outcome if they are thought to be a threat to themselves or to the community, or if it is thought they are likely to run away or to be taken from the jurisdiction of the court.

In fact, the majority of juveniles who have petitions filed against them are not detained. Both state and federal laws favor the use of the least restrictive appropriate placement. Juveniles not detained may be simply released, or be placed in the custody of their parents or guardians (house arrest).

Ohio's justice system for delinquent juvenile offenders leads in many different directions.



Source: Donna Hamparian, Joseph Davis, and Associates, *Ohio's Justice System for Serious Juvenile Offenders: Implications of Am. Sub. H.B. 440*, Federation for Community Planning, March, 1982.

Juveniles detained must receive a detention hearing within 72 hours to determine if the detention is necessary and should continue.

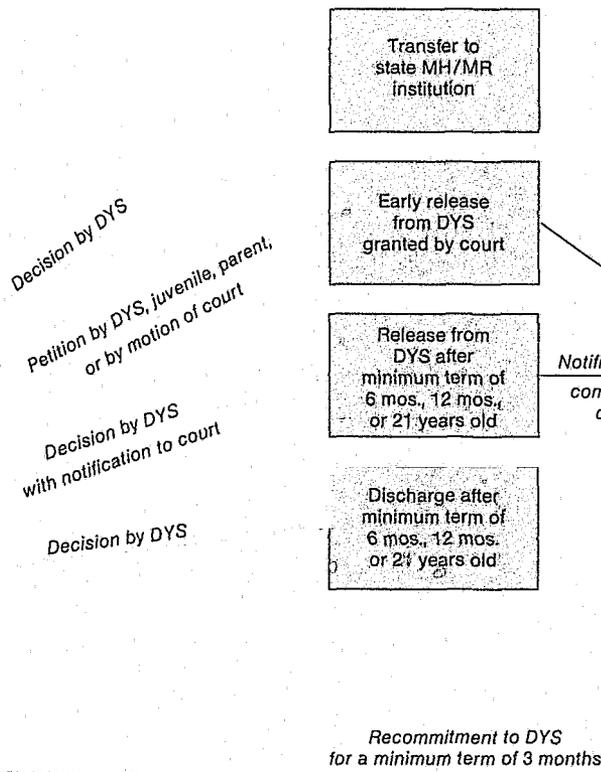
A study by The Academy, Inc., found Ohio's juvenile courts ordered a total of 29,962 juveniles to be held in detention in 1983. The number of juveniles confined ranged from two in Noble County to 4,789 in Hamilton County.

Reliable statewide data on the number of juveniles not detained are not available. However, in his 1986 study, "Home Detention As a Pre-Adjudicatory Alternative for Ohio's Juvenile Courts," Dr. Ronald Huff found that many juvenile courts utilize home detention and other forms of pre-hearing conditional release. He found the factors considered most important by courts using home detention were the seriousness of the alleged offense, the juvenile's prior record, and the home environment.

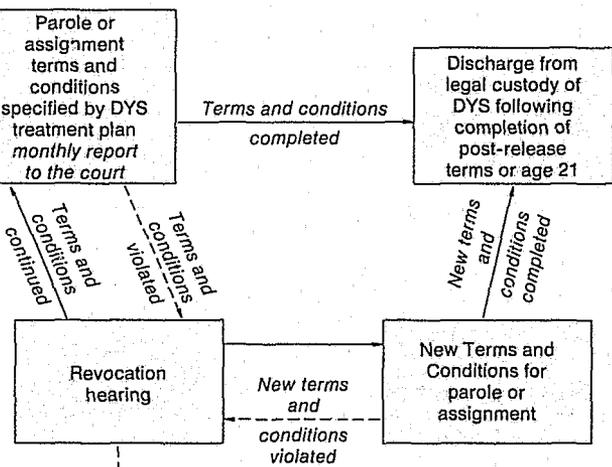
Juvenile courts may intervene on behalf of youth in cases involving neglect or abuse

The juvenile court can intervene to protect a youth who has been neglected or abused. The number of Ohio children taken into custody for being abused, neglected, or dependent has risen dramatically in recent years—from 17,230 in 1983 to 24,000 in 1985. The court may place the youth in the custody of county children's services' agencies, in a group home, or in a foster care home. The court can also order counseling for the youth's family.

III. Department of Youth Services



IV. Aftercare/revocation



Juvenile offenders face possible incarceration in local and state facilities

The juvenile court has a variety of dispositional options

Juvenile court cases are heard by juvenile court judges and, in some of the larger counties, by court-appointed referees. When a juvenile is found to have committed an offense the court may —

- admonish and release
- order court-supervised probation
- order house arrest in the youth's home
- order restitution in the form of monetary payments to the victim, community service, or direct service to the victim
- order placement in a community social service program (e.g. alcohol or drug abuse, mental health), sometimes involving group home or foster care placement
- order confinement in a local facility
- order the juvenile committed to the Ohio Department of Youth Services for confinement in a state training institution if the offense is a felony-level offense
- order any other disposition deemed reasonable by the court

Most juveniles ordered confined in local facilities are placed in juvenile facilities

Juveniles may be detained in either juvenile detention/rehabilitation centers or in adult jails. However, there are many restrictions governing the placement of juveniles in adult jails. According to Section 2151.312 of the Ohio Revised Code, "No child shall be placed in or committed to any prison, jail, lockup or any other place where he can come in contact or communication with any adult convicted of crime, under arrest or charged with crime."

In Ohio, juveniles may be placed in adult jails only under the following conditions:

- The juvenile is over 15 years of age
- The juvenile is accused of a delinquency offense
- There is no available juvenile detention facility
- The juvenile is kept separated from adult prisoners.

Due to the restrictions under state law and the federal mandate to remove juveniles from adult jails, very few juveniles in Ohio are currently being confined in local jails after sentencing.

Many counties in the state operate or contract for services with juvenile rehabilitation centers. In 1985, there were 32 juvenile detention and/or rehabilitation facilities being operated in Ohio by the local juvenile courts. Twenty-four of these are single county facilities. The remaining eight have multi-county ownership, resulting in 47 counties having detention facilities they wholly or partly own. Many of the remaining 41 counties lease bed space from these 47 counties for their juvenile offenders. When such arrangements can be made, state law limits confinement of accused delinquents to no more than 90 days.

The Academy, Inc., study found that 15 facilities were approved by the Ohio Department of Youth Services and also received the state subsidy for juvenile rehabilitation centers in 1985.

The 15 rehabilitation facilities for which data were available held a total of 763 juveniles in 1983. The numbers held ranged from 10 in the multi-county facility at New Philadelphia to 209 at the Hillcrest facility in Hamilton County.

The State of Ohio provides juvenile corrections facilities operated by the Ohio Department of Youth Services

Only juveniles judged delinquent for offenses which would be felonies if committed by an adult (ranging from theft to murder) may be committed to the Ohio Department of Youth Services by the juvenile court. However, it is not mandatory that such commitments be made and, in fact, a majority of these youth receive dispositions other than commitments to state facilities (e.g. placement in a local juvenile rehabilitation center).

If committed to a state juvenile facility, the juvenile must serve a minimum term of confinement as follows —

- six months for a felony 3 or 4 offense (less serious offenses)
- one year for a felony 1 or 2 offense (more serious offenses)
- until age 21 for murder

A juvenile may be released earlier than these terms if the committing judge approves the release in an early release hearing, or if the judge revokes the original commitment.

Felony level in order of seriousness	Average length of stay in Department of Youth Services institutions, 1985
Aggravated murder	49 months, 23 days
Murder	48 months, 8 days
Felony 1	12 months, 6 days
Felony 2	12 months, 9 days
Felony 3	7 months, 20 days
Felony 4	8 months, 10 days

Source: Institutional population statistics for 1985, Ohio Department of Youth Services.

The state operates nine training facilities for youth committed to state care

Male juvenile offenders are assigned to state institutions according to a

classification system based primarily on age, geography, and the offense for which they were committed. All female juvenile offenders are assigned to the Scioto Village facility in Delaware County.

In addition to state juvenile corrections care, the Ohio Department of Youth Services provides aftercare services to juveniles released from its institutions

"Aftercare" is a state service which allows paroled juveniles to receive supervision and some additional social services such as education, job training and substance abuse counseling within their local community. The number of youth on aftercare has decreased from 2,042 in 1982 to 1,866 in 1983 and 1,681 in 1984. Youth are generally on aftercare for six months following their release from the institutions.

Most of the state's juvenile institutions experienced population increases between 1983 and 1985

Ohio Department of Youth Services institution	Rated bed capacity	Number of inmates	
		1983	1985
Buckeye Youth Center	240	280	296
Cuyahoga Hills Boys School	160	253	274
Indian River School	160	195	204
Maumee Youth Camp	130	138	159
Mohican Youth Camp	80	141	162
Riverview Boys School	140	145	165
Scioto Village	120	142	149
Training Center for Youth	110	146	153
Training Institute of Central Ohio	160	203	199

Note: Based on American Correctional Association Standard Unit Size

Source: Ohio Department of Youth Services.

Ohio's youth confined in state institutions are not reflective of the state's population

As is true of Ohio's adult offender and victim populations, males and blacks are overrepresented in department of youth services institutions.

Ninety-one percent of the youth committed to the Ohio Department of Youth Services in 1984 were males. During that year, 61% of those committed were white, 38% were black, and 1% were of other races. Sixty percent were 16 or 17 years of age.

More juveniles are committed to the Ohio Department of Youth Services for property offenses than for any other offense category

Offense for which juveniles are committed to Ohio Department of Youth Services	Percentage of all commitments for years ...		
	1982	1983	1984
Murder	1%	1%	1%
Rape	2	4	4
Robbery	10	11	10
Aggravated assault	3	5	5
Burglary	41	37	34
Larceny/theft	20	19	22
Motor vehicle theft	2	2	1
Arson	1	2	1
Other offenses	20	19	22

Source: *Juveniles in Ohio Department of Youth Services Institutions, 1982-1984*, Part I, Federation for Community Planning, 1985.

Juveniles charged with very serious offenses may be tried in (adult) criminal court

Juvenile cases bound over to (adult) criminal courts must meet certain conditions

Juveniles charged with an offense which would be a felony if committed by an adult may be judicially transferred to the jurisdiction of the criminal (adult) division of common pleas court. The transfer procedure is generally initiated by the prosecuting attorney, although it may be initiated by the juvenile or upon a motion of the court. The statute mandates a hearing after notice to the juvenile and his or her parents. The juvenile must be represented by counsel. To transfer jurisdiction, the court must find —

- the juvenile was 15 years of age or older at the time of the alleged offense.
- there is probable cause to believe that the juvenile committed the act alleged, and that such act, if committed by an adult, would constitute a felony.

After a physical and mental examination of the juvenile, the court must also find there are reasonable grounds to believe —

- the juvenile is not amenable to care or rehabilitation in a facility designed for the care and rehabilitation of delinquent children.
- the safety of the community requires that the juvenile be sentenced for a period extending beyond the age of 21, the last year he or she could be confined in a state juvenile facility.

Furthermore, if the victim was 65 years of age or older, or permanently and totally disabled at the time of the delinquent act, the court will consider this as favoring case transfer to a criminal (adult) court.

In determining whether the juvenile is amenable to treatment as a juvenile, the court is to consider —

- the juvenile's age and mental and physical health
- the juvenile's prior record
- efforts previously made to treat or rehabilitate the juvenile
- the juvenile's family environment
- the juvenile's school record

A juvenile transferred to and convicted in a criminal court is considered an adult for all subsequent charges of murder, aggravated murder, or felony 1 or 2 offenses.

Juveniles so convicted cannot be placed in juvenile facilities but must be sentenced to a correctional facility for adults.

In Ohio, most juvenile bindovers to criminal courts occur in the largest counties

Of the 229 Ohio juveniles transferred to adult courts in 1981, 72% were from the six large urban counties. During that year, 33 of the 88 counties had one or more juveniles bound over to criminal court. Since 1981, the number of youth transferred has declined.

The rate at which Ohio juveniles are bound over to criminal court is low compared to other states with similar transfer laws

Jurisdictions with comparable transfer provisions*	Total waivers of juveniles to adult courts	Rate per 100,000 juvenile population**
Virginia	509	58
Oklahoma	181	40
Maine	74	38
Alabama	239	36
New Hampshire	25	17
Kentucky	98	16
West Virginia	46	15
OHIO	236	12
Hawaii	15	1
New Jersey	84	1
Rhode Island	8	1
Utah	8	less than 1
Montana	1	less than 1

*States with excluded offenses, concurrent jurisdiction provision, 16 or 17 year age of initial criminal court jurisdiction, and states that permit transfer for non-felonies are not included.

** Juvenile population 8 through 17 years old. 1978 population estimates were developed by the National Center for Juvenile Justice using data from two sources: 1970 national census and the National Cancer Institute, 1975 estimate aggregate census.

Sources: Joseph M. Davis and Donna Hamparian, *Juveniles Transferred to Adult Court: Recent Ohio Experience*, Federation for Community Planning, 1983.

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Research Publications of the Governor's Office of Criminal Justice Services

February 1987

Ohio Citizen Attitudes Concerning Crime and Criminal Justice. This fifth report in the series begun in 1979 focuses primarily on Ohioans' attitudes toward juvenile crime and juvenile justice in the State. Other issues addressed included fear of crime, citizen knowledge of crime and criminal justice, child abuse, juvenile gangs, and homeless people.

May 1986

Law Enforcement Management Survey Report. This study profiles the management practices of 100 Ohio law enforcement agencies relative to personnel standards, salaries, fringe benefits, unique jurisdictional characteristics, manpower allocation, management of missing children cases and (for sheriffs) jail maintenance.

October 1984

Selected Issues in Adult Probation: The Officers and Their Work. The first of two publications stemming from the Selected Issues in Adult Probation project, this report provides a look at the 241 federal, state, county and municipal probation officers who responded to the survey. Highlights include the officers' educational attainment plus aspects of the presentence investigation function.

October 1984

An Overview of Criminal Justice in Ohio: Offender Based Transactional Statistics. A major field study which manually tracked 2,500 major felony offenders through 61 criminal courts in Ohio, generating up to 52 pieces of criminal justice system data for each case.

April 1984

Ohio Citizen Attitudes Concerning Crime and Criminal Justice. The fourth edition of this survey concentrates on attitudes and opinions regarding Ohio's prisons. It also repeats and expands upon questions from earlier studies relating to fear of crime, level of crime, sentencing, crime prevention and juvenile justice.

March 1983

Use of Force in Patrol Work. An analysis of the use of force by Ohio law enforcers during the performance of routine patrol work. Examined are personal defense tactics as well as non-lethal and lethal force.

March 1983

The Ohio Statistical Analysis Center: A User's Profile. This administrative report highlights SAC's setting and function in Ohio government, the federal SAC network, and the field of criminal justice. It profiles SAC's structure, research priorities, information users, and similarities to other state and territorial SACs.

March 1983

OCJS Research Requests and Responses: An Analysis. An analysis of 346 research data requests received and responded to by SAC in 1982, as well as the nearly 1,000 requests received to date, by type and source of request.

Spring 1983

The following series of eight reports are modular summaries, each about 40 pages in length, profiling the results from each of the jurisdiction levels (based on populations) represented in the 1981-82 Ohio Law Enforcement Task Analysis Survey. These reports highlight the frequency of task performance, equipment usage, physical activities, and other facets of the peace officer's job. Also included are supervisors' ratings of importance and learning difficulty.

Law Enforcement in Ohio Cities Serving Over 100,000 People: A Task Analysis.

Law Enforcement in Ohio Cities Serving 25,000-100,000 People: A Task Analysis.

Law Enforcement in Ohio Cities Serving 10,000-25,000 People: A Task Analysis.

Law Enforcement in Ohio Municipalities Serving 2,500-10,000 People: A Task Analysis.

Law Enforcement in Ohio Municipalities Serving Under 2,500 People: A Task Analysis.

Law Enforcement in Ohio Counties Serving Over 250,000 People: A Task Analysis.

Law Enforcement in Ohio Counties Serving 100,000-250,000 People: A Task Analysis.

Law Enforcement in Ohio Counties Serving Under 100,000 People: A Task Analysis.

November 1982

Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice. The third annual report of this series, this study focuses on attitudes toward law enforcement officers, public crime-fear levels, handgun ownership, and the informational resources which mold public opinion in this area.

October 1982

Peace Officers Task Analysis: The Ohio Report. A 2½-year study involving a survey of 3,155 Ohio peace officers in some 400 law enforcement agencies concerning the types of investigation, equipment, informational resources, tasks, and physical activities associated with law enforcement in Ohio.

May 1982

OCJS Research Requests and Responses: An Analysis. An analysis of 308 research data requests received and responded to by SAC in 1981, as well as the 625 total requests received to date, by type and source of request.

April 1982

Fact and Fiction Concerning Crime and Criminal Justice in Ohio (1979-1982 data). A look at 25 popularly believed myths about crime and criminal justice in the State, accompanied by appropriate factual data.

July 1981

Ohio Citizen Attitudes: Concerning Crime and Criminal Justice (Report #2, 1980 data). The second in a series of reports concerning Ohioans' attitudes and opinions about contemporary issues affecting law enforcement, courts, corrections, juvenile justice, crime prevention, and criminal law.

June 1981

A Stability Profile of Ohio Law Enforcement Trainees: 1974-1979 (1981 records). A brief analysis of some 125 Ohio Law Enforcement Officers who completed mandated training between 1974 and 1979. The randomly selected group was analyzed in terms of turnover, advancement, and moves to other law enforcement agencies.

May 1981

A Directory of Ohio Criminal Justice Agencies (1981 data). An inventory of several thousand criminal justice (and related) agencies in Ohio, by type and county.

April 1981

Property Crime Victimization: The Ohio Experience (1978 data). A profile of property crime in Ohio highlighting the characteristics of victims, offenders, and the crimes themselves; based on results of the annual National Crime Survey victimization studies in Ohio.

March 1981

Profiles in Ohio Law Enforcement: Technical Assistance, Budgets and Benefits (1979 data). The second report emanating from the 1979 SAC survey of 82 sheriffs' departments and 182 police departments in Ohio; discusses technical assistance needs and capabilities among these agencies, as well as budgets and fringe benefits.

December 1980

The Need for Criminal Justice Research: OCJS Requests and Responses (1978-1980). An analysis of some 300 research requests received and responded to by the OCJS SAC Unit between 1978 and 1980, by type, request source, and time of response.

September 1980

State of the States Report: Statistical Analysis Centers (Emphasis Ohio) (1980 data). An analysis of the criminal justice statistical analysis centers located in virtually every state and several territories.

September 1980

Survey of Ohio Prosecuting Attorneys: Report (1979 data). An operational overview of 46 county prosecutors' offices.

September 1980

In Support of Criminal Justice: Money and Manpower (1977 data). Analysis of employment and expenditures within Ohio's criminal justice system, by type of component (police, courts, corrections), and type of jurisdiction (county, city, township, and state).

June 1980

Concerning Crime and Criminal Justice: Attitudes Among Ohio's Sheriffs and Chiefs of Police (1979 data). Opinions and attitudes of 82 sheriffs and 182 chiefs of police analyzed by jurisdictional size.

May 1980

Ohio Citizen Attitudes: A Survey of Public Opinion on Crime and Criminal Justice (1979 data). An analysis of public opinion and attitudes on a wide range of issues concerning law enforcement, courts, corrections, juvenile justice, crime prevention, and other areas of crime and criminal justice.