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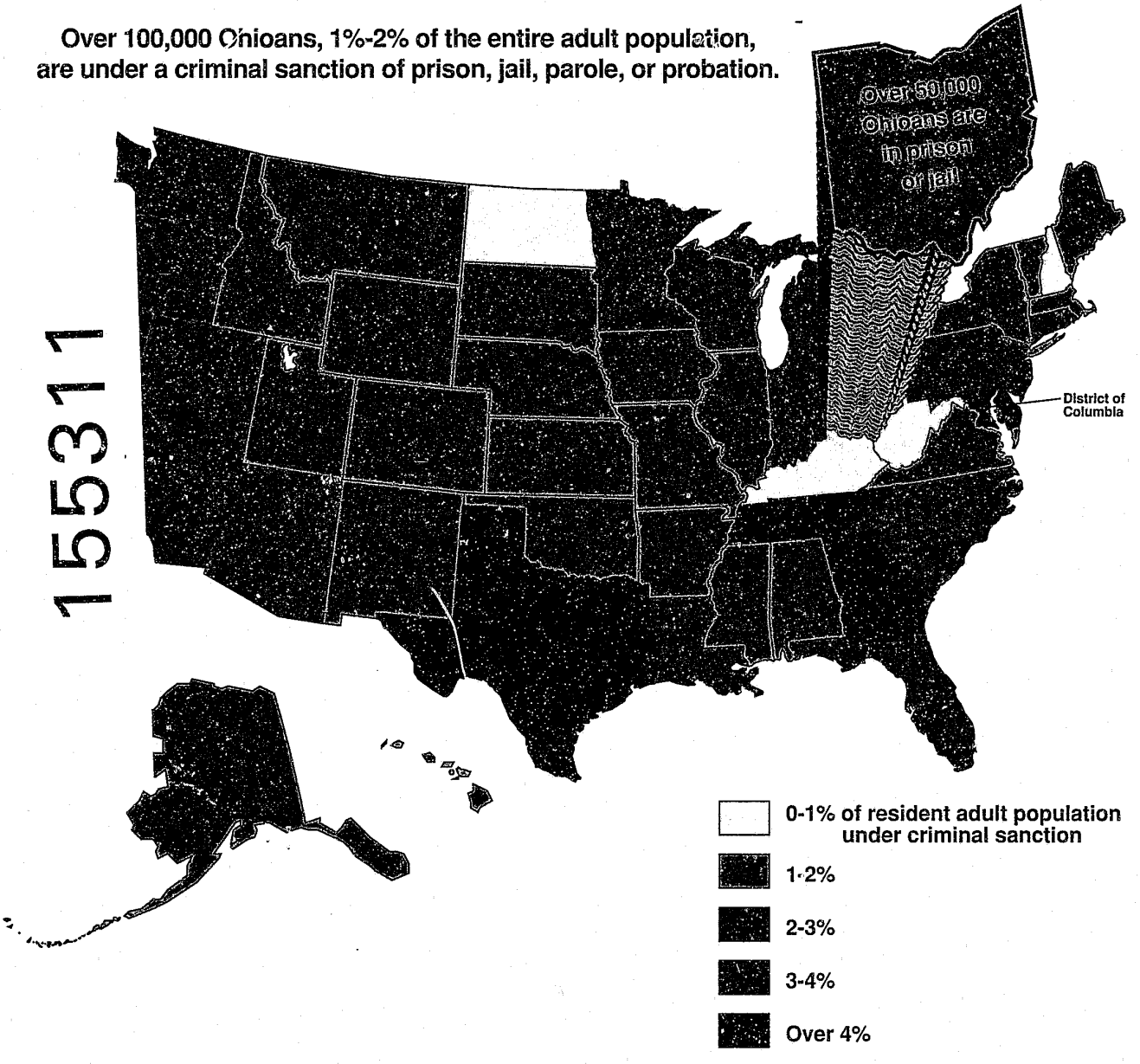
Office of Criminal Justice Services

THE STATE OF CRIME AND CRIMINAL JUSTICE IN OHIO

Over 100,000 Ohioans, 1%-2% of the entire adult population, are under a criminal sanction of prison, jail, parole, or probation.



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THE STATE OF CRIME AND CRIMINAL JUSTICE IN OHIO

January, 1995

George Voinovich, Governor
Michael L. Lee, Acting Director
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Acknowledgements

This is the second edition of *The State of Crime and Criminal Justice in Ohio*. The first was produced under the same title in 1987 by the Governor's Office of Criminal Justice Services, the same agency publishing the present document. Since that earlier publication, the Office has been established as a separate agency of state government serving the Executive Branch.

Both reports are modelled after the federal Bureau of Justice Statistics's highly successful *Report to the Nation on Crime and Justice* two-edition series (1983, 1988) which demonstrated the feasibility of seeing this kind of publication find its way into large-scale circulation. The BJS editor for the federal reports, Ms. Marianne Zawitz, has played a critically important and much appreciated role in aiding with the production of the Ohio publications.

The State of Crime and Criminal Justice in Ohio report is supported by a $44,500 grant from the Bureau of Justice Statistics (92-BJ-CX-K031). Mr. Paul White, who has consistently benefitted Ohio's research efforts over the years in his role as BJS liaison to this state, served as federal project monitor.

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Note on cover graphic: Data for the states are composed of Dec. 31, 1992 prison, jail and parole data supplied to the Office of Criminal Justice Services (OCJS) from the Bureau of Justice Statistics, and 1990 probation data from the same source updated by a 5% estimation factor. The Ohio figures are drawn from Dept. of Rehabilitation and Correction data for Dec. 31, 1992 (prison, parole and state probation populations), DRC's Bureau of Adult Detention 1992 survey of local jails, and the OCJS survey of local probation populations as of Jan. 1, 1992. Unlike the federal data, the Ohio probation data include only felons on probation, not misdemeanants. Juvenile offenders are not included.

Crime and public safety are major areas of concern for the citizens of Ohio and throughout our nation. Safe neighborhoods and communities are essential in our efforts to improve the quality of life in our state.

The war against crime has many fronts, and having good information is especially important for law enforcement agencies when tackling this multi-faceted issue. That is why we are publishing the second edition of *The State of Crime and Criminal Justice in Ohio.*

This report, filled with the best information available on this very complex subject, will serve as both a source of information and as a reference point as we continue the fight to keep Ohio communities safe. The more information we have about the crime problem, the better we will be able to assist our law enforcement, treatment and prevention professionals, and citizens who are fighting on the front lines of the war against crime.

For example, the information in this report indicates that crime must be addressed at the level of our youngest citizens. The prevention efforts that we employ today can help direct our young people toward living a more positive lifestyle.

We hope that you will find *The State of Crime and Criminal Justice in Ohio* a helpful tool in making Ohio a safer place for all of us.

George V. Voinovich
Governor

The Office of Criminal Justice Services is pleased to present this second edition of *The State of Crime and Criminal Justice in Ohio.*

Our intent is to provide law enforcement and others with the best, most up-to-date, accurate and reliable information possible. Being a leader in law enforcement technology and information helps Ohio remain on the cutting edge of the fight against crime.

The State of Crime and Criminal Justice in Ohio is one way of giving you relevant information about criminal justice in our state. Drawing from local, state and federal sources, we have assembled the most complete picture possible of the status of crime and justice in Ohio.

We at the Office of Criminal Justice Services hope that the information contained in this report will serve as an important tool for you as you implement strategies to fight crime in your area.

Michael L. Lee
Acting Director, Office of Criminal Justice Services

Acronyms Frequently Used in This Report

AFIS . . . . . Automated Fingerprint Identification System (BCI&I)

BCI&I . . . . . Bureau of Criminal Identification and Investigation (Attorney General)

BJS . . . . . Bureau of Justice Statistics (federal Department of Justice)

CJIS . . . . . Criminal Justice Information Systems

DNA . . . . . Deoxyribonucleic Acid

DRC . . . . . (Ohio) Department of Rehabilitation and Correction

DYS . . . . . (Ohio) Department of Youth Services (state)

FBI . . . . . Federal Bureau of Investigation (federal Department of Justice)

FY . . . . . Fiscal Year

LEMAS . . . . . Law Enforcement Management and Administrative Statistics (BJS Survey)

MIS . . . . . Management Information System(s)

NCS . . . . . National Crime Survey (fedeal, BJS)

NIBRS . . . . . National Incident-Based Reporting System (OCJS, BCI&I, FBI)

NIDA . . . . . National Institute on Drug Abuse

OCJS . . . . . Office of Criminal Justice Services (state)

ODADAS . . . . . Ohio Department of Alcohol and Drug Addiction Services

UCR . . . . . Uniform Crime Reports (FBI)

Chapter 1

Ohio Citizen Attitudes

Jeffrey J. Knowles
Office of Criminal Justice Services

This initial chapter sets the stage for the crime and justice implications in the report by analyzing the attitudes, opinions, fears, and practices of the forgotten component in the criminal justice system—Ohio's citizens. It addresses questions such as:

What roles are citizens supposed to be playing in the criminal justice system?

How much do Ohioans worry about crime victimization? Does it affect their lifestyles?

How well informed are citizens about crime and justice in this State?

What are public attitudes toward courts, corrections, and law enforcement?

How tolerant is the public regarding DNA testing of criminals and arrested persons, or hair testing for drugs? How supportive are people of sanctions other than incarceration for certain kinds of criminals?

This chapter was critiqued by Dr. Jesse Marquette, Political Science Professor at the University of Akron.

Note: Most of the findings in this chapter are drawn from the Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice conducted for the Office of Criminal Justice Services in December, 1992, by the University of Akron's Survey Research Center. It is frequently referred to herein as the "1993 survey"since OCJS completed its analytical work in February of that year.

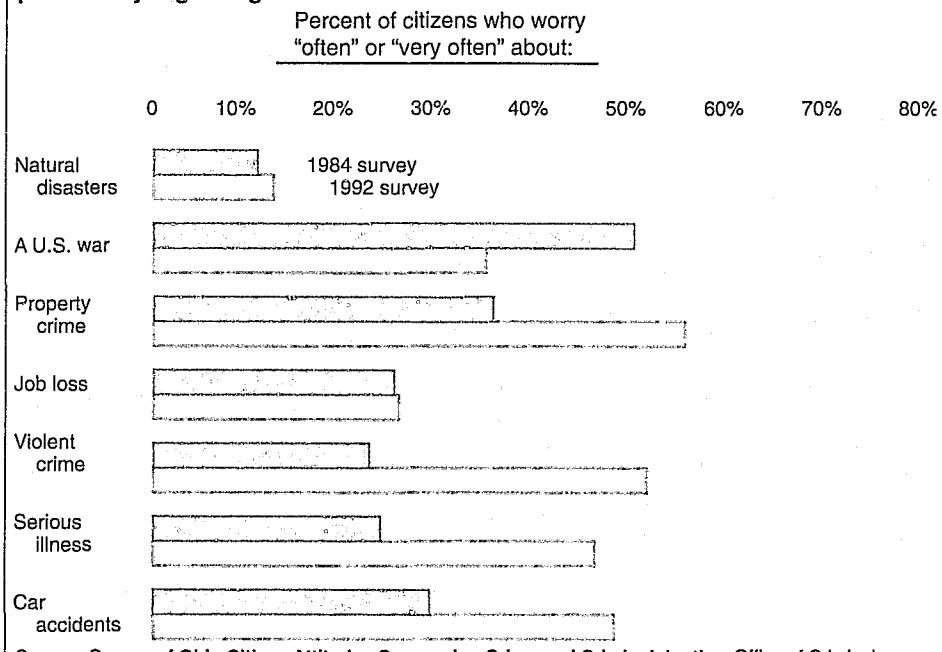
Citizen attitudes, fears and opinions relative to crime and justice can readily translate into policy

Citizens are counted on for a variety of justice roles

More so than any other segment of government, criminal justice relies on the routine, active participation of citizens. Without jurors and witnesses in the courtrooms, without observers and providers of information in the neighborhoods, without voters to elect responsible criminal justice officials and authorize special resources for law enforcement, courts and corrections, the criminal justice systems collapses. There are even other special roles beyond these, as citizens may be called upon to make specific community decisions such as the location of treatment facilities or the control of handguns.

In Ohio, a large percentage of criminal justice officials are elected, beginning with the state legislators who pass criminal law. Others typically include Supreme Court, Common Pleas and Municipal Court judges; and county sheriffs, prosecutors and coroners. Hence, the link between citizen attitudes and criminal justice is strong and regularly renewed.

Ohioans' worry levels have increased significantly during the past eight years, particularly regarding certain kinds of crime



Source: **Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice,** Office of Criminal Justice Services, 1993.

Violence in the Streets:
An Issue Whose Time Has Come

The issues that citizens, the media and policymakers focus on seem to come and go on a regular basis. Sometimes environmental issues are "hot", or welfare reform is the rage ... or AIDS ... or drug abuse ... or the homeless.

Of course, there are dominant issues that violently and quickly shove everything else aside when they come on the scene. The unemployment issue during an economic recession certainly fits this profile, as does the national security and "body bag" issue when the country is faced with war.

But most public policy issues tend to have an ebb and flow over time. They come and they go.

An issue whose time has clearly come is violent crime. The news is full of stories about random violence in the streets and programs and policies to combat the violence. Stiffer gun control, gun buyback programs, and "three times and you are in" sentencing are all the rage.

More and more national surveys show crime at or near the top of people's "most important problem" list. An OHIO POLL conducted by the University of Cincinnati's Institute for Policy Research in September, 1994 shows 25 percent of Ohioans surveyed rating crime as the most important problem facing the state, with no other issues mentioned by larger percentages of the survey respondents. More interestingly, as recently as March, 1992 just two percent named crime as the most important problem.

The last time crime was near the top of the most important problem list was in the late 1960's and early 1970's. The character of the issue then was more a "law and order" issue brought about by violent antiwar protests and urban riots associated with the civil rights movement. Today the issue is much more focused on *violent crime against individuals*, especially in the inner cities but also throughout the society — e.g., post office and shopping center shooting rampages, random violence and kidnappings and murders of young children.

The concern about violence today is quite different in several other fundamental ways. In the 1970's there was an ideological divide in the reactions to the violence in the streets with conservatives castigating it and many liberals defending it or at least sympathizing with the causes of the violence. Today, both liberals and conservatives strongly condemn the random violence, although to date, they have focused on different remedies.

More importantly, in the 1970's the middle class did not feel as threatened by the violence as they do today. And, when the middle class feels threatened and demands action on an issue, politicians tend to react.

Crime and violence are likely to persist as one of the nation's top domestic issues for a year or two unless the U.S. dips into another recession or gets drawn into a major war. The public is clamoring for action, but there is little consensus on what actions will really address the problem. It may be that rather than a change in public policy the only real, long-term solution to the crime problem is a fundamental cultural change that refocuses responsibility on the individual and family rather than blaming society and "them" for everything that goes wrong.

Alfred J. Tuchfarber, Ph.D., Director
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Three-fourths of Ohio's black citizens experience high worry levels concerning violent and property crime, the most anxiety evidenced by any of the traditionally high-crime fear groups

Percent of Ohioans who worry "often" or "very often" about:	Blacks	City residents	Females	Senior citizens	State ave.
Natural disasters	**31%**	18%	17%	23%	14%
A U.S. war	**53**	44	41	42	35
Property crime	**74**	66	64	69	57
Job loss	**32**	**32**	23	5	27
Violent crime	**76**	66	63	60	53
Serious illness	**60**	48	51	54	47
Car accidents	46	53	**54**	51	49

Note: Each bold figure indicates the highest worry level among the four traditionally high worry level sub-population groups.

Source: **Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice,** OCJS, 1993.

Crime fears are heavily dependent upon environmental factors such as place and time

A decade and a half of citizen surveys have demonstrated that crime fear is dependent on several factors, the most important of which seems to be place. The 1993 OCJS survey of Ohioans found that 80% of all citizens said they felt either very safe (44%) or somewhat safe (36%) while out alone in their own neighborhoods at night. These findings are virtually the same as those generated by the 1979 OCJS survey as well as other citizen surveys conducted nationally since the mid-70s. Significantly, whites were three times as likely as blacks (47%-16%) to choose the "very safe" response category.

When specific neighborhood reference points were not mentioned,the fear levels escalated sharply. In addition to the worry levels noted above, 25% of the OCJS survey respondents said fear of crime has curtailed their visits to downtown areas of the (nearest) city during the previous two years, while 21% had begun asking a friend to accompany them when they went out after dark.

The sharp differences in fear levels strongly hint at the roles played by sources of information. At the broader level, the heavy crime focus of regionally and nationally-oriented news media dominate public perceptions, while the more informal sources of neighborhood information reflect more balance in day-to-day events. The curious result, long-since documented in the work of the National Crime Survey, is the belief in virtually every neighborhood that crime is worse elsewhere.

Educating the public concerning the realities of crime and justice is an important crime issue in itself

Citizens have many misconceptions about crime and justice

True or false?	Percent of Ohioans who responded:* True	False	Correct answer
Senior citizens are the most likely crime victims.	77%	22%	false
The crime rate has been going up steadily for the past 10 years.	94	5	false
Most persons arrested for serious crimes are never convicted.	55	40	false
Crack-cocaine is a bigger problem (deaths, injuries, crimes, costs) than heroin, alcohol, or marijuana.	59	29	false
Overall, illegal drug use has declined in recent years.	24	72	true

*All other responses were "don't know."

Source: **Survey of Ohio Citizen Attitudes Concerning Crime and Criminal Justice,** OCJS, 1993.

The Unsuspected Enemy in the Fight Against Crime:

Our Own Ignorance

When the Office of Criminal Justice Services (OCJS) announced plans for a survey of Ohio citizen attitudes concerning crime and criminal justice a public official complained, "I don't need a survey to tell me what the citizens think; I already know." He proceeded to cite the System's softness with criminals, the desire for more prisons, and a few other worn chestnuts which too many people assume to be the bedrock of opinion among Ohioans.

That official might have been surprised to learn that the survey he saw as superfluous would show: that most Ohioans are favorably disposed to restitution, community supervised programs, and other alternatives to straight prison terms for non-violent offenders; that less than one in three think we should try to build our way out of our extremely difficult prison crowding crisis; and (by an 8-1 ratio) that emphasis on preventing young people from becoming criminals is a better crime control investment than severe punishment of criminal behavior. He might also have been surprised to know that earlier research suggests that key decision-makers often misread citizen attitudes, assuming for the public an inflexibility which often evaporates under close scrutiny.

This problem of "misperceptions" is one which dogs the already struggling criminal justice system in Ohio and the nation. Arguably, it is the toughest crime and justice issue we face, at least partly because many people, like the official, don't know what they don't know.

Nor is the problem limited to a particular group: the Ohio general public as a whole frequently and significantly misinterprets the muddled world of crime and justice. The 1993, citizen survey posed five broad, true-false questions about crime and justice—the answers for which can be documented by existing research—only to see Ohioans miss all five answers (and miss them by huge margins). With one narrow exception no subgroup of the State's population, regardless of age, race, sex, education, or geography, correctly answered even one of the questions (i.e., one right answer out of 90 questions).

Such unpleasantries, seldom noticed in the clamor for resources and for pet crime/justice theories, speak to an issue which must be addressed if we are ever to have any peace in these troubled waters. Unlike some other arenas of government, what the public does or does not know about crime and justice directly impacts the quality of this government function. Citizen ignorance about bridge maintenance or the licensing of games of chance will not likely bring Ohio's government to its knees, but there is no such guarantee when the issue is criminal justice. Misperceptions of this latter variety—usually abetted by "war stories" which keep emotions in firm control of reason—perpetually translate into prisons without space, law enforcement officers without witnesses, and ideas without resources or support.

It is too conveniently easy to blame media sources for the misperceptions. Reporters and editors are, after all, in the business of highlighting stories which are unusual, even bizarre. The fact that people infer rules from the perpetual stream of news media exceptions is more of an indictment against the readers than the printers of the news. In other areas of life those same citizens put higher premiums on their sources of information. Which of them would rely on the morning newspaper to

Public opinion is supportive of most of the concepts now in use in criminal justice

More than three-fifths of the public rate "the quality of police protection in your neighborhood" as good (34%) or very good (28%).

This perception has, as a whole, remained stable over the past decade. The same question in the 1982 survey drew responses only three percentage points different from the most recent finding. Furthermore, when asked if their overall opinion of police officers had changed during the past three to five years, 61% cited no change, while the remaining 39% were split down the middle between "improved" and "worsened." However, blacks were twice as likely as whites to cite a worsened opinion of the police, and three times more likely to rate neighborhood police protection as poor (19%) or very poor (6%). Nevertheless, a plurality (44%) gave favorable ratings to neighborhood police efforts. More disturbing was the overwhelming tendency of black citizens to cite excessive force by police officers as a very important problem affecting crime and justice in Ohio (69% blacks v. 36% whites). These differences gain significance in light of the virtual agreement between the two races concerning the police role, with 54.6% of the whites and 54.4% of the blacks identifying "patrolling and being visible in the community" as the primary function of the police role.

Public opinion supports alternatives to prison for non-violent offenders

When asked whether a series of prison alternatives for non-violent offenders were "acceptable" or "unacceptable," Ohioans approved all six options, most by overwhelming majorities. The acceptable ratings were:

early (supervised) release	78%
part-time work release	76%
part-time educational release	76%
community supervision	71%
victim compensation	68%
fines	50%

The figures almost exactly duplicate those from the 1984 survey which proposed the same options for the same type of offenders.

inform them about their job, or the six-o'clock news to instruct them in their religious belief?

Citizen surveys must be careful to differentiate among the kinds of responses they elicit. Finger-to-the-wind efforts which do nothing more than collect coffee-break opinions cause more harm than good. That is why several Ohio universities make a full-time job of this business, and treat it as something of a science. Attitudes, opinions, anxiety levels, and knowledge levels each separately reflects some important aspects of what is loosely called "perceptions". But each must be understood in its own context.

For example, the OCJS survey suggests that while race is a weak predictor of opinions and knowledge (i.e., differences between whites and blacks are generally insignificant), major differences in attitudes and anxiety levels point to a special kind of problem to be addressed by the criminal justice community in Ohio. In response to the standard crime-fear question asked in citizen surveys by OCJS since 1979, whites were three times as likely as blacks to feel "very safe" while "out alone in your neighborhood at night." Conversely, by a two-to-one margin blacks were more likely to respond "somewhat unsafe" or "very unsafe." While other sub-groups of the population, notably females and senior citizens, evidenced heightened fear levels, none equalled that of black Ohioans.

Major race-based attitude differences also point to a problem for Ohio's criminal justice system. Although whites and blacks are very close in their perceptions of what the police role should be, the differ widely on police performance. Blacks were three times more disposed to rate police protection in their neighborhoods as poor, and only half as likely to rate it as good. Significantly, the decrease in esteem may still be moving, with twice as many blacks saying that their overall opinion of law enforcement officers had worsened during the past three to five years.

Inconsistency in public attitudes and opinions has often proved another burden for the criminal justice community. Measures are demanded—but not supported with the necessary resources. People favor the concept of halfway houses—but only if they are built in someone else's neighborhood. The OCJS survey found that some people who recognize a mixed message society sends concerning drugs and alcohol have no problem with alcohol ads on TV and radio. (An earlier 1990 survey found nearly one-quarter of the respondents in the seemingly incompatible position of recognizing the mixed message and approving the advertising of alcohol.) It is, however, noteworthy that two-thirds of all Ohioans have at least some problem with alcohol ads on radio and television.

The OCJS survey reflects the precarious position of the criminal justice system: it is the function of government most directly affected by citizens—it sees the direct election of judges, sheriffs, prosecutors, coroners, and criminal-lawmakers—but which is least effective in communicating information about itself to those citizens. The result is a perpetually confused and angry public, hovering within striking distance, ever ready to support people or ideas which promise a quick fix or an emotional outlet for the problem at hand. We would never dream of, say, planning a transportation system in such an environment. Neither is it a fit place for Ohio's $2 billion-a-year criminal justice system.

Jeffrey J. Knowles,
Research Section Chief
Office of Criminal Justice Services

Building more prisons is not viewed by Ohioans as the best way to ease the prison crowding crisis

Among five choices given to respondents as options for easing prison crowding, "build more community treatment centers" was chosen most frequently.

Prison crowding option	% of respondents
Build more community treatment centers	34%
Allow emergency prison releases for non-violent offenders	18
Build regional jails for drunk drivers and misdemeanants	17
Build more prisons	15
Make more use of probation	7
No opinion/don't know	8

Attitudes toward drug abuse do not appear to have softened during the past four years

Two Ohio citizen attitude surveys in 1988 and 1990 suggested what appeared to be an easing of the perception of (non-alcohol) drug abuse as a criminal justice issue as opposed to a public health issue. This 1993 survey, however, showed a strong plurality of Ohioans (48%) favoring the criminal justice context for handling drug abuse as opposed to the public health arena (33%). Also, three quarters of the citizens (74%) believe that no drugs now illegal should be legalized, a slightly higher figure than that reached in 1990.

Society's perspective on alcohol use appears to trouble a significant portion of Ohio's citizens

Seventy-seven percent of the respondents agreed (44%) or strongly agreed (33%) that "our society sends a mixed message that drugs are very bad but alcohol is acceptable," virtually unchanged from the 1990 survey results. However, a higher number (64%) now disagree with the statement that there is nothing wrong with advertising beer and alcohol on TV and radio than did so during the 1990 survey (53%). A question about taxing alcohol more heavily to finance drug education and treatment programs in the community drew a 68% favorable response.

Citizens are strongly supportive of options requiring arrestee and offender testing relative to drug use, AIDS, and DNA evidence processing

Testing options	% who agree or strongly agree
Mandatory AIDS testing for all convicted sex criminals	98%
Mandatory drug urine testing for all felony arrestees	85
Mandatory DNA sample collection for all convicted violent criminals	81
Mandatory DNA sample collection for all violent crime arrestees	71
Mandatory drug hair testing for all felony arrestees	67
Mandatory DNA sample collection for all arrested felons	59

Chapter 2

The Criminal Event

Melissa Winesburg and Rainie Gardner
Office of Criminal Justice Services
Tables prepared by: Phil Tan

This chapter provides an overview of the criminal event and answers such questions as:

What is a crime? How are crimes grouped into felony or misdemeanor levels?

How is crime measured? Is it increasing or decreasing? Where is crime located?

What types of weapons are used?

This chapter was reviewed by Mr. Bernie Dryden, FBI Uniform Crime Reporting Section; Mr. Gary Haines, Sheriff, Montgomery County; Dr. Larry Travis, Professor of Criminal Justice, University of Cincinnati

How is crime defined and measured?

There are three elements to a crime

To be criminal, actions must be defined by the legislature as crimes. Also, under our legal system a crime has not occurred unless three elements are present:

- the act
- the circumstance
- the state of mind/intent

The elements of burglary, for example, are the breaking and entering (act) into a dwelling (circumstance) with intent to commit a felony (state of mind). If all of these do not occur, a crime has not been committed. The most obvious of all elements is the act. One may have all the criminal intent requirements, but the intent must be acted upon in some fashion.

Several factors may contribute to the seriousness of crime

Determining the seriousness of crime is a difficult task for Ohio's lawmakers. Public opinion often makes distinctions regarding the seriousness of crime. Changing perceptions about the seriousness of crime are connected to increased public awareness about social issues such as domestic violence, date rape or hate/bias.

To assist with this monstrous task, The Ohio Criminal Sentencing Commission's 1993 Plan for Felony Sentencing in Ohio recommends several factors that will help define the seriousness of a crime. These factors include physical or mental condition or the age of the victim, the extent of harm suffered by the victim, the offender's relationship to the victim, and whether the offense was motivated by prejudice or hate as to race, ethnic background, sexual orientation, gender or religion, among others.

The element of "intent" is one tool by which justice officials may determine the seriousness of crime

For example, there are varying degrees of homicide. The element of intent is more apparent for premeditated murder than for "heat of passion" manslaughter offenses. It is murder in the first degree to take the life of another on purpose and with prior calculation, and without justification. A "heat of passion" manslaughter offense is considered by the legislature to be a less serious crime. It is classified as an Aggravated Felony of the first degree. The degree of seriousness rests upon the state of mind of the offender and the circumstances in which the crime was committed.

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 Ohio Revised Code" states Section 2901.03 of the Ohio Revised Code. The Criminal Code, largely contained in Title 29, outlines hundreds of criminal offenses.

These offenses are organized into fifteen separate categories, generally listed in the order of seriousness. The main points of distinction in this section relate to three terms. The first, "misdemeanor", is a lesser crime, punishable by fines, restitution, probation and/or jail terms which do not exceed one year. The second, "felony", identifies a serious crime which carries a prison term of at least one year. The third, "aggravated", denotes a special degree of seriousness assigned to a felony which is usually associated with the level of intent. There are, however, exceptions to this order.

The classification of a crime may be affected by extenuating circumstances. For example, petty theft under $300 is a first degree misdemeanor for the first offense, but escalates to a fourth-degree felony as a repeat offense. Another example is ethnic intimidation. If an offense is committed because of the victim's race, color, religion or national origin, the original offense is raised to the next level.

Ohio crime classification	Example of crime classification
Aggravated murder	Aggravated murder
Murder	Murder
Aggravated felony 1	Rape
Felony 1	Attempted murder
Aggravated felony 2	Felonious assault
Felony 2	Child stealing (nonparental)
Aggravated felony 3	Extortion
Felony 3	Motor vehicle theft
Felony 4	Possession of criminal tools
Misdemeanor 1	Reporting false alarms
Misdemeanor 2	Desecration (monument, etc.)
Misdemeanor 3	Prostitution
Misdemeanor 4	Failure to report a felony crime
Minor misdemeanor	Failure to disperse

Note: There are also unclassified crimes of varying degrees.
Source: **The Ohio Revised Code, Annotated, Title 29, 1992.**

Crime is measured by two important reporting programs

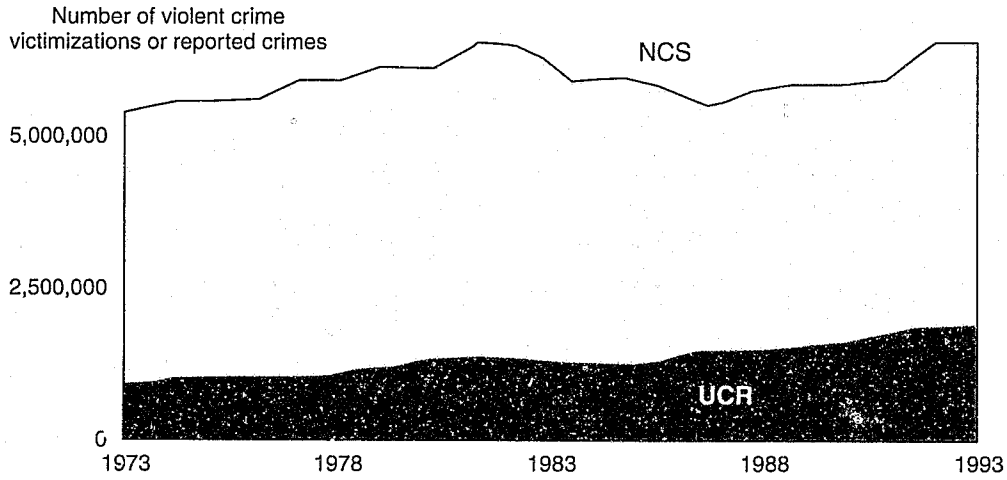
The oldest existing criminal justice crime reporting program is the FBI's Uniform Crime Reporting (UCR) Program. The program has existed for over 60 years. It is a voluntary crime reporting program for law enforcement agencies. Information is collected on offenses known to police, arrests, locations of robberies and burglaries, stolen and recovered property and assaults on peace officers. In 1992, 390 of Ohio's law enforcement agencies representing 83 percent of the population reported UCR data to the FBI. The UCR program collects information on eight offense categories consisting of murder, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson, as well as arrest information on 21 other offenses.

The complexity, volume and diversity of crime have steadily increased while the UCR program has remained unchanged. As a result, in the late 1970's the nation's law enforcement community requested an evaluation of the UCR program, the result of which became known as the National Incident-Based Reporting System. This new program will provide more information than ever before on offenses, victims, offenders, and arrestees.

The second program that measures crime is the National Crime Survey (NCS) of the Bureau of Justice Statistics. The NCS surveys a sample of the U.S. population, asking whether citizens have been victims of crime. NCS regularly monitors over 15,000 persons in nearly 7,000 households in Ohio alone.

The NCS measures personal crime and household crime. Personal crime includes rape, robbery, assault and personal theft. Personal theft includes both noncontact and contact theft such as purse snatching and pocket picking while away from home. The category, "household crime", which categorizes the household as the victim, includes burglary, household theft and auto theft. Murder is not included in the NCS, as the survey is based on victim response.

The UCR and NCS together provide a good profile of crime in Ohio. However, because of definitional differences, exact comparisons are not possible. The UCR program measures reported crime while the NCS measures both reported and unreported crime.



*includes NCS violent crimes of rape, robbery, aggravated assault, and simple assault; and UCR violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.

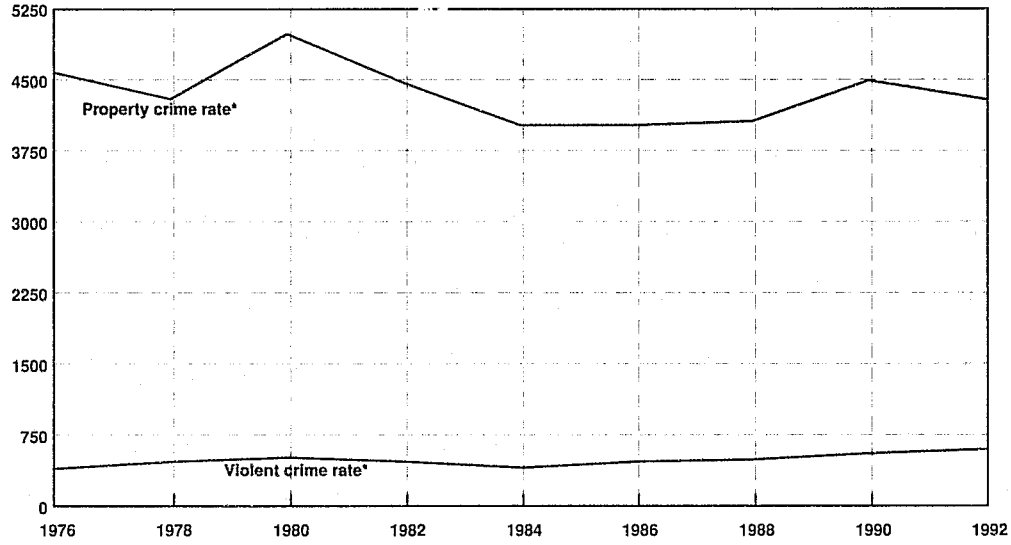
Source: **Highlights from 20 Years of Surveying Crime Victims,** BJS, 1993.

Reported violence increased by 47% between 1985 and 1992

	Reported serious crimes per 100,000 Ohio Population in the year							
	1985	1986	1987	1988	1989	1990	1991	1992
Total	4,299	4,437	4,696	4,678	4,915	5,084	5,232	4,964
Murder	5	6	6	6	6	7	8	7
Rape	38	40	42	43	47	50	56	56
Robbery	142	152	166	170	187	210	240	227
Aggravated Assault	210	239	225	242	252	279	303	289
Burglary	884	994	1,086	1,036	1,055	1,024	1,092	1,009
Theft	2,498	2,569	2,717	2,720	2,849	2,927	2,938	2,805
Auto Theft	365	388	400	411	464	530	539	520
Arson	47	50	53	50	54	56	57	55

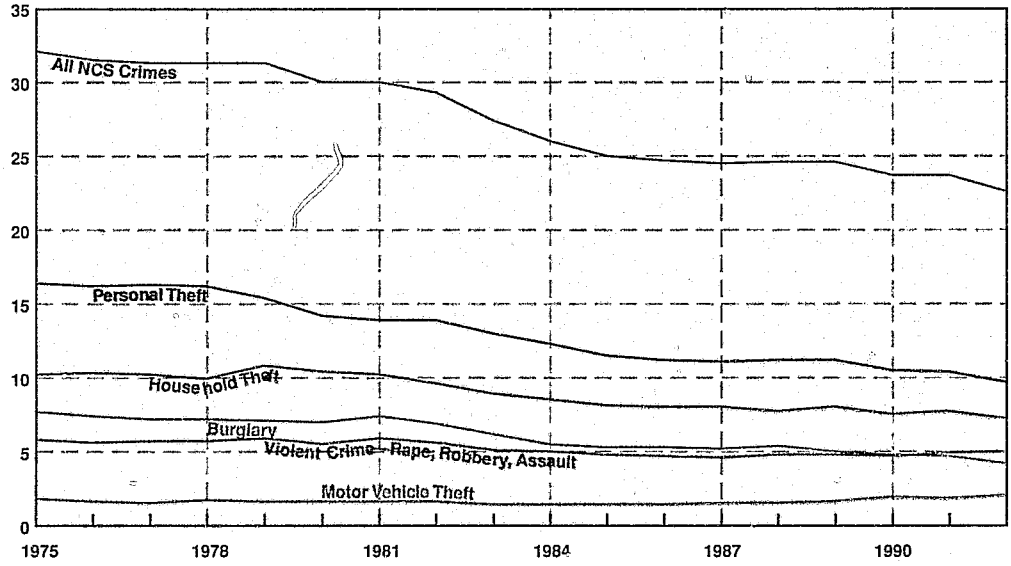
Source: Uniform Crime Reports, Ohio data tables, FBI.

"Reported" violent crime in Ohio is increasing



*rates are calculated per 100,000 population
Source: Uniform Crime Reports, Ohio data tables, FBI.

Overall the percentage of U.S. households experiencing crime has been falling since 1975



Source: National Crime Survey, Crime and the Nation's Households, 1992.

Crime is not evenly distributed by place or time of occurrence

Theft and assault occur mostly in the suburbs

About half of all thefts in 1991 took place in the suburbs. When the cities which those suburban areas surround are included, the proportion of thefts increases to 88 percent. Likewise about half of all assaults occurred in the suburbs. When including the urban areas, the proportion of assaults increases to 84 percent. Robberies occur mostly in urban areas.

1990 Ohio victimization occurring in areas that are:

	Urban	Suburban	Rural
Crimes of Violence	120,870	135,860	48,130
Robbery	22,690	10,740	5,980
Assault	98,170	125,120	40,480
Theft	192,990	300,940	85,860

Source: 1990 NCS Ohio victimization survey tables, BJS.

Household crimes occur mostly at night, while crimes of violence are rather evenly distributed between day and night

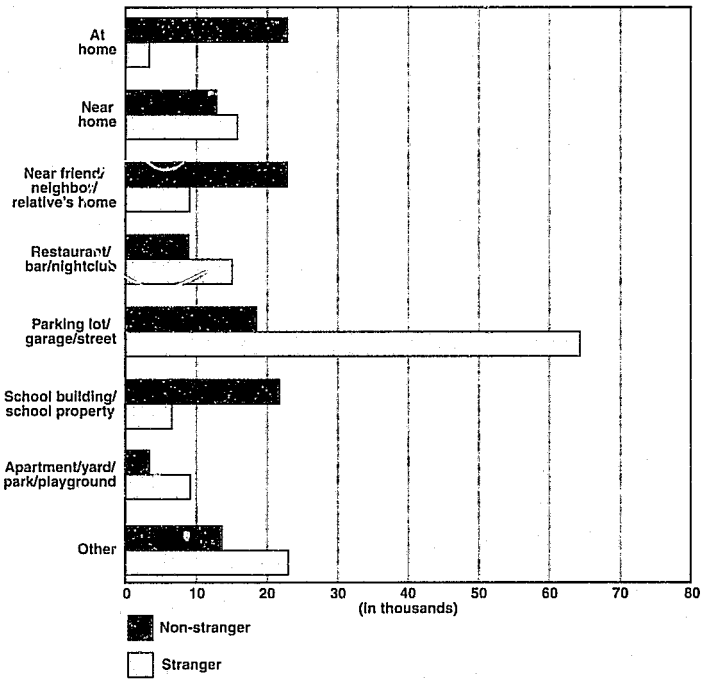
Percent of victimizations reported to have occurred

	During the day 6 am to 6 pm	During the night 6 pm to 12 am	During the night 12 am to 6 am
Crimes of Violence	46%	39%	15%
Personal Crimes of Theft*	8	27	15
Household Crimes	29	31	40
Burglary	35	47	19
Household Larceny	25	26	49
Motor Vehicle Theft	27	11	62

*Away from home

Source: 1990 NCS Ohio victimization survey tables, BJS.

Most violent crimes in Ohio occurred away from home in 1990



Source: 1990 NCS Ohio data tables.

Most burglaries occur at the victim's residence

Burglary is the unlawful entry of a structure to commit a felony or theft. Use of force is not a necessary prerequisite. In Ohio, burglaries accounted for 21 percent of the crimes reported to the UCR crime index and 24 percent of property crimes in 1991. These percentages are consistent with the occurrence of burglary offenses nationally.

Burglaries occurring in the residence account for 68 percent of the total burglaries in Ohio. Burglary of a residence was slightly more likely to occur at night than in the day. The proportion of burglaries occurring at night, residential and non-residential is 52 percent. Non-residence burglaries appear to take place mostly at night.

Burglary in Ohio 1991

Location	Percent
Residence, nights	32%
Residence, days	25
Non-residence, night	20
Residence, unknown	12
Non-residence, unknown	6
Non-residence, days	5

Source: Uniform Crime Reports, FBI.

Over half of all robberies occur on streets and highways

For UCR purposes a robbery is defined as taking or attempting to take anything of value from the care, custody, or control of a person or persons by force, threat of force or violence and/or by putting the victim in fear. For an offense to be considered a robbery an individual(s) must be present when the offense occurs.

In Ohio, robberies accounted for five percent of the index crimes reported to the FBI and 39 percent of all violent crimes. Robbery reflects a slightly higher proportion of violent crimes than it does nationally (36 percent). Robberies occurring on streets and highways and at commercial locations account for 69% of all robberies in Ohio.

Robberies in Ohio 1991

Location	Percent
Street/highways	58%
commercial location	19
Other locations	9
Convenience stores	8
Gas stations	4
Banks	2

Source: Uniform Crime Reports, FBI.

Ohio Targets Organized Crime

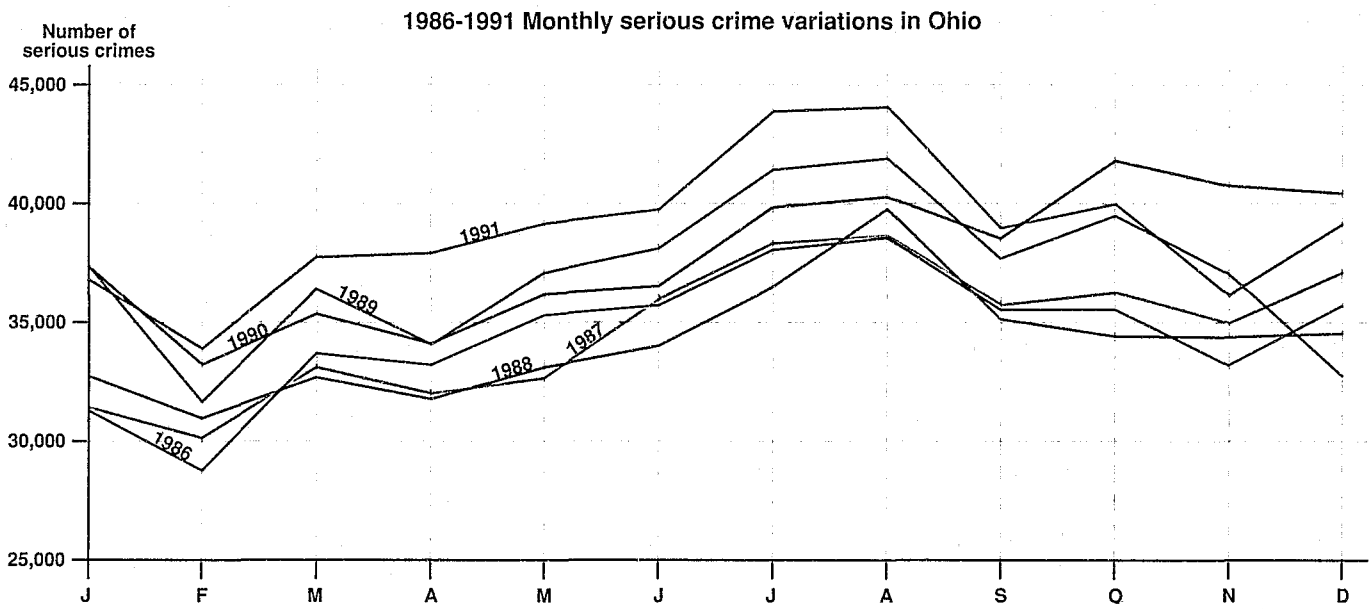
Since 1986, the Ohio Organized Crime Investigation Commission (OOCIC) has prosecuted more than 150 individuals, recovered five million dollars in stolen property, and seized and forfeited almost two million dollars in property and cash. One of the organized crime task forces successfully investigated and prosecuted more than 54 individuals in what is believed to be the biggest organized criminal theft operation in the State of Ohio. This project has been so successful that additional indictments are expected.

The Commission was established by the Ohio legislature in 1986. It is comprised of seven members including the Attorney General, who serves as chairman, two prosecuting attorneys, two sheriffs, and two chiefs of police. The Commission is authorized to create task forces throughout Ohio to investigate organized criminal activities. Task force representatives are from law enforcement agencies in the local community where the investigation is conducted.

In selecting its initial task forces, the OOCIC goal was to demonstrate to the citizens of Ohio that organized crime does directly affect their lives and wallets. The Commission selected projects with targets involved in major organized theft rings that had never before been penetrated by the Ohio law enforcement community because of lack of adequate support and legal authority. The OOCIC in two of its task forces successfully investigated targets with traditional organized crime associations or who were deeply involved in narcotics trafficking.

Based on its present projects and information developed by its task forces, the OOCIC has identified five areas in which organized criminal activity may focus in Ohio. They are as follows:

1. Hazardous waste disposal and illegal land-fills.
2. Computer fraud and related hi-tech crimes such as illegal accessing of legitimate business computer systems, long distance telephone fraud, credit card fraud, and other forms of computer hacking.
3. The use of computers by organized crime operations in traditional-type criminal violations such as narcotics trafficking, gambling, stolen property operations, and money laundering.
4. Narcotics trafficking by traditional-type criminal violations such as gambling, stolen property operations, and money laundering.
5. Financial fraud operations and the defrauding of governmental units of tax dollars which are derived from gasoline taxes and phony medical claims.



Source: Uniform Crime Reports, Ohio data tables, 1986-1991, FBI.

The Commission assists the task forces in two areas. The first area is logistical support, which includes, but is not limited to, clerical support, confidential funds, work space, technical equipment, vehicles, communication equipment and more. Logistical support may also include the technical expertise of the OOCIC staff, including assistance to the local prosecutors who are part of an OOCIC authorized task force. The second area of support is that of the authority to conduct the investigation. The Commission by law sets the time frame of the task force and the area of the jurisdiction, and accepts the liability for the task force. In addition, the Commission can furnish prosecutorial support for the task force when requested by the prosecuting attorney(s) who are part of the task force.

As an outgrowth of the OOCIC program, the OOCIC staff has furnished assistance to local law enforcement in the areas of technical expertise, equipment, and advice in conducting major complex investigations where these projects have not been actual OOCIC investigations and where local law enforcement has been unable to obtain this assistance from other sources.

John Cozza, Executive Director
Ohio Organized Crime Investigation Commission

Handguns increasingly are the weapon used for murder

Firearms are used in a significant percentage of all Ohio violent crimes

Percent of weapons used in serious crime: 1992

	Murder	Robbery	Aggravated Assault
Firearms	66%	39%	27%
Cutting instruments	14	6	18
Personal weapons*	13	44	26
Other weapons	6	10	29

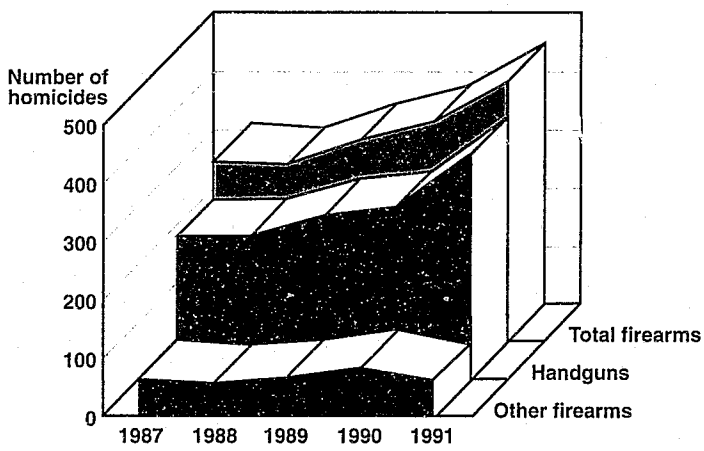
*Strongarmed robberies are included in the personal weapons category

Source: 1992 Ohio UCR data tables, FBI.

As the murder rate in Ohio increases, the more frequent use of handguns is reflected

In 1991, a handgun was reported as the weapon used in 55 percent of all Ohio murders. Nationally, handguns were reported as the weapons used in 53 percent of all murders. In Ohio, handguns accounted for 86 percent of the firearms used in all murder offenses reported to the FBI's UCR Program. Nationally, handguns accounted for 80 percent of all firearms used in murder offenses.

UCR data show a 59% increase in the use of handguns as the weapon used in murder offenses between 1987 and 1991.



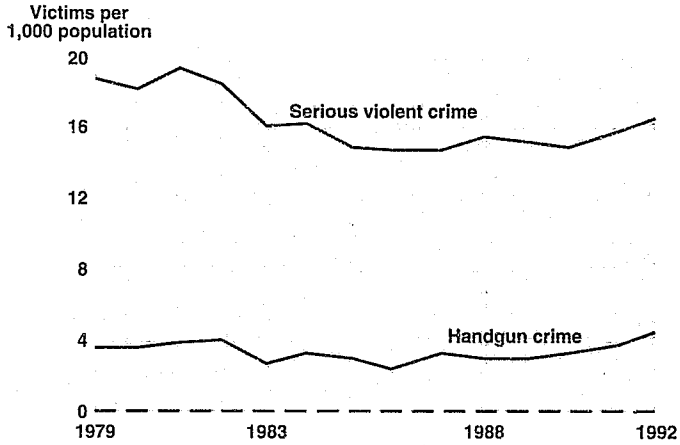
Source: Uniform Crime Reports, 1987-1990, FBI.

Half of the weapons seized by Ohio's regional task forces in 1992 were handguns

Type of weapon seized	Number of weapons
Handguns	152
Semi automatic handguns	136
Shotguns	112
Rifles	70
Knives/Cutting instruments	41
Semi automatic shotguns	16
Semi automatic rifles	15
Machine guns	2

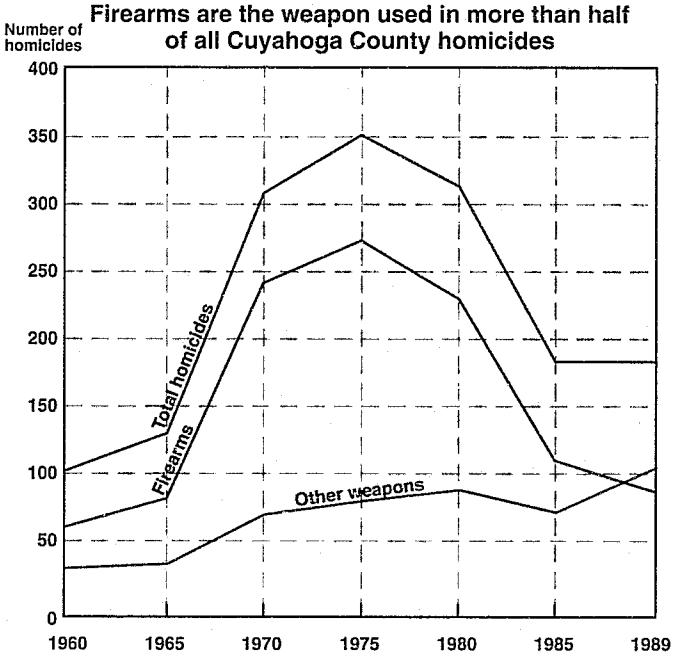
Source: Office of Criminal Justice Services, Drug Task Force quarterly reports, 1992.

The 1992 handgun victimization rate in the U.S. was the highest on record



Note: Serious violent crime includes rape, robbery, and aggravated assault.
Source: **Guns and Crime**, BJS, 1994.

Firearms are the weapon used in more than half of all Cuyahoga County homicides



Source: Coroner's Statistical Report of Cuyahoga County, 1978-1989.

Gang violence affects many Ohio communities

Gangs in the 1990's

The most common type of crime committed by gang members today is interpersonal crime — crime against each other. It begins with assault in the form of initiation into the gang, and can escalate to murder, the murder of their own members or members of rival gangs.

Gangs start with petty crime in the neighborhood. Any crime that is income-generating will be popular with gangs. One of the most common is property crime, which includes auto theft, larceny (stealing out of cars), and shoplifting.

It is not uncommon to find young gang members running chop shops. One 16 year-old male we met was a member of both the Folks and Crips just to increase his profits. In other words, he was stealing and modifying cars for both gangs. He was motivated by the income, and for that was willing to risk his life.

Drug trafficking ranks with property crime, providing a lot of money in a short period of time. As the gangs comfort level increases, they escalate their activities to include rape (some gang nations use this as a form of initiation for females), aggravated menacing, riots, and murder.

Gang crime is primarily committed around areas where youth congregate. Shopping malls, theaters, sporting events, and concerts are potential playgrounds. They prefer anonymity and the chance to get lost in the crowd. Typical shopping mall behavior involves walking through the mall slowly, four to five abreast to intimidate shoppers. They also like to walk through the mall looking for kids to fight that are wearing gang colors, either of rival gangs or kids who just happen to be wearing Starter clothes, but do not belong to the gang who has claimed that Starter article.

Gangs also commit crimes of vandalism and property damage at their schools, community centers and local businesses. Graffiti writing throughout their turf causes confrontations with rival gangs. Innocent bystanders end up victims of drive-by shootings. Communities need to develop graffiti removal policies to prevent and lower the incidents of violence. Cities have been successful at reducing the amount of gang crime by removing gang graffiti and by putting up historical murals. There are also materials that can be used to make the removal of gang graffiti less costly and time consuming if it does go back up on the buildings.

Some gang crime patterns include gang initiations and weekend meetings. Gang initiations usually occur on weekends at the meetings. This is not written in stone, but it appears to be true. For instance, the Crips and Folks have their weekly meetings on Saturday, the sixth night of the week. The number six is symbolic for them and is used in graffiti as well. On that night they initiate new members. On Friday the fifth night of the week the Bloods and Vice Lords are initiating new members. The number five is symbolic for them. Gang literature books state that it is a rule to fight rivals on their meeting nights.

When dealing with gang crime you must also deal with the level of gang knowledge, sophistication of the gang and the level of violence the leader is capable of. You need to know and understand local gangs to understand the crime patterns they are developing. Where is the most profit in the community in which they operate? Who are most likely to be the next initiates? Who are the most vulnerable and usable? Who are most unlikely to be noticed by the police?

We are not as organized as the gangs. Gangs won't go away completely, but at least we can bring the problem to a manageable level. The longer we allow gangs to spread through Ohio unchecked the more costly it will be to us as taxpayers to turn it around. It is less costly in the long run to provide for prevention programming than it is to incarcerate or to intervene after gang initiation occurs. Programs need to be long-term. Short-term programs only add to the levels of frustration, anger and violence of youth. Gangs have impacted many of the communities throughout Ohio; Columbus, Cleveland, and smaller communities as well are being impacted on a daily basis.

We need to educate all individuals who work with youth including law enforcement, corrections, schools, teachers, and social service agencies. With knowledge, these groups can work together to bring about change. The predator spirit does not have to prevail. We each have to do our part. We have to stop placing blame and trying to find out who is at fault. We are wasting time — it is time to roll up our sleeves and get moving. It is up to us. It is up to you.

Michael L. Walker and
Linda M. Schmidt
The Task Force on Violent Crime

Reported domestic violence calls tend to remain constant throughout the year

1992 reported domestic violence calls and arrests by quarter

Month	Total calls	% Arrests	% Referral	% No action
Jan - Mar	18,002	18%	32%	50%
Apr - Jun	17,461	19	31	52
Jul - Sep	17,631	18	31	51
Oct - Dec	16,278	19	35	48

Source: The Ohio Bureau of Criminal Identification and Investigation, 1992.

Based on domestic violence calls reported to the Ohio Bureau of Criminal Identification and Investigation in 1992, it appears that while reported crime tends to increase during warmer months, domestic violence offenses reported to police tend to remain constant. (Fifty-one percent of all reported offenses occurred during the warmer months, April - September, and 49 percent during the winter months, October - March). Of the 69,372 domestic violence calls reported, only 18.7 percent resulted in an arrest, and no action was taken by police in fifty percent of the calls. The remaining 31.3 percent of the calls were referred to other domestic service agencies.

Hate/bias crime is an emerging criminal justice issue

The FBI records crimes committed against a person because of his/her race, ethnicity, religion, or sexual orientation. In 1990 a program was initiated in response to the Hate Crime Statistics Act and is being implemented by law enforcement agencies both in Ohio and nationally. The purpose of this new reporting program is to provide an assessment of crimes that are motivated by bias. The FBI will be collecting bias information on several crimes including murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, simple assault, intimidation, and destruction/damage/vandalism of property. The first data were reported to the FBI in 1991. A total of 2,771 law enforcement agencies from 32 states reported this information. In Ohio, the thirty agencies that participated reported eighty crimes that were bias related.

1991 hate bias-related offenses reported nationally

Offense	Total number	Percent
Intimidation	1,614	34%
Destruction/damage/vandalism	1,301	27
Simple assault	796	17
Aggravated assault	773	16
Robbery	119	3
Burglary	56	1
Arson	55	1
Larceny/theft	22	1
Murder	12	-
Rape	7	-

Source: FBI Uniform Crime Reports, 1991.

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Chapter 3

The Offender

Jeffrey J. Knowles
Office of Criminal Justice Services

This chapter addresses criminality, especially as it occurs in Ohio, and answers several questions including the following:

How does society view criminal behavior?

What motivates criminals, and what factors beyond that overt motivation also influence criminal behavior?

Are innate characteristics associated with criminality in Ohio (e.g., age, race, sex)? Has there been any significant change in female criminality in recent years? How serious is the issue of black-on-black crime?

What is the acquired characteristics profile of offenders relative to education, employment, family, etc.?

How do other factors impact criminal behavior, such as mental health and substance abuse?

What are the relationships between offenders and their victims? How frequently are they known to one another? How frequently are blood relatives involved?

Is there such a thing as "career criminality?" Do a small number of offenders account for a large number of criminal activities, or are crimes spread evenly among offenders?

This chapter was critiqued by Lynn Slaby, Prosecuting Attorney of Summit County, and John Lenhart, Superintendent of the Ohio Bureau of Criminal Identification and Investigation.

What is criminality?

Societal attitudes toward criminal behavior have changed several times since the Nation's inception, and now appear to be in another period of flux

Criminality is too often viewed as a cohesive whole, a single-dimensional phenomenon which invites a single-dimensional response. At this superficial level, criminal justice practitioners are bombarded with suggestions for how to handle criminals, sometimes including punishments lifted from the legal codes of foreign nations or even our own distant past. The enormous cultural differences separating contemporary Western society from these would-be contributors to American justice are blithely ignored.

In fact, much of what is often suggested has already found expression during various periods of American history. The waning days of the pre-industrial society (prior to 1800) saw the disease model of criminality still in force, with offenders humiliated, branded, banished or executed as was necessary in order to warn citizens or rid the village of social sickness. Punishments were individually tailored not "for the protection of the offender but because of the caprice of the punisher." Later, reflecting the rational enlightenment of the 19th Century, offenders were viewed as free agents who had chosen to break the societal contract which was necessary if order and rationality were to reign. Still later, in the wake of Darwin and after the state had assumed the aggrieved-victim role from the local community and individual, determinism made its impact on views of criminality. Offenders were merely doing what they were biologically programmed to do. The only way to treat them was to scientifically identify and address those determinants driving the criminal behavior. All sense of retribution, negative exampling, and social disease riddance were eliminated.

What motivates criminals?

Ohio prisoners' reasons for committing property crimes	% of total
To get money for my own expenses	21%
To get money for drugs and alcohol	20
Under the influence of drugs or alcohol	16
To get money for family support	15
For the challenge	6
Because of other people's influence on me	5
For the "kicks," "thrills," or attention	3
For hostility or revenge	2
To get money for a woman (man)	1
Other	5
No answer	5
Don't know why, or no one reason	3

Note: percentages may equal more than 100% due to rounding

Source: **The Figgie Report Part IV: The Business of Crime: The Criminal Perspective,** Figgie International, Inc., 1988.

Today, perceptions of criminality are based on a patchwork of these models, frequently agitated by findings at the front edge of scientific discovery. For example, at a time when many offender treatment models are emphasizing individual accountability for one's own actions, the stunningly successful field of genetics is teasing behavioralists with the prospects of physically locating specific behavior drives within genetic sequences, something beyond even Darwin's wildest imaginings. Another vein in the same issue exposes deep public divisions concerning the roles of tolerance, vengeance, and accountability relative to criminality, as was illustrated in the anguished deliberations of the Denny jury in Los Angeles.

Over a decade of citizen attitude surveying in Ohio by the Office of Criminal Justice Services has demonstrated that criminality, like most facets of justice, is not a monolithic concept. Just as there are different types of crimes, trials, and sanctions, so too are there different types of criminality. When asked to consider individual sanctions for certain kinds of offenders, the citizen survey respondents consistently have drawn distinctions among offenders based on age, severity of the crime, prior criminal record, and other mitigating factors. Whatever conclusions society may come to concerning criminality, it is not something which can be addressed with a singular sweep of the hand. The hard work of understanding and analysis will be a part of any such conclusions.

It is apparent that many of the causes of criminality are not, in themselves, criminal in nature, but are similar to those with which most people have to deal at times. Hence, the criminal earns his or her status by crossing a personally defined moral line which most people choose to honor. However, a reason largely ignored among these causes, but one which some law enforcement officials recognize, is an abnormal appetite for power which drives many violent criminals—the predatory sense of power over a victim, the peer group sense of the power of increased status resulting from daring acts.

Substance abuse fosters a different kind of criminality

The clouded image of criminality is further confused by an issue impacting virtually every part of the criminal justice system—substance abuse. Because drug trafficking allows offenders to make enormous profits without recourse to violent or high risk crimes like robbery or burglary, the economic incentive exerts an unusually powerful influence on some offenders. A Rand study of street dealing in Washington D.C. found that sellers were averaging $30 per hour, over four times the working wage paid by their legitimate jobs.

However, where drug-related crimes do cross the lines of violence it has more to do with the delivery system for the crime—what national drug/crime researcher Paul Goldstein calls "systemic" violence—than any other factor. Goldstein's 1988 study of New York homicides found that while 53% were drug-related, most of these (74%) were related to the unique delivery system associated with this type of crime (e.g., territorial disputes, elimination of informers, punishment for selling altered drugs, etc.). Fourteen percent of the drug-related homicides in the sample were attributed to psychopharmacological causes (i.e., under the influence of a drug), but only four percent were tied to "economic compulsive" causes relating to the need for money to finance a drug habit.

A disproportionately large percentage of Ohio's criminal offenders are males, youths, and blacks

Violent crime arrestees are predominantly male

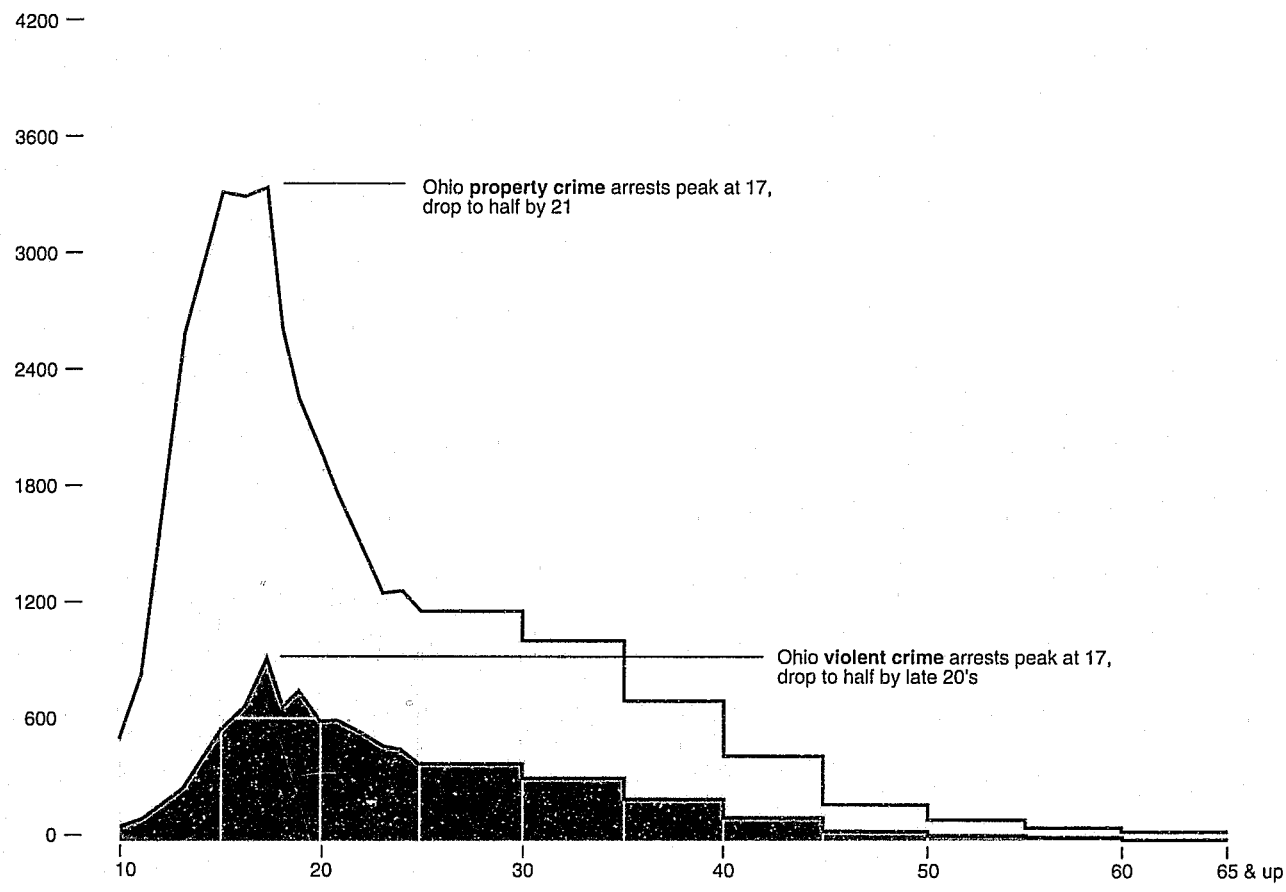
	Male	Under 21	Black
Ohio population	48%	31%	11%
Serious crime arrestees*	76%	47%	44%
Violent crime arrestees**	88%	35%	58%

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

**Crimes include murder, rape, robbery, and aggravated assault.

Sources: **General Population Characteristics: Ohio,** 1990 Census of Population, U.S. Dept. of Commerce, June, 1992.
Uniform Crime Report, Ohio tables, FBI, 1992.

Seventeen is the peak age for serious crime arrests in Ohio



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, 1992.

Black-on-black crime is the most common type of violent criminal behavior relative to offender/victim racial interactions

Overwhelmingly, black offenders choose black victims in the commission of personal crimes of violence.

Personal crimes of violence in Ohio: 1990	Offender-victim encounter, by race	% of encounters
Crimes of violence (robbery, rape, assault)	white-on-white	83%
	black-on-white	14
	white-on-black	5
	black-on-black	95

Note: figures may not equal 100% due to non inclusion of other ethnic combinations in this table.

Source: 1990 National Crime Survey, BJS, Ohio tables, #47.

Black offenders are disproportionately represented at all points on the crime/justice continuum

There is a growing concern over the increasing percentages of blacks being arrested and processed through the criminal justice system in Ohio. The Ohio Criminal Sentencing Commission, while studying 1991 felony indictments in 18 counties which see 75%-80% of the State's criminal activity, found that 55% of the indicted felons were black. The figure was virtually the same (56%) for blacks entering Ohio's prison system that year. Arrest and prison intake data suggest that the problem is growing.

Percent of Ohioans arrested for major crimes* who are black		Percent of persons entering Ohio's prisons who are black	
year	%	year	%
1980	31%	1980	42%
1982	36	1982	43
1985**	35	1984	42
1986	36	1986	43
1988	38	1988	48
1990	43	1990	54
1991	43	1992	55

*includes murder, rape, robbery, serious assault, burglary, auto theft, theft, and arson

**arrest data were unavailable for some even numbered years in series

Source: Uniform Crime Report, Ohio tables, FBI.

Source: Ohio Dept. of Rehabilitation and Correction, Management Information Systems, Nov., 1993.

The reasons for this apparent trend are not clear, and are being debated in larger society. The prison data seem to suggest linkage with the drug issue, which has greatly influenced prison population growth since the late 1980s. But the same explanation could not directly suffice for the arrest data since drug abuse and trafficking offenses are not included. Elsewhere in this report are analyses of the role of discrimination in the administration of criminal justice, but it is difficult to determine to what extent such discrimination contributes to the over-representation of blacks in the crime/justice arena.

One additional information program may provide part of the answer. The ongoing National Crime Survey (NCS), administered by the federal Bureau of Justice Statistics, regularly surveys American citizens to determine the nature and extent of the crime problem. The great advantage of this Survey is that it includes the "larger half" of crime victims who never report the crimes to law enforcement authorities. The NCS data for Ohio seem to indicate that black involvement in violent crime is not escalating, but that blacks maintain an involvement in violent crime which is approximately three times that which would be expected on the basis of population alone.

Percent of Ohio violent crimes* perpetrated by black offenders

year	%
1983	34%
1984	26
1985	38
1986	28
1987	22
1988	23
1989	37
1990	30

*includes assault, robbery, and rape, but not murder

Source: National Crime Survey, Ohio tables, BJS.

What social and economic traits characterize offenders?

Offenders are poorly educated compared with the general population

In 1988 the Bureau of Justice Statistics, which runs periodic censuses on U.S. prison and jail populations, reported that high school completion percentages for jail (40%) and prison (28%) inmates were about one-half and one-third, respectively, of the completion rate for U.S. males between 20 and 29. The 1991 prison census saw the high school completion figure rise to 34%. In Ohio, a 1992 study of prison intake found the same (34%) result.

High unemployment characterizes offender lifestyles

Not only are felons underemployed—by as much as half—compared with the general population, but there is some evidence that many chronic offenders have never entered the work world. The unemployment problem appears correlated with the severity of criminal behavior. Among those entering Ohio's prisons the unemployment figure reaches 74%.

A disproportionately large percentage of offenders come from urban areas

Metropolitan areas in Ohio contribute almost 50% more offenders to the crime and justice arena than even their large populations would suggest.

County	% of Ohio's population	% of serious crime arrests	% of prison intake
Cuyahoga	13%	15%	24%
Franklin	9	10	10
Hamilton	8	17	11
	30	42	45

Sources: **General Population Characteristics: Ohio,** U.S. Dept. of Commerce, June, 1992.
Uniform Crime Report, Ohio Data Tables, FBI, 1992.
1992 Intake Study: Final Report, DRC, 1993.

Beyond the Criminal

The criminal justice system in Ohio has experienced a number of unexpected challenges in the last ten years. Over-crowded prisons, spiralling drug prosecutions and limited resources are just a few of the new concerns. Sometimes it seems that the harder we try, the further behind we fall. Repeat offenders, increased violence, juvenile crime statistics and prison riots make one wonder whether we are really making progress or just marking time.

Ohio has the ability to begin a systemic collection of data about the offenders that are processed by the system. Schools, hospitals and other service providers could submit information about these individuals. What happens to them after they leave the system? Can one characterize these people? Current profiles describe a poorly educated, unemployed, urban area individual with little or no family ties. Is there a clue here?

The mental health and medical professions have made great strides in early identification and intervention to minimize long term chronic health care. The schools, the courts, the mental health centers and hospitals are just a few gatekeepers to a system of early identification and possible intervention of high risk juveniles. Maybe the first contact with an individual should be the most important. Maybe the "system" ought not view this as just another first offender.

Some criminologists now believe that resources spent up front pay higher dividends than dollars spent on habitual offenders. For years, federal and local monies have been spent pursuing these career criminals. This seems sensible. However, at some point it is clear that a person is beyond rehabilitation—at least from a statistical view. Individuals can be identified by characteristics that place them in a high risk category. Job training during school, vocational preparation all year and guaranteed employment might give these kids a real choice.

Society must target our dollars to include these juveniles in a productive and attainable way of life. By the time we face them as repeat offenders it is too late... for them, for society and for their victims. One may begin to consider the cost of housing a prisoner versus the cost of providing a real job and education (not to mention the cost of the crimes).

It is impossible to actively engage in any function in our system without frustration. We do not seem to be making real progress. Some call for more prisons, longer sentences and stricter standards. Some demand that the criminal, when caught, should be made to pay his or her debt. It is hard to argue with that goal. But where is it getting us? Just maybe it is not as important to make the punishment fit the crime as to make society serve the needs of its citizens.

Robert D. Horowitz
Prosecuting Attorney
Stark County

Personal histories provide troubled profiles of criminal offenders

Offender family ties tend to be non-existent or very weak—and are often more negative than positive where they do exist

Most offenders neither participate in traditional family patterns nor reflect them in their own growing up experiences. Nationwide just over 20% of prison and jail inmates are married, a figure which is supported by the Ohio Sentencing study (22%). Among inmates entering Ohio's prisons the figure falls to 12%. Nevertheless, among female prison inmates nationwide nearly three-quarters have children, a circumstance also true for 54% of the males.

Family difficulties for criminal offenders begin long before they make their own family decisions. The Survey of State Prison Inmates, 1991 found that:

—less than half lived with both parents while growing up;

—17% lived in a foster home or some institution for some time;

—26% reported that their parents or guardians had abused alcohol;

—one-third of the female inmates reported sexual abuse prior to incarceration;

—37% had an immediate family member (parent, brother or sister) who had served jail or prison time.

Mental instability frequently impacts criminal behavior

Mentally disturbed persons pose special problems for the criminal justice system, especially at the level of incarceration. However, there is some evidence that the process sometimes works in reverse, with research on police-citizen encounters in Illinois indicating that mentally disordered citizens were twice as likely to be arrested during such times. Other research has indicated that at least 10% of prisoners are (or have been) in need of formal psychiatric treatment. Among incoming Ohio prison inmates one in five reported a history of mental health problems.

Substance abuse is linked to criminality from several perspectives

The most damaging of these links are:

—violation of drug (illegal possession, sale; prescription abuse) and alcohol (illegal sale, transporting, manufacture) laws;

—organized criminal activities relating to control of illegal markets;

—impairment of judgement and emotions, leading to criminal behavior;

—criminal activity to support substance abuse purchases; and

—criminal activity centering around theft of substances.

Between 1986 and 1991 drug arrests rose by 50% in Ohio

Other data substantiate that the criminal violation of Ohio's drug laws is, in itself, an increasingly heavy burden on the criminal justice system. During the 1985-1992 time period the percentage of drug felons among the entire State prison population escalated from 12% to 31%, a pattern which has been repeated throughout much of the Nation.

Offenders tend to have severe substance abuse problems

Persons indicted for felonies in Ohio courts were more than likely to have problems with heavy drug use (25%) or outright addiction (27%), and similar problems with heavy alcohol use (20%) or addiction (22%).

The crime-drug linkage relating to impaired judgement is somewhat more difficult to establish

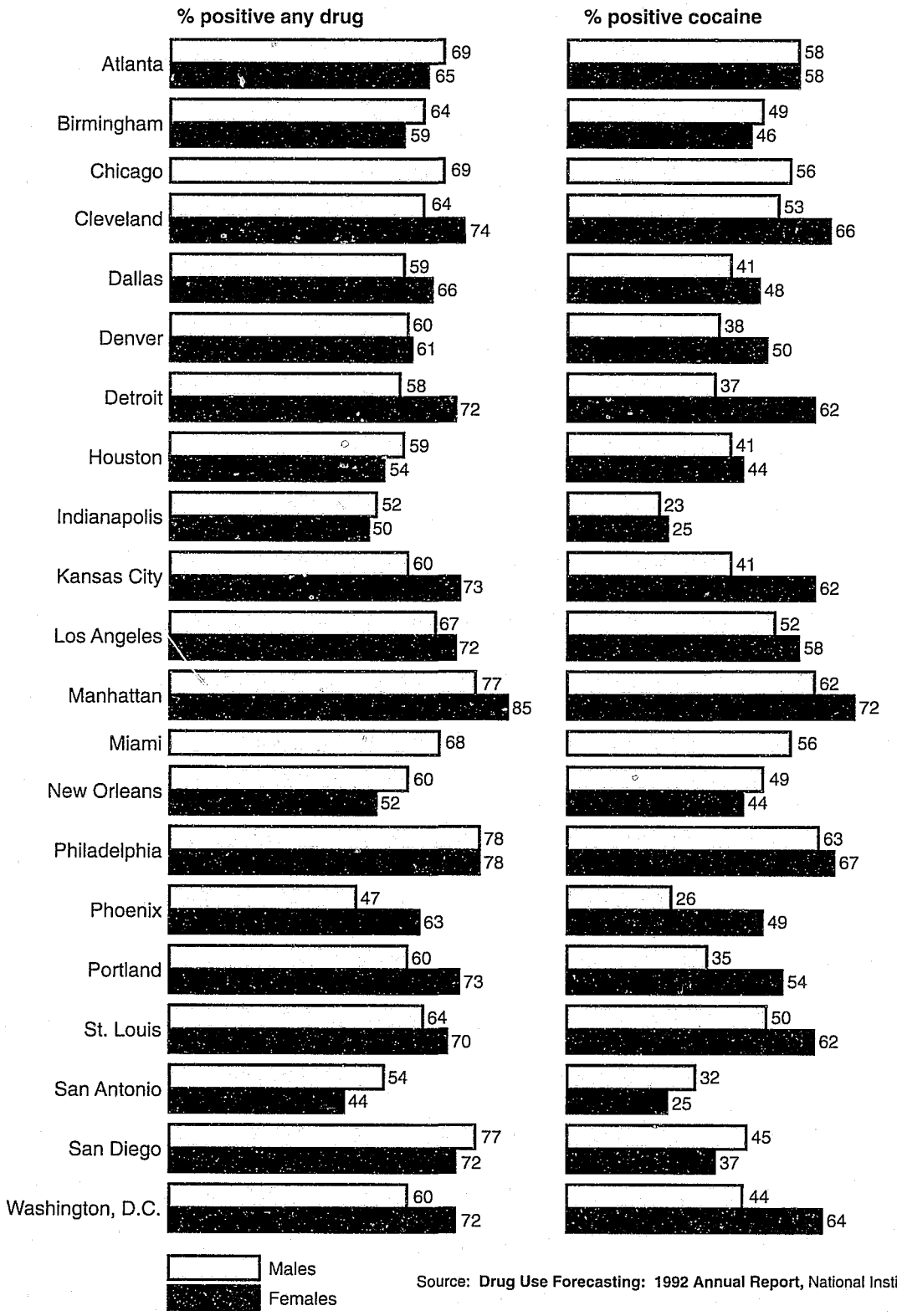
At what point, if at all, does substance abuse drive a person to commit a crime—what some drug researchers call the psychopharmacological effect? Or is it a matter of drugs and alcohol simply worsening the behavior which would have been "criminal" even without the substances? While available data do not permit solid answers for these kinds of questions, they do support the strong association between substance use and the immediacy of criminal activity.

Since the late 1980s Cleveland has functioned as one of more than 20 U.S. cities participating in a national program for testing sample urines of arrested felons. Quarterly samples drawn from males, females and juveniles have consistently demonstrated a remarkably high incidence of test-positives for drug use. Among Cleveland's male arrestees—and the crimes are not limited to drug crimes—over 50% of every offender group tested quarterly since 1988 has tested positive for some kind of drug (cocaine, marijuana, opiates, PCP). Testing of females, which did not begin until 1990 in Cleveland, has regularly turned up evidence of cocaine in the 70% range of arrestees, a figure which until recently led all other 24 U.S. survey sites. Juvenile arrestees in Cleveland have tested much lower than the adults, but some preliminary research on hair testing, as opposed to urine testing, hints that the differences may not be so pronounced (i.e., the differences may be due to physical factors such as longer time periods for processing juveniles, during which drug traces may be lost in the urine).

In the spring and summer of 1994 the Ohio Department of Alcohol and Drug Addiction Services administered a study which extended the felony arrestee urine testing to four other sites in four counties (Montgomery, Athens, Crawford and Licking). Preliminary results indicate that the drug-crime link is not just a problem in Cleveland. Among 464 tested adult arrestees, 58% of the males tested positive for some drug (39% cocaine), a figure which jumped to 71% for females (59% cocaine).

Among state prisoners in the U.S., a

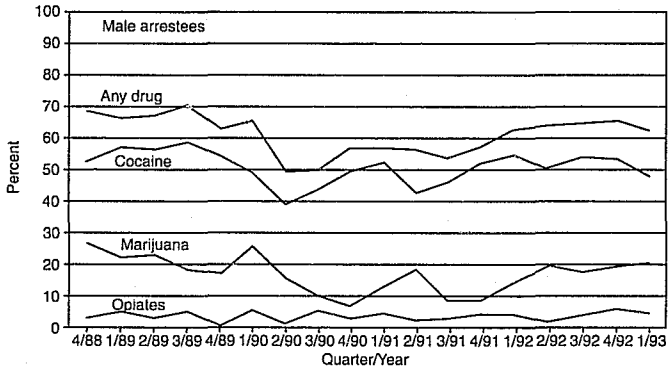
Most booked arrestees test positive for some kind of illegal drug

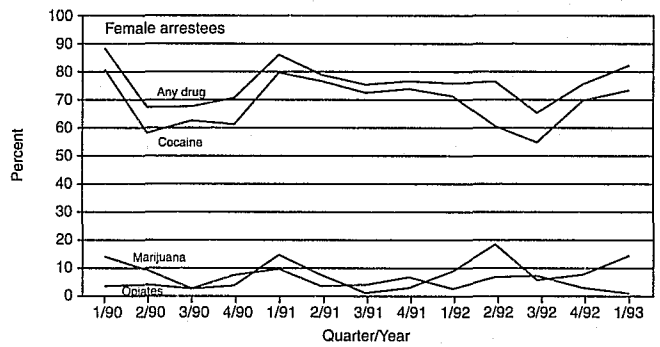


Source: **Drug Use Forecasting: 1992 Annual Report,** National Institute of Justice, October, 1993.

The majority of Cleveland arrestees continue to test positive for drug use, notably cocaine

Percent testing positive in each quarter





Source: **Update on the Drug Use Forecasting Project in Cleveland: 1988-1993,** Cleveland State University, August, 1993.

significant number of those who cited drugs as a motivation for their crime tended to be property offenders

	Percent of inmates who:		
	Used drugs during month before arrest	Committed offense under influence of drugs	Committed offense to get money for drugs
All inmates	50%	31%	17%
Violent offenders	46	28	12
Property offenders	54	35	26
Drug offenders	60	37	22
Public order offenders	35	18	5

Source: **Survey of State Prison Inmates, 1991,** BJS, March, 1993.

Chances are better than even that any given felony was committed by a prior offender

If every criminal in the United States restricted himself or herself to a single serious crime—even one felony every year—crime would immediately be reduced to a minor social issue in this country. There is no firm data base which can consistently document the numbers of crimes committed by repeat offenders—most serious crimes never get reported to law enforcement authorities, and many which do are never cleared by arrest—but confidential prison interviews and other research hint at the enormity of the problem. Among a national sample of incoming prison and jail inmates in Texas, Michigan and California, half of the convicted robbers had committed five or more robberies per year, with each of the most crime-prone 10% of the sample committing more than 85 per year. For burglary offenders the corresponding figures rose to at least six burglaries per year for half of the offenders, and 232 burglaries per year for each of the most active 10% in the prisoner sample.

Even when restricted to official data, prior offenders tend to dominate among criminal offenders

The BJS study of felony defendants in the Nation's 75 largest counties in May of 1990—counties which account for nearly 50% of all crime in the U.S.—documented a significant amount of prior criminal activity* in the 14,000 cases tracked.

Among the felony defendants:

68% had one or more prior arrests
59% two or more prior arrests
39% had five or more prior arrests

55% had one or more prior felony arrests
43% had two or more prior felony arrests
21% had five or more prior felony arrests

54% had one or more prior convictions
41% had two or more prior convictions
20% had five or more prior convictions

36% had one or more prior felony convictions
21% had two or more prior felony convictions
5% had five or more prior felony convictions

38% were under some kind of sanction or control for a previous crime (e.g., parole, probation, pre-trial release) at the time of their arrest

* Felonies are the more serious crimes under Ohio law. However, where the term "felony" is not specifically used, all crimes (i.e., including criminal misdemeanors such as some shoplifting and drug possession offenses) should be assumed.

Source: **Felony Defendants in Large Urban Counties,** 1990, BJS, May, 1993.

What constitutes a "career criminal?"

Committing a preponderance of the crimes is only one indication that a small but very troublesome number of offenders make a career out of crime. BJS has reported that a Rand study found 40% of a prisoner sample had never held a full-time, permanent job, and that these offenders were more crime-prone than fellow prisoners who had held full-time jobs. The Ohio Sentencing Commission study discovered that 54% of the sample of felony indictees were unemployed at the time of their arrests, with an additional 18% working part-time. Only 20% were working full-time. The figures are made more remarkable by the fact that over 60% of the sample were in prime work years of 22-39.

There are other factors which seem associated with career criminality. One is the pattern of crime demonstrated as a juvenile offender. Generally, juvenile criminal careers characterized by early (age) entry and violence run increased risk of continuance in adult life. A second criminal earmarking is a pattern of substance abuse.

A significant number of criminals are not deterred by sanctions administered for prior crimes

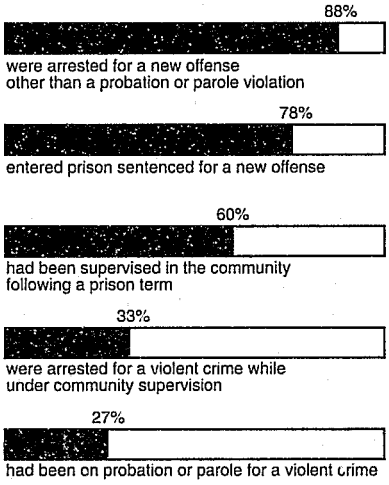
"Recidivism" is the commission of a crime or sanction violation, such as parole or probation, by a prior offender. Usually this occurrence is determined by re-conviction or return to prison. However, because Ohio is only now upgrading its Computerized Criminal Histories data base to comprehensively reflect court case dispositions, most re-conviction recidivism measures have been difficult to determine. The 1992 Intake Study of the Ohio Department of Rehabilitation and Correction found that 38% of the incoming prisoners had served one or more prior adult prison terms.

Another means of measuring recidivism, particularly among offender treatment programs, is to "track" the offenders for a specified period, usually one year, after program completion. Sometimes this tracking can include drug testing, but such measures, as well as maintaining regular contact with individuals who are, by definition, frequently unstable, make this kind of recidivism measurement difficult and costly.

Several major, national recidivism studies during the past decade reflect the severity of the problem, especially in light of the fact that this is inherently a conservative measure (i.e., most crimes go unreported and unsolved). An 11-state BJS study of 1983 prison releasees reported 62% rearrested within three years, with 47% re-convicted and 41% reincarcerated.

The problem also pervades sanctions other than prison. Among 79,000 felons sentenced to probation in 32 U.S. counties in 1986, 43% had been rearrested for a felony within three years, and one-third returned to prison or jail.

Of the nearly half (44%) of state prison inmates in 1991 who had been on parole or probation before their admission to prison:



Source: **Survey of State Prison Inmates, 1991,** BJS, March, 1993

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Chapter 4

The Victim

Jeffrey J. Knowles
Office of Criminal Justice Services

Crime victimization is a much-discussed but frequently misunderstood concept in the crime/justice arena. This chapter will attempt to set a better perspective on victims by highlighting data on the nature of victimization; factors relating to risk, cost and personal (victim) characteristics; and treatment of victims within the criminal justice system. Questions to be addressed will include:

How many violent crimes are committed by strangers, friends, relatives or acquaintances? What percent of serious crimes are reported to law enforcement authorities? Why don't people report all serious crimes?

What are the risks of becoming a crime victim? Which groups are most vulnerable to becoming homicide victims? Do certain lifestyles make some people more vulnerable to victimization?

Who are the most likely crime victims?

What are the costs of victimization financially, emotionally, medically?

What rights do victims have in the criminal justice system? What kind of services are available to help victims? Are we doing enough for crime victims?

This chapter was critiqued by William F. Schenck, Greene County Prosecuting Attorney and an executive board member of the National Organization for Victim Assistance, and Janet Potenza, mother of a homicide victim and a staff member of the Franklin County Prosecutor's victim-witness services division.

Understanding the nature of the victimization experience is a difficult task for society

Societal attempts to address the "victim problem" are not new

Victim rights and advocacy have been promoted in this country with various degrees of success since the 1960s. But those earlier efforts cannot be considered entirely pioneering since ancient Babylonian law codes were addressing issues of victim justice, such as compensation, some four thousand years ago. Nonetheless, first-time victims of serious violent crimes still tend to express amazement at their pre-victimization naivete concerning that experience, and complain that the system established to prosecute and sanction their offender seems more concerned with the latter's fair treatment than their own.

Crime victimization cannot be understood as a single, cohesive whole

There is a tendency to speak of "victimization" as an experience which cuts uniformly across all criminal events, leaving a well-recognized set of defining points in its wake. This homogenized view is no more valid concerning victimization than are similar views of "crime" or "the criminal justice system." A great many important distinctions—not all of which may be recognized by law—indicate many kinds of victimization and, therefore, different responses from criminal justice officials.

The victim-offender (prior) relationship provides key insights into the victimization experience

One of the most distinctive victimization factors is the victim-offender relationship. In Ohio and nationwide 55%-60% of all robberies, assaults and rapes are committed by assailants unknown to their victims. Few acts are more threatening to civilized society than crimes committed by strangers. All of law and government is, in large measure, based on the need for protection from such acts. Stranger-to-stranger crimes of violence hurt not only people, but also the concept of a civilized society.

Persons who are victimized by acquaintances, friends, or family members are no less injured than those attacked by strangers. Indeed, considering the lingering psychological effects, the experience can be more damaging. Nothing in this report or the larger body of research indicates that suffering is reduced in proportion to the familiarity of the victim-offender relationship. However, the implications for the criminal justice system are different from those associated with stranger victimizations from several perspectives, including:

1. prevention: government's crime prevention role is more restricted when family or other personal ties are involved;
2. law enforcement/prosecution: domestic disputes are a law enforcement officer's worst dispatch call; follow-up prosecutions for non-stranger victimizations are often made more difficult by uncooperative witnesses;
3. judicial limitation: mitigating circumstances, which tend to be much more common where victims and offenders are known to each other, can impact court disposition and sentencing decisions.

Homicide victims usually know their assailants

1992 U.S. homicide victims*	Number	Percent**
Strangers	3,053	22%
Non-strangers	10,669	78
Acquaintances	6,102	44
Wives	913	7
Friends	843	6
Girlfriends	519	4
Other family members	393	3
Husbands	383	3
Sons	325	2
Boyfriends	240	2
Daughters	235	2
Neighbors	217	2
Fathers	169	1
Brothers	167	1
Mothers	121	1
Sisters	42	-

*Relationship is that of victim to offender

**Not included in these calculations are a large number (8,818) of victims whose relationship with the offender was unclear.

Source: **Crime in the United States: 1992**, FBI, 1993.

Most crime victimizations, even serious ones, never get reported to law enforcement officials

Type of crime	Percent of 1990 crimes reported by Ohioans
Auto theft	89%
Robbery	71
Burglary	52
Assault	47
Personal theft	32
Household theft	31
Violent crime total	50%
Household crime total	44%

Note: The figure for rapes was too small to be statistically reliable. Nationally, the figure is slightly over 50% reporting.

Source: BJS National Crime Survey, Ohio tables, 1990.

Why do people fail to report crimes to the police?

Crime	Most frequent reasons for not reporting to the police
Violent crime	
Rape	Private or personal matter,* 18% Police inefficient, ineffective, or biased,* 13% Offender unsuccessful,* 13%
Robbery	Object recovered, offender unsuccessful, 19% Lack of proof, 13% Police would not want to be bothered, 11%
Aggravated assault	Private or personal matter, 22% Offender unsuccessful, 16% Lack of proof, 9%
Simple assault	Private or personal matter, 26% Offender unsuccessful, 19% Reported to another official, 13%
Theft	
Personal larceny with contact	Object recovered, offender unsuccessful, 25% Lack of proof, 22% Police would not want to be bothered, 11%
Personal larceny without contact	Object recovered, offender unsuccessful, 28% Reported to another official, 18% Lack of proof, 11%

Crime	Most frequent reasons for not reporting to the police
Household crime	
Burglary	Object recovered, offender unsuccessful, 24% Lack of proof, 11% Not aware crime occurred until later, 11%
Household larceny	Object recovered, offender unsuccessful, 31% Police would not want to be bothered, 12% Lack of proof, 11%
Motor vehicle theft	Object recovered, offender unsuccessful, 36% Police would not want to be bothered, 10% Lack of proof, 7%

*Estimate is based on about 10 or fewer sample cases.

Source: **Highlights From 20 Years of Surveying Crime Victims**, BJS, October, 1993.

"I Was Robbed, Not the State!"

"You have the right to remain silent." Although not meant for victims, too often the application fits. What victims want is the right to not remain silent. "Victim justice" will have arrived when a victim's right to a "meaningful role" is as well exercised as the defendant's right to "due process." Victims often say they feel like they are treated like the criminal, but, in fact, they do not have as many rights.

The system is not user friendly for crime victims. Victims are designed-out of the system, except as pieces of evidence, by the very system that depends on their cooperation in reporting and testifying about crime to hold criminals accountable. The justice department reports that only 38% of all crime is reported, only half of all victims of violent crime ever call 911, and half of all victims say they won't participate again if re-victimized in the same way. Victim rights and assistance is not just a moral or compassion issue, it's a law enforcement issue. Victim assistance can help provide more evidence and convictions.

Justice must include victim restoration, not just retribution. The focus should be on the victim's violation and what the offender can do to right the wrong, not only a generic "debt" owed to the state. Prisons are necessary, but most offenders get out and create new victims. Victims cannot be ignored, and offenders cannot be allowed to be passive in the process of victim restoration.

One means of better ensuring "victim justice" is through special victim advocacy/assistance programs. Victim assistance, as a profession, is rewarding, but it is still in its infancy. Victims appreciate caring and expert advocacy while participating in the process and recovering to pre-crime financial and emotional levels. Healing can begin early.

Ohioans will soon see the effects of a crime victims' constitutional amendment, more rights and crime victims covered in the Sentencing Commission's work (and its "truth in sentencing" emphasis), an increase in funding for shelters, and hopefully, an agreement on stable funding for the victims' compensation program.

Some remaining issues for Ohio include:

Funding: What source and level are permanent and adequate?

Fragmentation: Shouldn't victims have a single advocate through the system, as do defendants?

Autonomy: Where should programs be based to ensure victim advocacy?

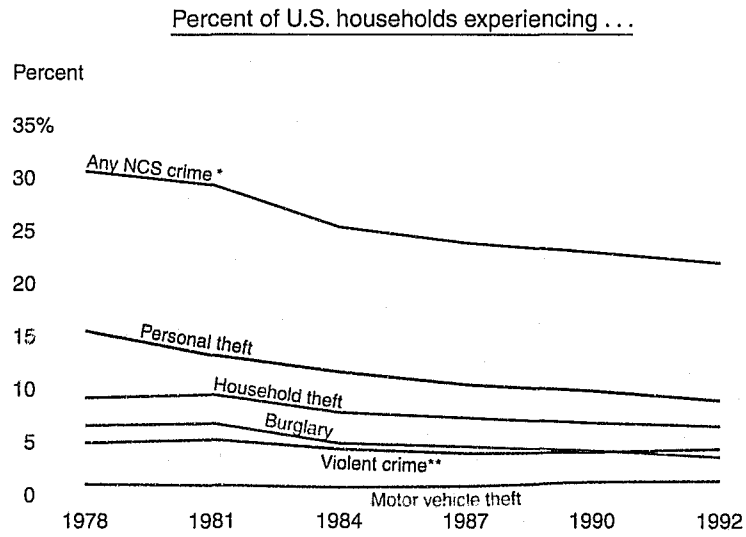
Victim roles: Should only the chief prosecutor be allowed to override a victim's objection to a plea bargain?

Restitution: Why isn't it mandatory, and, once ordered, why should victims have to re-file in civil court?

David Voth, Executive Director
Crime Victim Services
Allen and Putnam Counties

What are the risks of becoming a victim of violent crime?

Overall, the risk of crime victimization in the U.S. has remained stable or lessened since the mid-1970s



*includes robbery, rape, assault, personal theft, household theft, burglary, and auto theft

**includes robbery, rape and assault

Notes: Violent crimes need not have occurred in household. Personal thefts occurred away from household. Motor vehicle thefts occurred at household.

Source: **Crime and the Nation's Households, 1992,** BJS, August, 1993.

Victimization risks are closely associated with personal characteristics and living environment

The federal Bureau of Justice Statistics (BJS) has calculated that virtually everyone will be a crime victim during his or her lifetime, and that most households will suffer a burglary and larceny over a 20-year span. However, the bulk-number rates do not adequately reflect the discriminating impact of victimization. Huge risk differences, notably those relating to age, sex and race, can make a 19 year-old inner-city black male dozens or even hundreds of times more vulnerable to violence than a white, female, senior citizen living in a wealthy suburb. Even limiting these factors to race and sex, BJS found that lifetime homicide risks were:

1 in 495 for white females
1 in 179 for white males
1 in 132 for black females
1 in 30 for black males.

Some types of victimization risks are increased by victim behavior

Substance abuse, in particular, is associated with violent crime victimization. Over one fourth (27%) of 1992 Cuyahoga County homicide victims were legally drunk at the times of their murders, and an additional 13% were at least under the influence of alcohol.

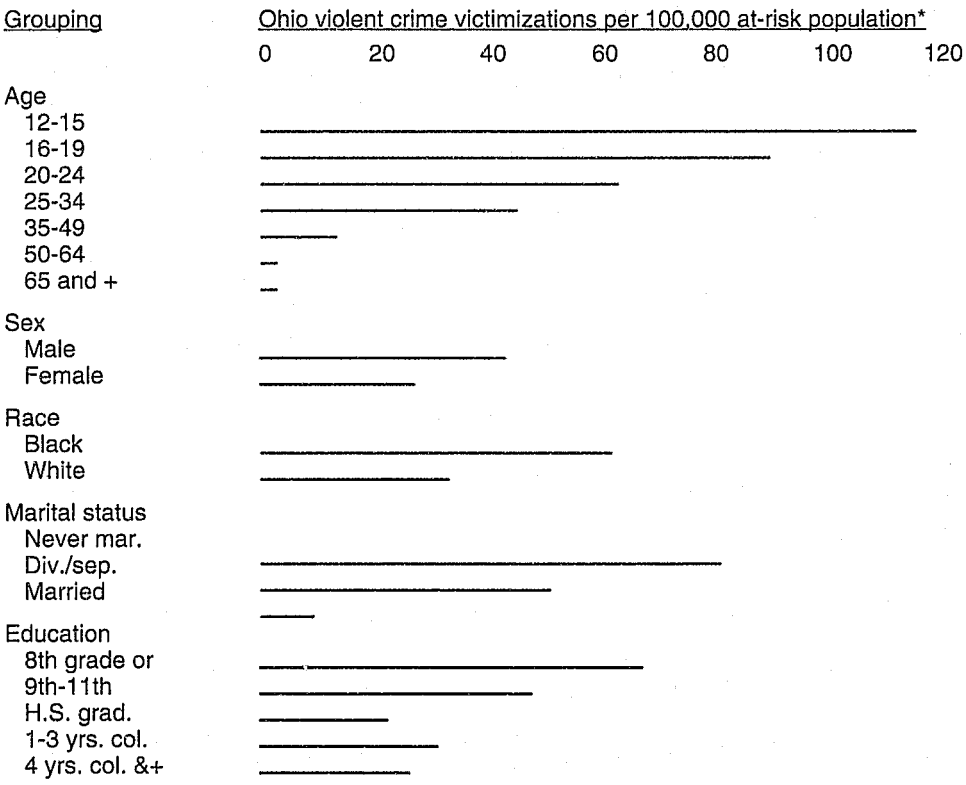
At the national level, a major study of murder in the Nation's 75 largest counties in 1988 revealed that "almost half of the victims died in fights with the offender arising from property disputes, domestic arguments, insults or feuds. An estimated 11 percent were involved with the killer in illegal drug activities and 12 percent were collaborating in other criminal activities with their killer."

An earlier sample study of 181 Cleveland violent crime victims (excluding robbery) found that half had been using alcohol or drugs immediately prior to their victimization, and half had been involved in some kind of altercation with their attacker (the categories overlap). A significant number of the victims were also out in public between midnight and six a.m. and/or in places involving increased risk (e.g., bars).

It needs to be stressed that a victim could have been involved in all four of the above circumstances—especially the last two—without necessarily breaking any law. These data are neither intended to be, nor valid as, moral judgements; neither do they pertain to a large number of violent and property crimes which the victims could have done little to prevent. The data do demonstrate, however, that a significant number of crimes are connected to some victim behavior and environment choices.

Who are Ohio's crime victims?

Young black males who have never been married, and with limited education, are most vulnerable



*"At-risk populations" are those of each separate sub-group, e.g., Ohioans who are 20-24, or male, or married, etc.
Source: BJS National Crime Survey, Ohio tables, 1990.

Half of the violent criminals in state prisons committed their offenses against victims known to them.

Strangers.....50%

Known by sight only.....7%

Acquaintance.....12%

Well known.....15%

Relative.....10%

Intimate.....7%

National prisoner-based research on offender-victim relationships has also shown that:

—"Among violent inmates, women (36%) were more likely than men (16%) to have victimized a relative or intimate."

—"White inmates were about twice as likely as black and Hispanic inmates to have victimized a relative or intimate."

—"35% of violent inmates who committee their offense at age 45 or older had victimized a relative or intimate."

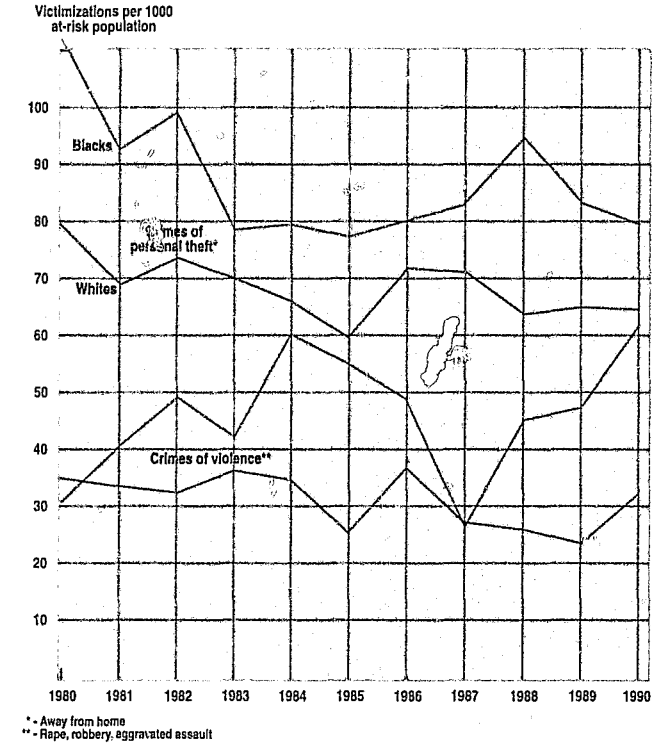
Source: **Survey of State Prison Inmates, 1991**, BJS, March, 1993.

Nationwide, persons in upper income brackets and suburban/rural areas are least vulnerable to violent and property crimes, excepting auto theft among the most affluent citizens

Grouping	Rates per 1,000 at-risk populations (age 12 &+): Crimes of violence	Rates per 1,000 households: Burglary	Larceny	Auto theft
Family income				
less than $7,500	59	81	96	10
$7,500-$9,999	42	69	86	19
$10,000-$14,999	43	65	92	19
$15,000-$24,999	31	49	97	22
$25,000-$29,999	32	45	76	16
$30,000-$49,999	25	44	87	24
$50,000 or more	20	41	80	28
Place of residence				
Urban (central city)	44	70	117	37
Suburban	26	45	78	21
Rural	25	47	69	6

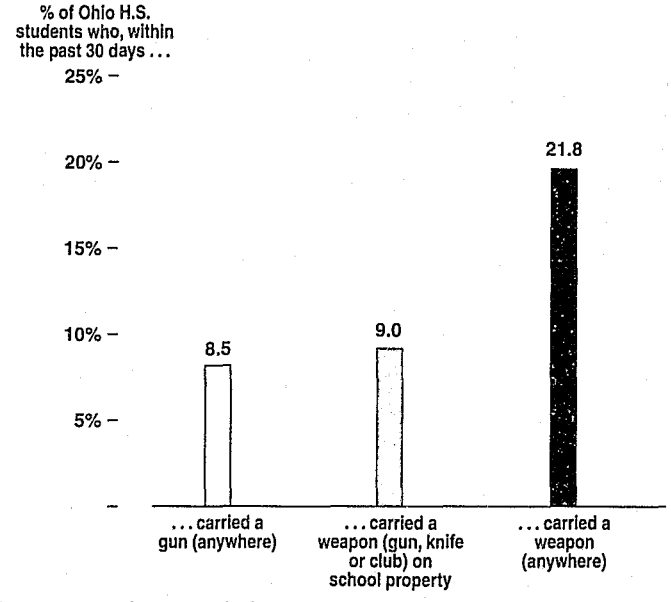
Source: **Highlights from 20 Years of Surveying Crime Victims**, BJS, October, 1993.

The pattern of disproportionate victimization among black Ohioans is many years old



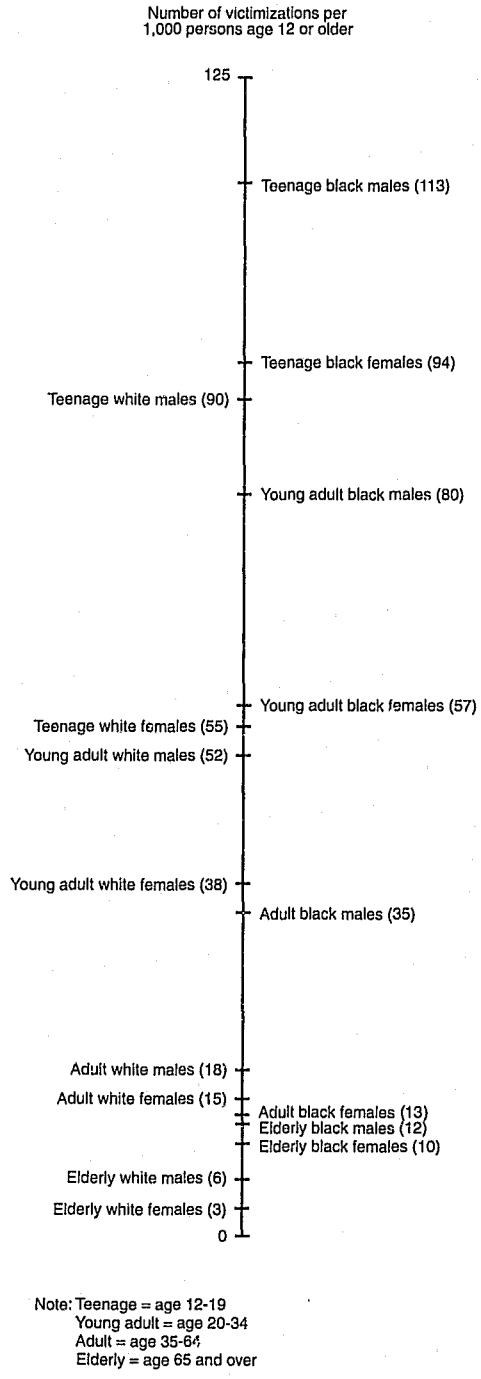
Source: BJS National Crime Survey, Ohio tables, 1980-1990.

Fear of victimization threatens to create an armed population among Ohio's high school students



Source: **Achieving Safe, Disciplined Drug-Free Schools in Ohio: Ohio's Status Report**, ODADAS and the Ohio Dept. of Education, Columbus, April, 1994.

Nationally, white women age 65 or older have the lowest violent crime rates



Source: **Elderly Crime Victims**, BJS, March, 1994.

Victimization costs are varied and substantial

Victim costs are difficult to calculate

It is very difficult to determine the total victim costs associated with crime. Unreported crime, insurance reimbursements, property recovered by law enforcement officials, lingering physical injuries and emotional scars, victimization-related loss of work time, and other factors inhibit the recording of such a statistic. The National Crime Survey, however, has in recent years made an attempt to measure in dollars the annual cost of the crimes covered by its on-going victimization survey of American households. The 1992 gross losses, which do not factor-in recovered property or insurance reimbursements, totalled slightly more than $17.6 billion nationwide.

Type of crime	1992 gross dollar loss
Violent crimes	$1.362 billion
Personal theft	$2.748
Household crimes	$13.536
auto theft	$7.816
burglary	$3.970
theft (home)	$1.750
Total	$17.646 billion

Source: **The Costs of Crime to Victims**, BJS, March, 1994.

The National Crime Survey figure must be considered a conservative one since it includes neither (most of) the losses connected to business crime, such as shoplifting, employee theft, vandalism and break-ins, nor many of those associated with substance abuse. Also, other costs, such as long-term medical costs and increases in insurance premiums, are not captured in the data.

Funded programs are needed for victim compensation and support

The last two decades have seen a good deal of concern and effort invested by the criminal justice system on behalf of the crime victim. Most states have implemented victim compensation programs. Many prosecutors' offices operate victim-witness services divisions. A large number of public and private non-profit organizations now exist to serve victims in crisis, especially those suffering domestic and/or sexual abuse. Victim sensitivity training is frequently provided to law enforcement officers and others who deal with victims in the immediate aftermath of crime.

Nevertheless, the system still intimidates many victims. The framers of the Constitution, freshly mindful of the political abuses latent in the criminal justice system, directed most of their attention toward the person charged with a crime rather than the one victimized in the crime. During the past century, victim alienation from criminal justice has been compounded as the system grew into something impersonal and far-removed from the daily lives of citizens. Victims in urban areas seldom know any of the criminal justice officials with whom they must deal during some of the most traumatic moments of their lives. Finally, of course, the defendant's right to face his or her accuser necessitates the age-old difficulty of victims re-entering the world of their attackers and violators—often at great cost in time and other resources.

Not surprisingly, many victims need much encouragement to fulfill their tasks as witnesses for the prosecution.

Auto theft accounted for over half of the value of the stolen property reported to the FBI's Uniform Crime Reporting Program in 1992, and proved the arena in which recovery was most likely

Type of property	Value of property stolen	Percent recovered
Currency, notes	$918,797,000	7%
Jewelry, precious metals	$1,257,043,000	4
Clothing	$408,539,000	10
Motor vehicles	$7,332,195,000	64
Office equipment	$320,220,000	8
TVs, radios, stereos	$1,135,415,000	5
Firearms	$129,290,000	10
Household goods	$249,138,000	7
Consumable goods	$113,020,000	12
Livestock	$18,200,000	12
Miscellaneous	$2,725,799,000	9
Total	$14,607,655,000	35%

Source: **Crime in the United States, 1992**, FBI, 1993.

Crime costs are not limited to dollar values

The National Crime Survey indicates that:

—36.6 million Americans were injured in violent crimes between 1973 and 1991, six million seriously;

—crime-related injuries translate into an average of 700,000 hospital days annually;

—most injured victims sustained bruises, cuts, or scratches, but other injuries included broken bones/teeth (7%), knife wounds (4%), and gunshot wounds (1%);

—at least some time was lost from work in 9% of the violent crimes, 6% of the household crimes, and 4% of the personal thefts.

All tax-payers are victims

Justice system expenditures for 1990 in millions

Branch	Ohio	U.S.
Total justice system	2,016.7	64,918.2
Police protection	853.7	27,784.4
Corrections	676.5	23,504.4
Judicial and legal services		
Courts only	313.4	7,753.8
Prosecution and legal services	132.8	3,982.0
Public defense	36.1	1,336.2
Other justice activities	4.1	557.4

Source: **Sourcebook of Criminal Justice Statistics: 1992**, BJS, 1993.

Survivors of Homicide Victims: The Pain That Wasn't Killed

Many of us never have to experience the loss of a loved one to homicide. For those who do, the pain is something not easily understood by others. Only those who have suffered it can truly know.

Through a number of in-depth interviews, I learned that this so-called "secondary victimization" of survivors of homicide victims has several facets, each which offers important insights for the rest of us.

Those who have not suffered the loss of a child, for example, cannot adequately identify with those who have. A woman addressed this problem during her interview:

> Until you have lost a child, nobody knows the pain of that. And when you talk to someone else who has lost a child, they know that pain. They know the feelings and it's like a bond that you have with someone else who has lost a child.

In addition to the extreme emotional tragedy brought about by homicide are practical problems for survivors. One woman whose daughter and a cousin were murdered in her own home was struck by the insensitivity about her having to continue living at the murder scene:

> Say for instance in my case, when the murders occurred. Because before my cousin died, he tried to fight this guy off and in the process my house was tore up. Blood was everywhere. I [needed] a whole new home. And there weren't [any]. When I applied for different apartments and things, and they asked me the reason for wanting an apartment and I told them, they didn't think that was a good enough reason.

Another victim, whose parents were both murdered, was hit hard financially by expenses created by the crime:

> I was stuck with a double funeral which was $8,000, and then the house went into probate... I had to pay $500 court fees and it really came to nothing. Everything that was in the estate was insolvent to begin with. And I end up with a bunch of bills.

Police officers are often the first point of contact for those who have lost someone close due to a homicide. One woman spoke highly of the police officers handling her son's homicide case:

> The detective that came to my house that day, I contacted him and he would call me at work just to see how I was doing. You know, these are things that a lot of people don't know and don't understand. When you [do] know...it makes me angry when I see them mad at detectives or police because of a crime. Because they didn't commit the crime, and their only duty is to come there and investigate the crime and try to help the victims. And I think victims have lost sight of that.

Prosecuting attorneys, too, play a major role in homicide cases. A homicide survivor described the prosecutor who handled her case:

> He couldn't have been more helpful. He even at one point gave me his home phone number, "that if you ever need to talk, just call me." And I know he is a very busy man.

Unfortunately, the loss of a loved one is not the end of the victimization process. Often survivors have to confront the offenders at courthouses. The mother of a homicide victim discussed her feelings about this problem and offered a solution:

> The victims should have a room that they could be in and their family and friends. They shouldn't have to be subjected to sitting there with the person that might have killed their son, sitting right across from them with their family and their friends... I've heard a victim's family say, she [over]heard that the person that killed her son...he got on the phone and told somebody, "Man, I'll see you tonight. We're going to party tonight." Just dealing with all those emotions is traumatic for victims.

Victims are being given more of a voice than before. Not only does such participation give the court more information on which to base the offender's sentence, it also helps survivors of homicide victims feel as if they have some input into the process. One mother whose son was shot to death took it upon herself to speak to the court on his behalf:

> He could not speak for himself. But I'm here and I can still speak for him. And like I told them, that they were not the judges of my son's life. That my son's life had to be judged by twelve people who did not even know my son, and never got to hear about him.

It is understandable that many, if not most, survivors of homicide victims are bitter and angry about the offenders who are responsible for the death of a loved one. One woman, however, found it within herself to express concern for the offenders like the one who had taken her son's life:

> We can't solve it by choosing sides. We've got to solve it by reaching those that are doing it. And I think what's happening right now, these young boys that are doing it actually think that nobody cares about me anyways.
>
> And as a person, even though I lost my child, I'm not even looking at it like that. I'm still just as concerned about those boys out there with guns that are thinking about doing it [murder] or thinking about raping someone. They still need help. So we can't ignore them.

Mark S. Davis, Ph.D.
Policy Bureau Chief
Office of Criminal Justice Services

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Ohio Victim Witness Association membership list and related materials.

Chapter 5

The Law Enforcement Function

Melissa Winesburg
Office of Criminal Justice Services

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

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

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

How many law enforcement agencies are there in Ohio and how do they differ? How many peace officers are there in Ohio, and where do they serve?

What are the training requirements for Ohio's peace officers? What type of training requirements are there for private police? How are volunteers used?

How do citizens rate their police protection?

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

How much drugs/narcotics are seized by Ohio peace officers?

This chapter was reviewed by: Ohio Attorney General Lee Fisher; Mr. Bob Cornwell, Executive Director, Buckeye State Sheriffs' Association; and Mr. Todd Wurschmidt, Ph.D., Executive Director, Ohio Association of Chiefs of Police.

Many different kinds of agencies make up the law enforcement role in Ohio

Law enforcement has changed dramatically over 150 years

In colonial times law was enforced by constables and a night watch made up of citizens who took turns watching for fires and unruly persons. By the beginning of the 19th century, most citizens who could afford it paid for someone else to take their watch.

The first publicly supported, centralized consolidated police organization in the United States was established in New York in 1844. It was modeled after the London Metropolitan Police created in 1829 by Sir Robert Peel. Other major American cities adopted the same system soon after. Today, more than 90% of all municipalities with a population of 2,500 or more have their own police forces.

Most law enforcement is administered at the local level

- A municipal department enforces the laws of the city and state within the geographical confines of a particular city, village or township. These departments comprise the vast majority of police personnel and include municipalities of all sizes, from urban areas to rural townships. Some municipal departments also assist municipal courts in much the same manner as sheriffs' offices assist common pleas courts, e.g., serving court papers and acting as bailiffs.
- The office of sheriff is an elected position with a four year term. The county sheriff's office provides full police protection to the unincorporated areas of a county. Sheriffs also have concurrent jurisdictional rights in the various cities within the county. Many sheriffs' offices provide police service under contract to municipalities which do not have their own municipal departments. In addition to the normal police function, most sheriffs' offices also provide bailiffs for courts within the county and are responsible for the service of court papers and for overseeing court-ordered auctions. Sheriffs' offices also maintain the county jail facilities, transport 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 Ohio. In addition, the patrol handles violations of penal, health and safety, criminal, street and highway, welfare, and institutions codes that occur on state property.
- Special police agencies include park rangers, port authority police, transit police, metropolitan housing authority police, park officers, game protectors and state watercraft officers of the Department of Natural Resources, and the Ohio Bureau of Criminal Identification and Investigation which is part of the Attorney General's Office. Liquor control investigators in the enforcement and intelligence division 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 have to complete a minimum police standards curriculum specified by the Ohio Peace Officers Training Council. In addition to their independent responsibilities, these agencies often provide valuable support to local law enforcement agencies.

A unique special police agency in the State of Ohio is the Ohio Organized Crime Investigation Commission. The Commission is part of the Attorney General's Office and assists local law enforcement with investigation of organized criminal activities. The Commission is discussed in further detail in the Criminal Event chapter of this publication.

There are over 900 law enforcement agencies in Ohio

	Number of agencies
Municipal police departments serving:	
over 100,000 population	6
25,000-100,000 population	65
10,000-25,000 population	121
2,500-10,000 population	219
under 2,500 population	388
County sheriffs' offices serving:	
over 250,000 population	10
100,000-250,000 population	15
under 100,000 population	63
State Highway Patrol	1
Special police agencies	101
Total	989

Source: **Census of County Governments,** U.S. Bureau of Census, 1992.

Ohio's law enforcement officers must perform a variety of official roles and duties

Enforcing laws - maintaining the status quo or applying legal sanctions to violations of state and municipal law. These sanctions usually involve an arrest, summons, or citation.

Maintaining order - 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 incident report forms needed to register both criminal and non-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.

A few key functions are common to virtually all law enforcement agencies

Police departments and sheriffs' offices are not staffed solely by patrol officers. In addition to patrol responsibilities agencies employ detectives who follow-up on criminal activities. Agencies also are responsible for traffic accident investigations, laboratory or crime scene investigation, radio dispatch, community relations, research and planning, jail maintenance, and others.

Law enforcement function	Percent of Ohio agencies indicating a primary responsibility
Traffic enforcement	96%
Accident investigation	96
Patrol	96
Property crime investigation	96
Other investigations	92
Robbery and rape investigation	90
Death investigation	89
Narcotics and vice enforcement	82
Telephone, radio dispatch	61
Fingerprinting	46
Court security	36
Search and rescue	34
Civil process	33
Jail operations	29
Emergency medical services	20
Animal control	18
Training academy	14
Laboratory testing	8
Fire service	5
Ballistics	4
Civil defense	4

Source: 1990 Law Enforcement Management and Administrative Statistics (LEMAS) survey, Bureau of Justice Statistics.

Today, police officers do not always respond to all calls for service

Based on research and the desire for improved efficiency, many police departments now use a number of response alternatives to calls for service. The type of alternative depends on a number of factors, such as when the incident occurred and whether anyone is or could be injured. Police officers may be sent, but the call for service may also be responded to by:

Telephone report units which take the crime report over the telephone. In some departments more than a third of the calls are initially handled in this way.

Delayed responses if officers are not needed at once and can respond when they are available. Most departments state a maximum delay time, such as 30 to 45 minutes, after which the closest unit is assigned to respond.

Civilian personnel trained to take reports. They may be evidence technicians, community service specialists, animal control officers, or parking enforcement officers.

Referral to other noncriminal justice agencies such as the fire department, housing department, or social service agencies.

A request for a walk-in report by the citizen who comes to the police department and fills out the report.

Citizens think that the main role of police officers should be to be visible and patrol the streets

Main role for law enforcement	% of citizens
Visible and patrolling	56%
Solving crime	24
Helping in emergency	12
Other	8

Source: Ohio Citizen Attitude Survey Concerning Crime and Justice, OCJS, March 1993.

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 service.

In many cities citizens can report crimes through a universal number, such as 911. In other cities the citizen must call the police directly. The dispatcher will ask for facts about the crime, such as what happened, where, when, and whether it involved injury or loss. This information will help the police to select appropriate responses.

Of 124 Ohio law enforcement agencies surveyed in 1990, 97 reported detailed information on calls for service. The agencies reported 6,179,488 total calls for service. The same agencies indicated that they responded to 4,252,084 calls. An officer was dispatched for 68% of the calls.

Most law enforcement activity in Ohio is initiated by citizen requests

Calls for service

Type of call	Percent of total calls
Citizen requests	77%
Officer-initiated	14
Alarms	4
Other	1

Source: 1990 LEMAS survey, Bureau of Justice Statistics.

How many crimes are reported to law enforcement agencies?

A total of 450,614 crimes were reported to the FBI by Ohio law enforcement agencies in 1992. This is an 8% reduction in the previous year's figures.

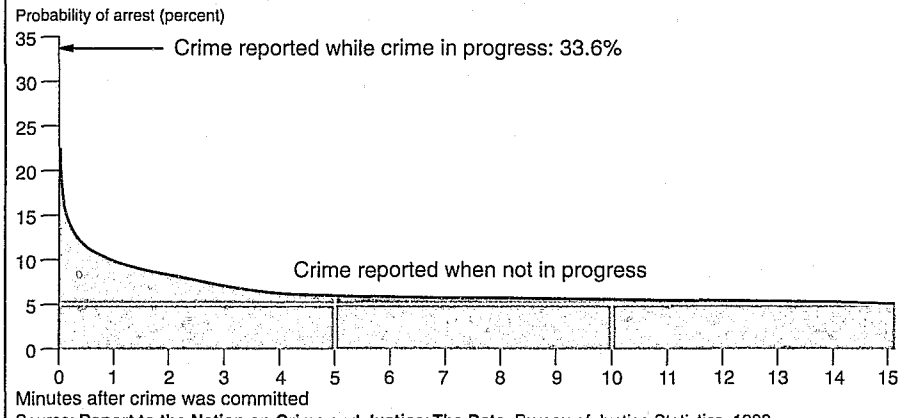
Property crimes are least likely to be cleared by arrest

	Percent of crimes cleared by arrest		
	Nation	Midwest	Ohio
Murder	65%	55%	74%
Forcible rape	52	42	28
Aggravated assault	56	52	31
Robbery	24	20	23
Burglary	13	12	10
Larceny-theft	20	21	14
Motor vehicle theft	14	15	8
Seven UCR index crimes	21	21	14

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, 1992.

Delays in reporting sharply reduce the probability of arrest



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

When do Ohio's law enforcement agencies consider a crime solved?

Law enforcement agencies classify a crime 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. For example, if the victim refuses to cooperate in the prosecution of the offender or the prosecutor refuses to prosecute due to lack of evidence, or if the suspect dies, a law enforcement agency will exceptionally clear a case. In some instances, criminal offenses may be designated as cleared when an offender is apprehended and confesses to committing an offense(s), regardless of the outcome of the prosecution. A case can be listed as cleared even though there may be multiple suspects at large.

Who are Ohio's peace officers?

How many law enforcement officers are there in Ohio?

	Sworn officers		Civilians		Total	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Municipal	13,786	2,544	3,080	1,310	16,866	3,854
Township	882	412	188	105	1,070	517
Sheriffs' offices	3,870	263	3,652	176	7.522	439
State Highway Patrol	1,292	0	1,056	1	2,348	1
All agencies	19,830	3,219	7,976	1,592	27,806	4,811
Full- and part-time	23,049		9,568		32,617	

Source: **Census of County Governments,** U.S. Bureau of Census, 1992.

Most 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 officers per capita.

Number of law enforcement officers per 100 sq. miles

- 0-5
- 5-10
- 10-15
- 15-20
- 20+

Source: **Census of County Governments,** U.S. Bureau of Census, 1992.

Full-time sworn officers are primarily involved in field operations while full-time non-sworn personnel are involved in technical areas

	Percent of Ohio personnel, by activity	
	Full-time sworn	Full-time non-sworn
Field operations	77%	10%
Technical	5	60
Jail	11	24
Administrative	5	6
Court	1	1

Source: LEMAS Survey, Bureau of Justice Statistics, 1990.

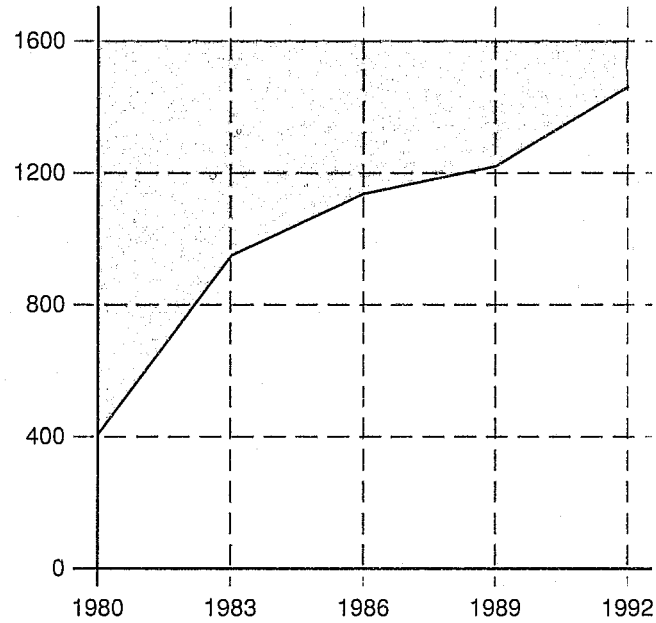
The number of minority sworn and non-sworn law enforcement personnel is slightly higher than the percentage of minorities in the general population.

The 124 agencies surveyed for the 1990 LEMAS survey reported a total of 10,896 full-time sworn personnel and 3,560 full-time non-sworn personnel. Responses show that law enforcement in Ohio is still primarily dominated by white males. However, the number of minorities in the law enforcement community continues to increase with minority full-time non-sworn personnel being slightly higher than full-time sworn.

	Percent who are:		
	White	Black	Other
Full-time sworn	83%	15%	2%
Full-time non-sworn	74%	23%	3%

Source: LEMAS Survey, Bureau of Justice Statistics, 1992.

The number of Ohio's female officers more than tripled in 12 years



Source: Uniform Crime Reports, Ohio data tables 1980-1992, FBI.

Perspectives on Community Policing

Community policing is the wave of the future for law enforcement and is sweeping across the country and the State of Ohio. The philosophy of community policing may well be the biggest and brightest change to law enforcement and community relations that has been seen for many years. Many Ohio law enforcement agencies are developing their plans for policing within this new philosophy.

According to the late Robert Trojanowicz in his book *Community Policing: A Contemporary Perspective*, "community policing is both a philosophy and an organizational strategy that allows the police and community residents to work closely together in new ways to solve problems of crime, fear of crime, physical and social disorder, and neighborhood decay. The philosophy rests on the belief that law abiding people in the community deserve input into the police process, in exchange for their participation and support. It also rests on the belief that solutions to contemporary community problems demand freeing neighborhood concerns beyond a narrow focus on individual crime incidents." Although this contemporary definition is quite broad, it covers the concept and offers a framework for issues that need to be addressed at the community level.

According to the National Institute of Justice, the community policing philosophy reaffirms that proactive crime prevention, not merely responding to calls for service, is the basic mission of the police. It fulfills this mission by maintaining a visible presence in the neighborhoods, undertaking activities to solve crime producing problems, arresting law violators, maintaining order, and resolving disputes.

Community policing is a new way to solve community and police problems. It becomes a contract between the citizens and law enforcement creating opportunities to take risks and to solve problems at the community level. It provides the opportunity for the law enforcement agency to engage and empower the citizenry, while promoting the benefits of crime prevention. No single model of community policing can benefit all communities. It is inherent to the philosophy, that the specific design must be tailored to local needs and conditions.

There are several examples of community policing initiatives that are currently being implemented by law enforcement agencies in Ohio. Some of these initiatives include: quality of life task forces, community ride-along programs with police, citizen police academies, bike patrols, foot beat walk-and-talk programs, store front policing, decentralization of police services, crime analysis, community crime prevention programming, dispute resolution programs, adopt-a-school and adopt-a-business programs. Each initiative, in and of itself, is not community policing, but together they make up the elements that can be found within a community policing philosophy.

Ohio's peace officers and private security officers must be trained in a facility certified by the Ohio Peace Officer Training Council

Basic training requires many weeks

Of the 124 agencies surveyed in 1990, 115 required peace officers to have a high school diploma or equivalent and six required some college. Ohio law enforcement officers are also required to meet standards set by the State of Ohio. The Ohio Peace Officer Training Council (OPOTC), which is under the Ohio Attorney General's Office, administers a mandated peace officer basic training course of at least 444 hours for certification of all peace officer candidates in the State of Ohio.

As part of this training curriculum, the Ohio General Assembly requires 33 hours of Human Relations training for peace officer candidates. Also, in 1993 24 hours of cultural sensitivity training was included in the OPOTC training curriculum. Other topics covered during training include an overview of the legal system, firearms training, investigation, patrol, and traffic enforcement, among others. In 1993, 2,419 law enforcement officers completed the OPOTC basic training course.

Additional 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 a sheriff's office.

Private security officers also receive training from the OPOTC

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

OPOTC certifies a voluntary training program for private security officers. This program is the only state administered training program for private security officers in the country. Candidates can receive certification after completing a 180 hour training program. Approximately 4,112 officers completed the program in 1993. 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 of training in handgun use and five hours of training in any firearm other than a handgun. The program must be approved by OPOTC.

Citizen and auxiliary groups help law enforcement agencies

Neighborhood blockwatch programs are the most widely used form of citizen efforts to reduce crime. The primary goals of these neighborhood programs are to prevent burglaries and vandalism, increase crime reporting, and use citizens as the eyes and ears of law enforcement.

Citizen patrols participate directly and actively in community crime prevention. Under the auspices of the law enforcement agency, 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. Currently, senior citizens are the fastest growing group of volunteers working directly with law enforcement agencies. 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 law enforcement powers of sworn police officers unless they have received officer certification through OPOTC.

Robert Trojanowicz further states several inherent principles that help define this philosophy:

1) Community policing implies a new contract between the police and the citizens it serves, one that offers the hope of overcoming widespread apathy while restraining any impulse to vigilantism. The new relationship, based on mutual trust, also suggests that the police serve as a catalyst, challenging people to accept their share of the responsibility for the overall quality of life in the community. The shift to community policing also means a slower response time for non-emergency calls and that citizens themselves will be asked to handle more of their minor concerns, but in exchange this will free the department to work with people on developing long-term solutions for pressing community concerns.

2) Community policing stresses exploring new ways to protect and enhance the lives of those who are most vulnerable—juveniles, the elderly, minorities, the poor, the disabled, and the homeless. It both assimilates and broadens the scope of previous outreach efforts such as crime prevention and police community relations units, by involving the entire department in efforts to prevent and control crime in ways that encourage the police and law-abiding people to work together with mutual respect and accountability.

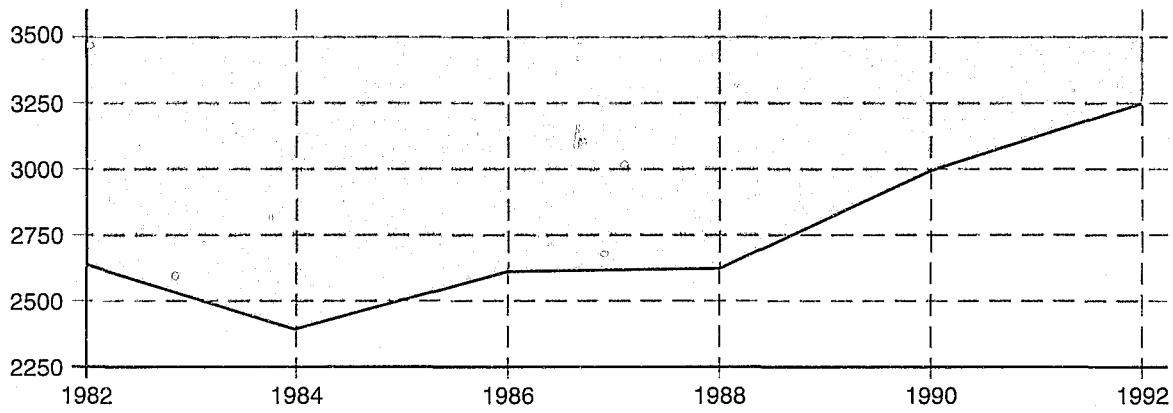
3) Community policing provides decentralized, personalized police service to the community. It recognizes that the police cannot impose order on the community from the outside, but that people must be encouraged to think of the police as a resource they can use in helping to solve contemporary community concerns. It is not a tactic to be applied, then abandoned, but an entirely new way of thinking about the police role in society, a philosophy that also offers a coherent and cohesive organizational plan that police departments can modify to suit their needs.

Community policing is a natural direction of policing for the future. It provides law enforcement the opportunity to continue to be responsive to the community by promoting mutual trust, while providing the citizens an opportunity to become involved with their law enforcement agency. It creates a partnership that helps address crime at the local level while dealing with other community issues. It engages all elements of the community to exist in partnership and not isolation.

Domingo S. Herraiz
Executive Director
Ohio Crime Prevention Association

Assaults on Ohio law enforcement officers number in the thousands annually

Assaults on law enforcement officers are increasing



Source: Uniform Crime Reports, Ohio data tables, 1982-1992, Law enforcement officers killed and assaulted, FBI.

Most assaults on law enforcement officers involve physical force, not weapons

Weapons used in assaults on Ohio law enforcement in 1992

Type of activity	Firearm	Knife	Weapon	Hands	Total
Total	92	55	255	2,838	3,256
Disturbance calls	28	27	49	844	948
Burglaries	2	0	12	32	46
Robberies	5	1	7	23	36
Attempting other arrests	14	11	57	723	805
Civil disorders	4	2	7	73	86
Handling prisoners	2	4	9	321	336
Suspicious persons	12	3	19	207	241
Ambush	3	0	3	14	20
Mentally deranged	1	1	7	39	48
Traffic pursuits	7	0	52	232	291
All other	14	6	33	330	383

Total with injury	1,053
Without injury	2,198

Source: Uniform Crime Reports, Ohio data tables, 1992, Law enforcement officers killed and assaulted, FBI.

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

Ohio peace officers killed	1985	1986	1987	1988	1989	1990	1991	1992	Total
Feloniously	0	2	4	0	1	1	1	0	9
Accidentally	2	1	0	2	2	1	1	1	10
Total	2	3	4	2	3	2	2	1	19

Source: Uniform Crime Reports, Ohio data tables, 1985-1992, Law enforcement officers killed and assaulted, FBI.

The public has more direct contact with law enforcement than any other component of the criminal justice system

Most arrests are not for serious offenses

Offense	Number of reported arrests	Percent of arrests
Other offenses (excludes traffic)	110,912	27%
Larceny-theft	39,342	9
Driving under influence	37,199	9
Assault (other than aggravated)	29,320	7
Drug abuse violations	27,925	7
Disorderly conduct	23,925	7
Drunkenness	22,927	6
Liquor law violations	19,522	5
Offenses against family/children	11,312	3
Burglary	9,586	2
Aggravated assault	8,607	2
Stolen property offenses	8,189	2
Weapons, carrying, possessing	7,530	2
Fraud	6,985	2
Runaway violations	5,676	1
Robbery	5,158	1
Curfew and loitering violations	5,080	1
Auto-theft	4,182	1
Prostitution/commercialized vice	4,252	1
Sex offenses	2,864	–
Forgery and counterfeiting	2,289	–
Rape	1,614	–
Vagrancy	1,120	–
Arson	700	–
Murder	529	–
Gambling	457	–
Suspicion	382	–
Embezzlement	55	–

Source: Uniform Crime Reports, Ohio data tables, 1992, FBI.

Ohio citizens are satisfied with the quality of police protection in their neighborhood

	% of citizens indicating:
Very good protection	28%
Good protection	34
Adequate protection	28
Poor protection	7
Very poor protection	3

Source: Survey of Ohio citizen attitudes concerning crime and criminal justice, OCJS, March 1993.

Ohio citizens tend to feel either respect or safety when they see a police officer

	% of citizens indicating:
Respect	46%
Safety	35
Tolerance	9
Other	6
Distrust	3
Dislike	1
Fear	1

Source: Survey of Ohio citizen attitudes concerning crime and criminal justice, OCJS, March 1993.

Most citizen opinions of police officers have not changed during the past three to five years

	% of citizens indicating opinions:
Stayed the same	61%
Worsened	20
Improved	19

Source: Survey of Ohio citizen attitudes concerning crime and criminal justice, OCJS, March 1993.

Ohio's law enforcement drug task forces aim at higher level drug dealers

Ohio's Drug Task Forces Have Had a Positive Impact on Both Law Enforcement and the Community

There are 33 drug task forces geographically serving over 70% of the counties in the State of Ohio. Drug task forces in the state generally involve two or more law enforcement agencies. Task forces may include multiple law enforcement agencies in the same county; cooperative arrangements between police agencies, prosecutors' offices and state organizations such as the Bureau of Criminal Identification and Investigation; cooperation among local and federal law enforcement agencies; or multiple law enforcement agencies operating in two or more counties. The task force concept functions as a pro-active response to the needs of each community, since many communities have realized uniform presence does not necessarily address the ongoing and increasing problems associated with drugs, gang violence, special youth crimes, and related activities.

The ability of task force personnel to enter a jurisdiction allows these officers to move into neighborhoods undetected. Agents can then gather additional intelligence beyond that provided by the local jurisdiction regarding drug trafficking, gang presence and/or affiliations being established in targeted neighborhoods. The task force units are able to operate in a covert fashion using surveillance equipment generally unavailable to many communities. Through the use of long-term undercover operations, nuisance abatement statutes, and a variety of other conventional and non-conventional means, task forces are able to impact communities in attacking criminal activity that is difficult for any one local jurisdiction to address due to personnel shortages, financial constraints, equipment limitations and legal/jurisdictional questions.

Many task forces have recognized the need to go beyond conventional enforcement measures and work with neighborhoods and community prevention education organizations in furthering programs for preventing drug abuse, gang violence, vice, and youth crime. In addition to training and public presentations, many task forces are participating and diverting proceeds from seized assets and forfeitures into programs such as Drug Abuse Resistance Education (D.A.R.E.), "Just Say No," special teen leadership programs, and revitalization programs associated with improving neighborhood areas.

The implementation of drug task force operations has led to a number of significant impacts on law enforcement and the community at large. Some impacts are easily recognized as expressed above and are expected as a result of the original objectives for the formation of drug task forces. Other impacts are not necessarily part of the original objectives for forming task forces, but have developed as the result of the evolutionary cycle of drug task forces.

With respect to the impacts on law enforcement, there are a number of recognizable results which can be summarized as follows:

1. Increased communication and cooperation among participating law enforcement agencies.
2. Improvement in the collection, analysis and dissemination of intelligence among participating law enforcement agencies.
3. Increased ability to respond to immediate criminal problems in a particular area.
4. Improved quality of drug investigations and prosecutions.
5. Significant reduction in the duplication and overlapping of enforcement efforts among participating agencies.

Most persons convicted as a result of Ohio drug task force efforts receive prison or jail time

	Type of Sentence						
Type of Drug	Prison	Jail	Probation	Suspended	Service	Other	Fines
Cocaine	397	190	38	89	1	17	240
Crack	334	115	18	50	3	0	142
Hashish	1	0	0	0	0	0	0
Heroin	3	0	0	7	0	0	0
LSD	48	20	2	8	2	6	19
Marijuana	313	219	74	76	2	21	261
Opium	1	0	0	0	0	0	0
Other depressants	32	42	5	7	0	29	13
Other drugs	17	25	2	15	0	0	16
Other hallucinogens	2	1	0	1	0	0	1
Other narcotics	8	1	0	1	0	0	1
Other stimulants	2	1	0	0	0	0	1
Unknown drugs	7	4	0	5	3	0	6

Source: Drug Task Force quarterly reports, Office of Criminal Justice Services, 1992.

6. The development of a raised level of awareness of enforcement attitudes among street officers whose agencies participate in the drug task force unit.
7. Recognition of the need for specialized narcotics training and provision of that training to participating agency members.

As referenced herein, depending upon how the drug task force has been structured, there have been significant impacts on the community at large, or region in which the drug task force operates. A summary of these impacts includes the following:

1. Community needs form basis for targeting certain types of criminal offenders.
2. Identification of gang infiltration activities and successful response in keeping this infiltration in check as gang members attempt to "set up shop" from other states.
3. Development of linkages to the community by tapping into community coalitions. Working with these coalitions has led to identification of ongoing needs for enforcement as well as prevention education.
4. An increased sharing of resources resulting in cost efficiencies and the provision of services beyond what any individual agency can provide.
5. Higher conviction rates and, therefore, improved community relations.
6. Closing down known trouble spots in communities using nuisance laws and related supporting statutes through cooperative efforts among the Ohio Attorney General, local county prosecutors and task force agencies.
7. Significant reduction in the availability of illegal drugs targeted for enforcement by specific communities.
8. Confiscation and disposal of a large number of illegal weapons seized as a result of the execution of search warrants and arrests related to drug trafficking.
9. Improved training throughout the criminal justice system accomplished through task force agents training grand juries and judges and educating the public, thereby raising the awareness levels of certain types of offenses and corresponding impacts.
10. Direct support and interaction through community prevention education groups and housing organizations by utilizing proceeds raised through drug task forces to fund programs such as D.A.R.E., special prevention education programs, and neighborhood revitalization efforts.
11. The establishment of 24-hour tip line services to various communities to enable members of the community to report suspected drug activity anonymously.

It is clear that task force operations have become an integral part of the overall law enforcement network for the State of Ohio. Task forces provide a unique opportunity to apply specialized training, personnel, equipment, and special jurisdictional authority in addressing the needs identified by communities or regions that might otherwise be prevented from engaging in long-term investigations. Many of the task force units are in a unique position to expand their focus of operations to move into other areas of specialized enforcement that may be beyond the scope or ability of any particular local jurisdiction to undertake. Ohio can be proud of its task forces and their accomplishments in providing for the general safety of the public.

Bruce E. Henry
Safety Director
City of Blue Ash

Currency and vehicles are commonly seized by the task forces

Type of seizure	Value of seizure
Currency	$1,504,944.05
Vehicles	1,009,690.00
Real property	609,100.00
Weapons	65,600.00
Other	56,677.00
Aircraft	888.00

Source: Drug Task Force quarterly reports, Office of Criminal Justice Services, 1992.

Ohio's Bureau of Criminal Identification and Investigation also assists law enforcement with drug eradication efforts

BCI&I major activities and accomplishments for 1991	
Marijuana plants seized - street value	$64,049,000
Narcotics seized - street value	$ 3,513,797
Laboratory caseload	16,392
Laboratory evidence - items received	144,371

Source: Ohio Bureau of Criminal Identification and Investigation, 1994.

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Chapter 6

Ohio's Courts

Phil Tan, Rainie Gardner,
and Robert Swisher
Office of Criminal Justice Services

This chapter provides an overview of Ohio's courts and answers such questions as:

Why are there different courts and what role do each of them play?

Do most cases go to trial?

Are most defendants found guilty?

How are juvenile offenders treated differently from adults?

This chapter was reviewed by
Dr. Rudolph Alexander, Jr.
The Ohio State University.

Courts of Common Pleas have jurisdiction over felony cases

The court system represents one-quarter of the resources devoted to criminal justice in Ohio

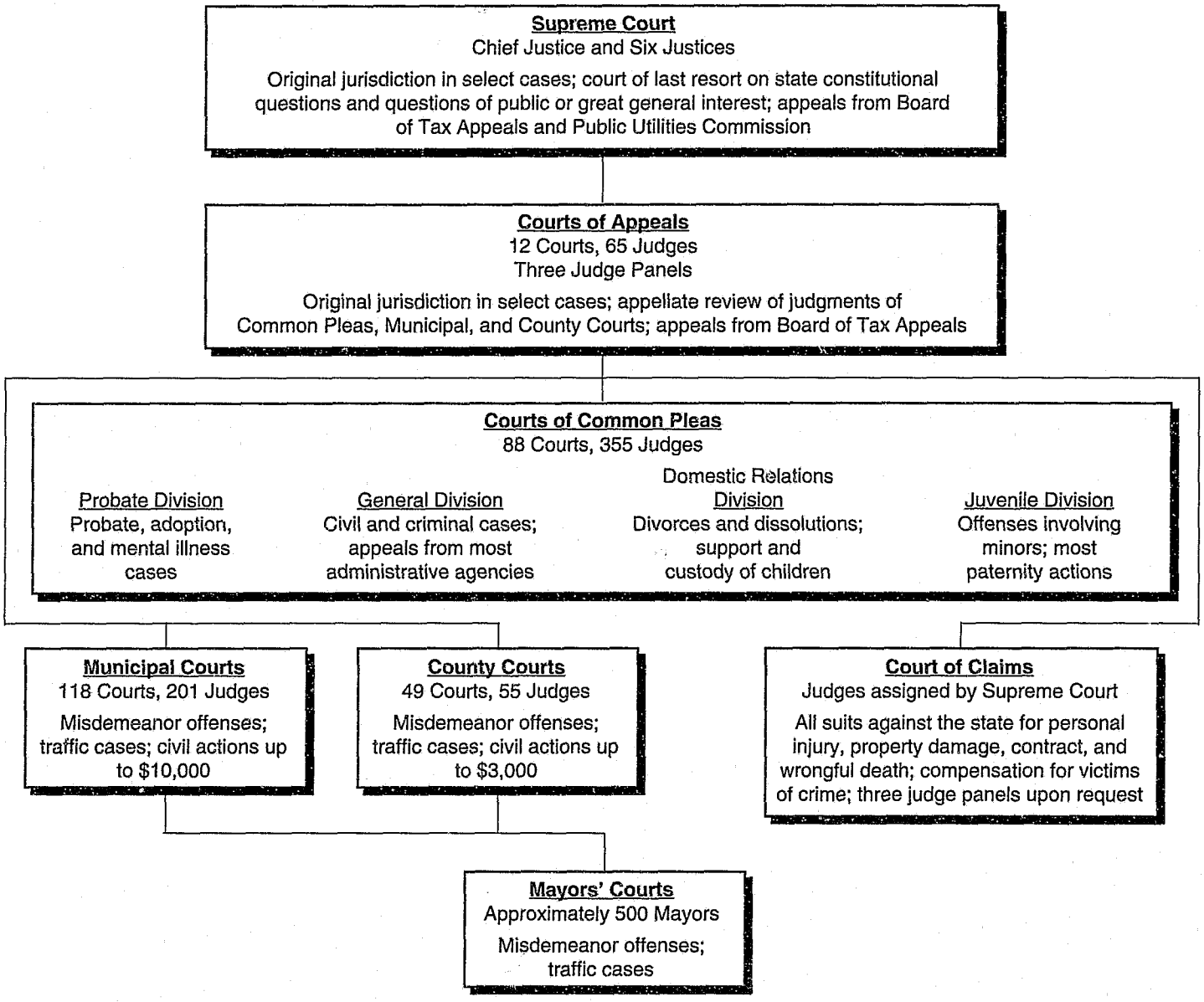
The courts are a significant component of criminal justice resources in Ohio. Judicial, prosecution, and defense services accounted for 24% of the $2,016,729,000 spent on criminal justice statewide in 1990. Those three functions also accounted for 25% of the 53,736 persons employed in criminal justice in the state.[1]

While the courts require a significant allocation of public resources, the two other major components of criminal justice cost even more. Law enforcement accounted for 42% of expenditures and 43% of employment in criminal justice. Corrections accounted for 34% of expenditures and 32% of employment.

Ohio's court system is primarily the responsibility of local government

Fifty-seven percent of the state's judicial and legal staff are employed by local government. County government accounts for almost two-thirds of the local government total. Most of these employees are court or county prosecutor staff. City/village and township governments account for the rest of local government employment. State government provides 32% of judicial and legal employment. The federal government accounts for 11%.

Ohio's county courts of common pleas are at the center of the state's judicial system



Common pleas courts have jurisdiction over criminal felony cases in Ohio[2]

The courts of common pleas are the only trial courts created by the Ohio Constitution. These courts exist in each of the state's 88 counties. They have original jurisdiction over all criminal felony cases. They also have jurisdiction over probate cases, civil cases where the amount in controversy exceeds $500, domestic relations cases, and juvenile matters. Common pleas judges are elected to six-year terms on a non-partisan ballot.

Jurisdiction over criminal misdemeanor cases resides in the municipal and county courts

Municipal and county courts were created by the Ohio Legislature under the Ohio Revised Code. These courts are very similar in their jurisdiction. This includes jurisdiction over criminal misdemeanor cases and the authority to conduct preliminary hearings on felony cases. Both municipal and county courts also have jurisdiction over traffic and civil cases, although the civil cases handled by the two types of courts differ regarding the maximum amount in controversy. State law establishes the geographic jurisdiction of the municipal courts. The areas of counties not served by municipal courts are within the geographic jurisdiction of the county courts.

Both municipal and county court judges are elected to six-year terms on non-partisan ballots. Municipal court judges may serve either full- or part-time. All county court judges serve part-time.

Appeals of criminal cases are initially heard by the Courts of Appeals

When issues of law arise in criminal cases, the defendant or the prosecution can appeal the issue to a court of appeals. If the issue involves the U.S. Constitution, the appeal is heard by the U.S. Court of Appeals. If the issue involves Ohio criminal law or the Ohio Constitution, the appeal is heard by the Ohio Court of Appeals.

The Courts of Appeals are established by the Ohio Constitution, which also divides the state into twelve appellate districts. Their primary function is to hear appeals of cases from the common pleas, municipal, and county courts. Court of Appeals judges in Ohio are elected in even-numbered years to six-year terms on a non-partisan ballot. The Courts of Appeals and the Ohio Supreme Court have original jurisdiction over writs of habeas corpus (allegations that persons have been unlawfully imprisoned or committed).

The Ohio Supreme Court is the state's court of last resort

The state Constitution establishes the Ohio Supreme Court as the court of last resort regarding questions of Ohio law and the Ohio Constitution. Most of the cases heard by the Supreme Court are appeals from the Courts of Appeals. The Supreme Court must accept appeals in criminal cases in which the death penalty is imposed. The Court also hears criminal appeals where the issue in question involves the Ohio Constitution. If the issue of the appeal is based on Ohio criminal law, the Supreme Court does not have to hear the case. The Court may choose to hear such a case if the appeal involves an issue of great legal importance or if the Courts of Appeals have made contradictory rulings on the issue. In the latter situation, the ruling of the Supreme Court will serve to harmonize rulings by the Ohio Courts of Appeals.

The Supreme Court also issues the Ohio Rules for Criminal Procedure. Courts hearing criminal cases must follow these rules. While not part of the Ohio Revised Code, the Rules of Procedure do carry the force of law. The seven justices are elected in even-numbered years to six-year terms on a non-partisan ballot.

Constitutional rights are the basis for criminal procedures

Criminal cases involve many key actors

- **Judges** - In criminal cases, it is the role of the judge to rule on matters of law. The most important duties include: settling questions on the admissibility of evidence, ensuring correct trial procedure, and guiding the questioning of the witnesses. In a jury trial, it is the judge who informs the jury on what points of law they are allowed to consider for the verdict. The judge also has the authority to choose the type and length of sentence within limits established by the Ohio Revised Code.
- **Prosecutors** - The prosecutor represents the state in criminal matters. Duties include: conducting investigations of criminal violations, determining charges, plea bargaining, litigation, and sentencing recommendations
- **Defense counsel** - The role of the defense counsel is to defend the accused. This defense entails not only presentation of the facts of the case, but also protecting the Constitutional rights of the accused.
- **Grand jury** - Grand juries evaluate whether there are sufficient grounds to indict those accused of criminal offenses. Ohio requires that grand juries are composed of nine persons. Their proceedings are secret - neither defendants nor their attorneys have the right to be present. If the grand jury accepts the evidence presented by the prosecuting attorney it issues an indictment against the person charged. The indictments are kept secret until the case is filed. In some cases the indictments are not made public until the defendant is in custody. This usually happens when the state fears that the defendant will flee to avoid prosecution.
- **Clerk of court** - The clerks of courts are responsible for the filing, storage, and maintenance of the official files of the court. They are also responsible for issuing summons and subpoenas and other administrative duties.
- **Juries** - It is the role of the jury to decide if the criminal charges against the accused have been proven beyond a reasonable doubt. Juries in Ohio are composed of a minimum of six persons selected from the public. Both the prosecution and the defense counsel review potential jurors, primarily regarding bias on some aspect of the case. Jury deliberation is private; they may be sequestered until the verdict is reached.

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

In Ohio the guarantee of counsel takes several different forms. Some counties have public defender agencies that represent criminal defendants who are found to be indigent. Other counties appoint private attorneys to represent indigent defendants. Many counties use both systems, especially when conflicts of interest prohibit the public defender from representing certain criminal defendants. In some instances, the Office of the State Public Defender represents indigent defendants.

Criminal proceedings are built around civil liberties established in the American Bill of Rights and the Ohio Constitution

Deciding the guilt or innocence of those accused of criminal offenses is pursued through procedures designed to safeguard rights established in the U.S. and the Ohio Constitutions. Those rights are primarily derived from the first ten Amendments to the U.S. Constitution, known collectively as the Bill of Rights. The Ohio Constitution also reflects those rights. Particularly relevant to criminal proceedings are:

Amendment IV: Establishes the right of the people to be secure from unreasonable searches and seizures and defines necessary conditions under which warrants may be issued.

Amendment V: Establishes the necessity of pursuing indictments through a grand jury; eliminates double jeopardy for the same offense; denies compelling persons to witness against themselves; and forbids depriving persons of life, liberty, or property without due process of law.

Amendment VI: Establishes the rights of the accused to: a speedy and public trial by an impartial jury, be informed of the nature and cause of the accusation against them, be confronted with the witnesses against them, obtain witnesses in their favor, and have counsel for their defense.

Criminal proceedings are also based on the Ohio Revised Code and the Rules of Criminal Procedure. Ohio law is written in the Ohio Revised Code. The criminal code is contained in Title 29 of the Revised Code, although offenses can also be found under 10 other Titles within the Revised Code. Title 21 contains the juvenile code. The Rules of Criminal Procedure, issued by the Ohio Supreme Court, supplement Ohio criminal and juvenile law.

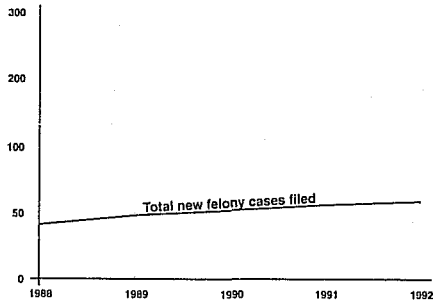
Ohio's largest counties tend to use public defenders' offices

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

Source: **1993 Annual Report,** Ohio Public Defender Commission.

Caseloads are rapidly increasing for Ohio's courts

Common pleas court cases, in thousands



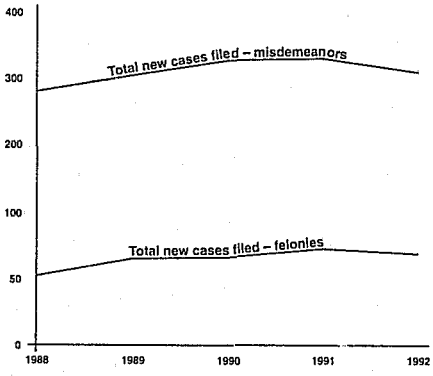
Source: **Ohio Courts summary,** Supreme Court of Ohio.

Municipal and county courts have also experienced an increase in the number of new criminal cases filed

From 1988 to 1992, Ohio's municipal and county courts have had a 32% increase in the number of new felony cases filed. Municipal and county courts conduct preliminary hearings on felony cases prior to transferring those cases to the courts of common pleas. The municipal and county courts have also experienced a 10% increase in the number of new misdemeanor cases filed. These courts have jurisdiction over misdemeanor cases, handling all hearings from preliminary hearings through sentencing.

Unlike the dramatic increase in new civil cases filed in courts of common pleas, the municipal and county courts have experienced an overall decline of 3% in the number of new civil cases filed from 1988 to 1992.

Municipal and county court cases, in thousands



Source: **Ohio Courts Summary,** Supreme Court of Ohio.

Increasing Court Caseloads: More Doesn't Mean Better

In 1992, Ohio's 683 judges handled over three million cases. In the last five years, new case filings have increased by 16 percent in the Supreme Court, 14 percent in the twelve courts of appeals, and 22 percent in the courts of common pleas. Similar increases have been experienced by municipal and county courts.

In addition to the increases in caseload reflected by statistics, the administrative responsibilities of judges have grown in recent years. In some areas, judges oversee the operation of community correction facilities and other locally based, alternative sanction programs that have developed to ensure punishment of criminal offenders and address prison crowding concerns. Many judges, especially those with juvenile court jurisdiction, have found it necessary to assume a more proactive role in working with local social service agencies, schools, and other entities to develop alcohol and other drug treatment programs and education opportunities designed to reduce recidivism and transform criminal offenders into productive members of the community.

Growing caseloads and increasing administrative responsibilities have made it more difficult for courts to hear and dispose of cases in a timely manner. Rights guaranteed by the United States and Ohio Constitutions to persons accused of criminal conduct necessitate that criminal cases receive first priority in scheduling hearings. As criminal filings continue to rise, this results in a delay in civil cases and a corresponding frustration on the part of citizens whose limited contact with the court system usually is in the context of a civil case.

Continuing to deliver quality justice in a timely and efficient manner presents a significant challenge to Ohio's court system. With limited resources available at the state and local level to create new judicial positions and add court personnel, courts have had to streamline their operations in order to satisfy time guidelines and facilitate administration of court-related programs. In 1991, the Supreme Court, through its constitutional responsibility to supervise the operation of local courts, mandated that each court develop and implement a case management plan. These plans help to ensure the timely consideration of cases by requiring courts to set forth the manner in which they will meet specified time standards and goals. National studies have shown that courts with effective case management techniques are able to cope with rising caseloads without increasing the time necessary to dispose of those cases.

In addition, the use of alternative dispute resolution programs has grown in recent years. Alternative dispute resolution programs such as mediation and arbitration provide a method of resolving criminal offenses, volatile child custody and visitation disputes, and complex business disagreements outside the courtroom and without involvement of a judge. These programs have proven to allow for a more prompt and less costly resolution of conflict between citizens. Moreover, alternative dispute resolution programs often produce a result that is more satisfactory to the parties than a decision of a judge since their case is resolved more quickly and they are able to participate directly in the process.

Richard A. Dove
Associate Director for Legal and Legislative Services
The Supreme Court of Ohio

Prosecutors and grand juries initiate a litany of possible paths for administering criminal justice

For adults, 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, the county prosecutor decides if a criminal case should be pursued. If the evidence supporting a felony case is thought to be sufficient, the prosecutor may take the case to the grand jury. If the prosecutor does not believe the evidence is strong, the case may be terminated. However, once a defendant has been indicted by the grand jury the 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 and the defendant and defense counsel speed up a criminal case. In such a case, the county prosecutor prepares a bill of information that, like an indictment, accuses the defendant of a specific offense. Implicit in this arrangement is the understanding that the defendant will enter a plea of guilty to the offense described in the bill of information. For the county prosecutor, this saves the trouble of presenting the case to the grand jury. For the defendant, this shortens the legal process. Prosecutors in Ohio use bills of information in few cases; when used, it is usually for offenses of a non-violent nature.

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

Some county prosecutors allow selected accused persons to participate in programs that may result in no disposition on the charge. Such persons are usually accused of a non-violent crime, have no prior offenses, and were involved in incidents that may have been justified and are unlikely to recur. Those who enter these programs waive their right to a speedy trial and the other time limits by which prosecution is bound. Once accepted into the programs, the accused persons are freed from jail on the condition that they comply with the terms of the program. The county prosecutor must notify the victim(s) of the crime and the arresting officer(s) of this action. The victim and the officer may file objections to this decision.

These programs usually expect participants to obey all laws, report regularly, maintain lawful employment, refrain from the unlawful use of drugs, and avoid association with convicted felons. If the participants successfully complete the program, the prosecutor will approach the court and request that all charges be dismissed. If the participants violate the conditions of the program, they may be brought to trial on the original charges.

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 a 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 sanctions it will impose. In most non-violent or otherwise less serious cases the court uses a presentence report to help make the sentencing decision.

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.

Most criminal cases in Ohio are settled by guilty pleas

A study by the Ohio Criminal Sentencing Commission found that 92% of the convictions in felony cases were reached through a negotiated plea.[3] Key actors in the criminal process often have something to gain from negotiated pleas. Defense attorneys often know that taking the case to trial risks losing and the possibility of a harsher sentence for their client. Prosecutors face heavy workloads and pressure to secure convictions. Furthermore, it may be that the alleged acts were originally "overcharged." For judges and other court personnel, there is the need to clear crowded court dockets. Less harsh sentences are obviously of interest to the defendant, although they may also be interested in more quickly settling the case.

Negotiated pleas can take several forms

- The defendant is allowed to plead guilty to a reduced charge.
- If the defendant has several pending charges, some of those charges may be dropped in return for a guilty plea to the remaining charge(s).
- If the indictment includes a firearm specification, thus requiring additional sentenced time, the specification may be dropped as part of the negotiated plea.

Jury Duty: An Inside Perspective

I was recently called for jury duty in the Franklin County Common Pleas Court. When I shared this information with friends and co-workers, for the most part I was told of various ways to get out of jury duty. I heard of the long waits and cases being dismissed midway in the trial. But, I was anxious to get inside a courtroom and "dispense" justice.

So I showed up at court that first morning. So did 200 other potential jurors. We sat in wooden chairs and awaited our first assignment. We saw a film telling us what to expect. We learned that many trials are scheduled each day in the 16 courtrooms with the expectation that most cases will be settled without a trial. We waited for that trial. It must have been an agreeable day as there were no trials, and we were dismissed in mid-afternoon.

The next day started with promise. Several juries were called in the morning. Finally, right before I exited for our two-hour lunch, my name was called. I reported to the front desk, eager for duty.

In the courtroom, we learned that we were potential jurors for a criminal case - - the defendant was charged with murder. We were questioned, first by the judge and then by the attorneys representing the State and the defense. I pondered the reason behind each new question posed. Finally, after a couple of hours, we were herded out to the lobby area. Behind closed doors, we were told the judges and attorneys would decide the winners, the ones selected to serve on this trial. Feeling like a contestant in a beauty pageant, I waited, hoping I'd made a good impression. Fourteen jurors were chosen, and I was among the fortunate few. Just prior to deliberating the case, the two alternates of the jury would be dismissed.

Sitting through the murder trial was fascinating. I had some previous exposure to the criminal court system as I had worked for a county prosecutor several years ago in Indiana. In that job I had prepared Informations for Indictments and Affidavits for Probable Cause, the documents charging a person with a crime in Indiana. I had also prepared plea bargain agreements for those cases not going to trial. I had even prepared jury instructions. But I had never had the opportunity to see what happened in the courtroom. This was my chance to complete the picture in my mind. Forget that I was there to do a job as an impartial juror. This was going to be better than any movie I'd seen.

The trial began. The judge reminded us not to form opinions or make decisions until the trial concluded. We were only to listen to the evidence as presented. Specifically, we were told not to speculate on what was not said or presented. Many times during the trial, which lasted three and half days, we were shuttled back into our jury room so decisions could be made outside our presence. Try not speculating on what you're missing! At the end of each day, we were admonished not to talk about the case, read the newspapers, or listen to any news accounts of the trial.

Because the state has the burden of proving the case against the defendant beyond a reasonable doubt, the State presents its case first. As the prosecution unraveled its case, I did what I was told not to do — I convicted the defendant in my mind. How else did the state come up with all this evidence? No one has that much bad luck running against him.

Then the defense presented its case. Oh, I was beginning to see that the defendant was really just in the wrong place at the wrong time. I saw big holes in the state's case. And, the defense reminded us that it had to prove nothing.

I wondered why no one asked the questions I was asking myself. At several points during the trial, I resisted the urge to raise my hand. I had questions I needed answered. The trial went on. And I began to speculate.

The State also gets to go first on closing arguments. Again, I swayed toward the prosecution. Then back to the defense. Finally, since the State has the burden of proof, it is given the last say, the parting shot. Now I was confused. Who do you believe? The witnesses, at many times, contradicted each other. I decided I'd better discuss this with my fellow jurors. Maybe they had some ideas. Maybe they saw it differently than I did.

We deliberated for several hours beginning late on a Friday afternoon and finishing Monday afternoon. At one point, the only thing I was convinced of beyond a reasonable doubt was that the trial would conclude with a hung jury. I was disappointed in the system. However, all jurors were given the opportunity to consider the evidence presented. I learned that we could see it differently and come up with the same conclusion.

We convicted the defendant of murder. After the trial the judge told us some things we couldn't know during the trial, such as the fact that the defendant had a lengthy juvenile record and that several defense witnesses were suspects in another murder. He also told us that before the trial began, he had to clear the lobby area as the defendant had brought several friends along to intimidate the jury. The judge thanked us for our time, and we were dismissed. I felt good that I had participated in a fair and impartial system and arrived at a fair and impartial decision.

Linda Watts
Worthington, Ohio

Sentences for convicted criminal offenders involve many factors

Presentence reports aid judges in sentencing offenders

When considering sentencing convicted offenders to probation, judges must consider the presentence investigation report. This report is usually prepared by a probation officer. It contains information such as a description of the offense, the offender's criminal record, and their history of employment. The information is intended to provide the judge with information needed for a more informed and a more just sentence.

The specific information contained in the presentence investigations varies considerably from county to county in Ohio. In some counties the presentence investigation consists of a criminal record check and a brief interview with the offender. In other counties it may additionally include contact with the victim(s), witnesses, law enforcement officers, and the offender's family members. There is no evidence, however, that more involved reports are better. The primary issue is whether the report meets the needs of the sentencing judge.

There is a high rate of agreement between the recommendations in the presentence reports and the sentence given by the judges. This makes it very important to both the offender and the judge that the information in the report is accurate and complete.

Judges may sentence offenders to concurrent or consecutive terms

Offenders convicted of two or more offenses may be required to serve the minimum prison term of the first sentence, then the second sentence, and so on. This is called consecutive sentences. It is usually done due to the gravity of the charges or because of the extensive criminal record of the offender.

On the other hand, offenders convicted of two or more offenses may be permitted by the sentencing judge to serve the prison terms at the same time. This is called concurrent sentences. Consecutive sentences thus result in longer prison terms than do concurrent sentences.

Ohio is Working Toward More Effective Criminal Sentencing

The Ohio Criminal Sentencing Commission is a 24-member body created in statute by the General Assembly to study the State's sentencing laws and to propose changes to the Legislature. The Commission must foster public safety, fairness, and simplification in criminal sentencing. It must help address prison and jail crowding and encourage cost-effective corrections. A permanent body, the Commission must monitor its plans, once enacted, and advise the Legislature.

The Chief Justice of the Ohio Supreme Court chairs the Commission. The Chief Justice appoints seven members including one appellate, three municipal or county, and three common pleas judges. The Governor appoints nine members including a county prosecutor, city prosecutor, defense attorney, sheriff, police chief, crime victim, county commissioner, mayor, and bar association representative. Four members of the General Assembly serve on the Commission, one from each caucus. The State Public Defender, the Director of Rehabilitation and Correction, and the Superintendent of the Highway Patrol also serve.

The Criminal Sentencing Advisory Committee, also created by statute, assists the Commission. By law, it consists of the Parole Board Chair and the Director of the Legislature's Correctional Institutions Inspection Committee. Other members include representatives from the County Commissioners Association, the Halfway House Association, the Chief Probation Officers Association, the Victim-Witness Association, the NAACP, the Office of Criminal Justice Services, and academia.

The Commission has been meeting in full session for one to four days monthly since February 1991, and has held many other informal meetings. It has been sensitive to issues of public safety, victims' rights, rehabilitation, prison and jail crowding, and costs to State and local government. It worked from 1991 to 1993 to develop a comprehensive felony sentencing plan. In 1993, the Commission began its review of misdemeanors.

The Commission also conducts research. It is tracking hundreds of cases from initial filing through disposition. It surveyed the use of 25 sentencing options and profiled offenders sentenced to the options. It cataloged all classified and unclassified offenses and researched duplicate and obsolete provisions. The Commission projects the impact of its proposals on prisons, jails, and other sanctions, estimates the costs of all sanctions, and studies sentencing disparity.

The Commission and its Advisory Committee routinely meet monthly (usually on the third Thursday) at the Ohio Supreme Court, 30 East Broad Street, 3rd Floor, Columbus. Meetings are open to the public.

David Diroll
Executive Director
Ohio Criminal
Sentencing Commission

Probation is the primary alternative to prison for those convicted of felonies in Ohio

A 1991 study found 41% of those convicted of felony offenses in Franklin County, Ohio, were sentenced to probation. This finding is consistent with the later statewide study conducted by the Ohio Sentencing Commission.[4]

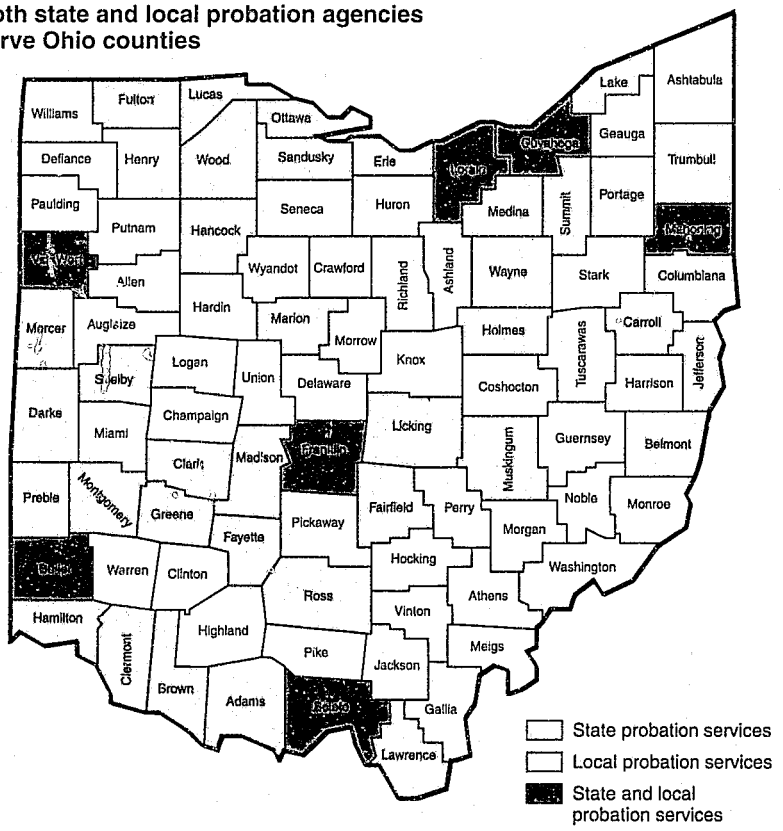
Probation is often confused with parole. Probation is a conditional release granted by a judge following conviction for a criminal offense. Parole is a release from prison granted by the Ohio Parole Authority. Ohio law does not allow several types of offenders to be placed on probation, including:

(a) those convicted of aggravated murder, murder, or rape;

(b) repeat and dangerous offenders; or

(c) those committing crimes with firearms or dangerous weapons.

Both state and local probation agencies serve Ohio counties



Source: Adult Parole Authority, DRC, September, 1994.

Probation allows the state to maintain some control over the offender and assists the state in managing the burgeoning prison and jail population

Offenders placed on probation must abide by the conditions set forth by the court and by the probation officers. Probation rules typically prohibit the offenders from breaking the law, changing address, traveling out of state without permission, and owning or possessing firearms. Other conditions of probation may require such things as periodic reporting to the probation officer, attendance at treatment programs, or getting the permission of the probation officer prior to marrying or buying a motor vehicle.

Convicted felons lose some of their civil rights

Under Ohio law, convicted felons who are sentenced to prison lose their right to vote, to be a juror, and to hold public office. Upon completion of their maximum prison term, or upon release by the Ohio Parole Authority, those rights are restored. The rights of the convict are also restored if they are granted a full pardon.

Convicted felons who are sentenced to probationary status lose their right to vote. When the period of probation ends or probation is terminated by the court, the common pleas judge may, and usually does, restore the defendant's rights.

First-time offenders can have their criminal records sealed

The Ohio Revised Code permits first-time offenders to apply to have their criminal record expunged. To qualify, the person can have no more than one conviction for either a felony or misdemeanor offense. If convicted of a felony, the person may apply for expungement three years after the final discharge of their sentence. If convicted of a misdemeanor, the person may apply after one year.

Expungement does not mean that the arrest and conviction records are destroyed. The records are only sealed. Ohio law permits governmental agencies to keep an index of the sealed records. This allows officials to use the records should the offender ever again be suspected or accused of a criminal offense.

The juvenile justice system differs considerably from the adult system

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,* the view that the court should fulfill the role of parent to the child. This view usually included the belief that juveniles need protection and treatment rather than punishment for illegal acts. The rationale for separate juvenile courts also frequently included the view that juveniles should avoid 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 juvenile court began in Chicago, Illinois in 1899. In 1902, Ohio followed by giving the Insolvency Court in Cleveland original jurisdiction of children under 16. By 1904, similar provisions were 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 judges in 1906.

The present juvenile court act in Ohio was enacted in 1937. Succeeding legislatures have amended the law, resulting in many of the options formerly afforded to juvenile courts being materially altered or obliterated altogether. This has been especially true in recent years as lawmakers have moved to balance the needs of juveniles with the intention to better protect society.

Ohio law allows adults to waive their right to a jury trial

Under the Ohio Constitution, defendants charged with felonies are entitled to a trial, whereas those accused of misdemeanors must request one. Those accused of a felony who choose not to invoke the right to a trial must do so in writing. Even if a trial has started, defendants may change their minds and waive the right to a trial.

Criminal defendants in Ohio have the option of being tried by a judge instead of a jury. If the defendant chooses to be tried by a judge, the Ohio Rules of Criminal Procedure require that the judge "hear, try, and determine" the case as though it were a jury trial. If the charge is punishable by death, a panel of three judges must decide guilt or innocence.

Juvenile courts are very different from criminal courts

Juvenile courts in Ohio have exclusive jurisdiction over all complaints concerning persons under 18 years of age. In 81 of Ohio's counties the juvenile court 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.

Specifically, juvenile courts differ from adult criminal courts in that:

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

Juvenile courts provide the executive role of providing social services to juveniles

Juvenile courts also differ from adult courts regarding the usual American distinction between the judicial, executive, and legislative functions of government. In addition to the judicial function, juvenile courts also fulfill the executive function of providing social services to the juveniles whose cases they hear. The types of services provided vary from county to county. The services offered by juvenile courts in Ohio may include: detention and rehabilitation centers, individual and group counseling, family counseling, education, and job training.

Referral to an Ohio juvenile court can trigger a range of procedures and options

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

A variety of sources refer cases to the juvenile courts. Law enforcement agencies refer many cases, but cases are also referred by parents, schools, and social service agencies. A few cases are even self-referrals, made by the juveniles themselves.

Juvenile 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 both the intake and probation roles. The intake officers review the case and interview the accused juvenile. In some cases, they may also interview the arresting officer, parents, and/or the victim to determine whether to continue the case in court. If the case will be pursued, a formal complaint against the juvenile is filed in juvenile court. If a complaint is not filed, the juvenile may be diverted to treatment or supervised status without going through the formal court process. Diversion 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.

Once a case has been formally filed in juvenile court, the decision is made whether to detain the juvenile

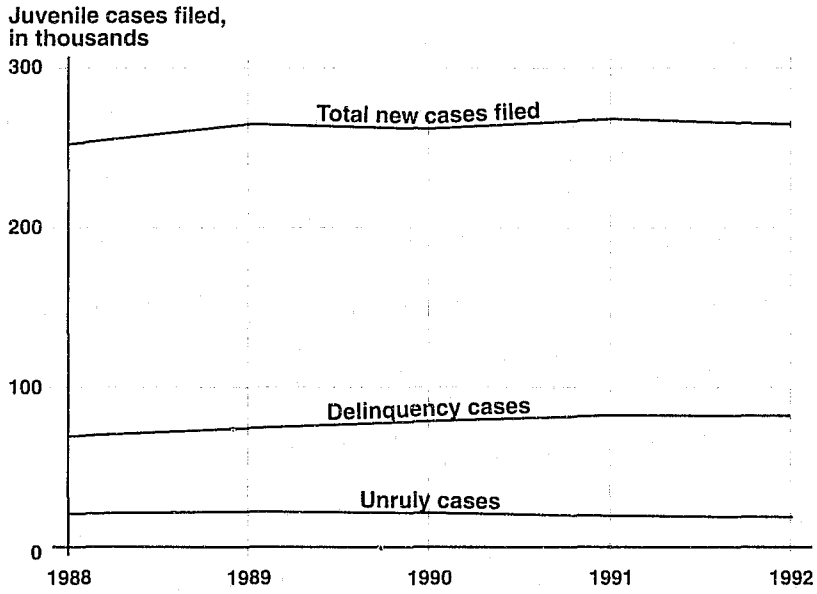
Prior to adjudication of the charge(s), juvenile courts may order juveniles held in secure detention. This is done when juveniles are thought to be a threat to themselves or to the community, or if it is thought they are likely to run away or to be taken from the jurisdiction of the court. In fact, the majority of juveniles who have charges formally filed on 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 placed in the custody of their parents or guardians (house arrest).

The number of new delinquency cases filed in Ohio's juvenile courts has increased from 1988

Delinquency offenses are those acts for which the juveniles would be charged under the Ohio criminal code if they were adults. Technically, juveniles are charged with being delinquent by reason of having committed such an act. The number of delinquency cases filed in Ohio's juvenile courts increased by 19% from 1988 to 1992.

Unruly offenses are illegal acts for which only juveniles can be charged (school truancy, curfew violations, run-away, incorrigibility, etc.). The number of new unruly cases filed in Ohio's juvenile courts from 1988 to 1992 decreased by 10%.

From 1988 to 1992 delinquency and unruly charges have together consistently accounted for 36% to 38% of all new cases filed in Ohio's juvenile courts. Juvenile traffic offenses account for roughly the same proportion of the new cases filed as delinquency and unruly cases combined. The remainder of the new cases filed in Ohio's juvenile courts consist primarily of: dependency, neglect, or abuse; child custody; child support; and parentage cases.



Source: **Ohio Courts Summary**, Supreme Court of Ohio, 1988-92.

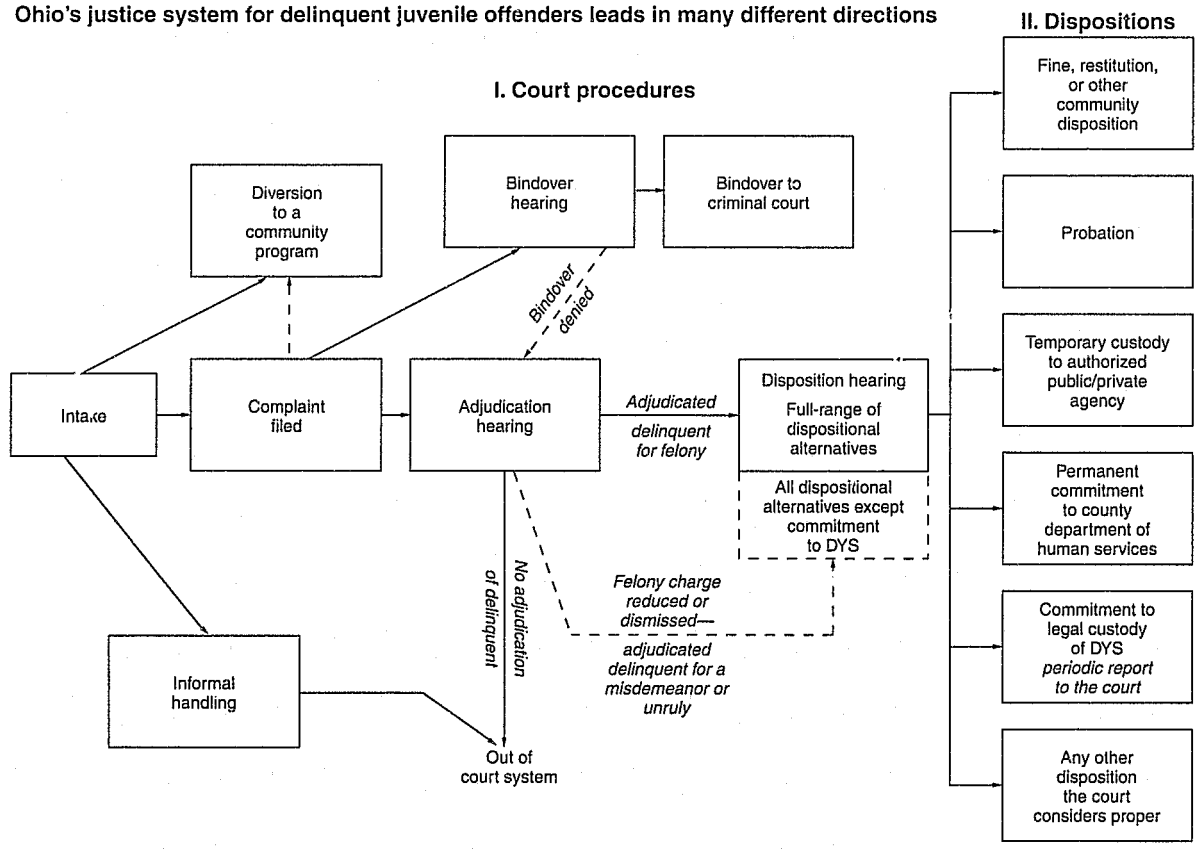
Juveniles held in detention must, under Ohio law, receive a detention hearing within 72 hours to determine if the detention is necessary and should continue.

The juvenile court has a variety of dispositional options

Juvenile court cases are heard by juvenile court judges and, in some of the more populous 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 juvenile's home
- order restitution (monetary payments to the victim, community service, or direct service to the victim)
- order placement in a social service program (alcohol or drug abuse treatment, mental health counseling, family counseling, etc.)
- order confinement in a local rehabilitation facility
- order the juvenile committed to the Ohio Department of Youth Services (DYS) for confinement in a state training institution (if the offense is a felony-level offense)
- order any other disposition deemed appropriate by the court.

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: Implicationsof Am. Sub. H.B. 440*, Federation for Community Planning, March, 1982.

Juvenile cases bound over to adult courts must meet certain conditions

Juveniles may be judicially transferred to the jurisdiction of the (adult) criminal 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. Ohio law 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 be a felony.

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

- The juvenile is not amenable to care or rehabilitation in a facility designed for the care and rehabilitation of delinquent juveniles.
- 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 in a state juvenile facility under Ohio law.

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 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 delinquency and unruly record;
- efforts previously made to treat or rehabilitate the juvenile;
- the juvenile's family environment; and
- the juvenile's school record.

A juvenile transferred to and convicted in criminal court is considered an adult for all subsequent charges of murder, aggravated murder, or felony 1 or 2 offenses. Juveniles so convicted must be sentenced to a correctional facility for adults.

Year	Ohio juvenile cases transferred to adult court
1988	196
1989	226
1990	275
1991	466
1992	402

Source: **Ohio Courts Summary**, Supreme Court of Ohio.

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Footnotes

[1] The source for statistics on criminal justice expenditures is the State Justice Sourcebook of Statistics and Research, 1990, U.S. Department of Justice, Bureau of Justice Statistics.

[2] The source for information describing jurisdiction over criminal justice matters in Ohio is the Ohio Courts Summary: 1992, Supreme Court of Ohio.

[3] The proportion of felony convictions reached through negotiated plea is from the 1992 Sentencing Study, Fritz Rauschenberg and Barbara Herman, Ohio Sentencing Commission, July, 1993.

[4] The proportion of Franklin County felony cases sentenced to probation is from **Variations on Felony Probation: Persons Under Supervision in 32 Urban & Suburban Counties.**

Chapter 7

Criminal Sanctions

Jeffrey J. Knowles
Office of Criminal Justice Services

This chapter looks at how Society responds to those convicted of committing criminal offenses in Ohio. Criminal sanctions are administered at both the state and local levels in this State, and in a variety of ways. Some of the basic questions to be answered in the following pages include:

What factors have led to the system of criminal sanctions now in place in Ohio?

What is the role of incarceration as a sanctions option?

How bad is prison and jail crowding, and where is the issue headed?

What is involved in the administration of secure facilities for offenders?

Who are Ohio's incarcerated offenders?

What kind of sanctions options are available other than incarceration, and how are they being used in this State?

How effective and efficient are Ohio's criminal sanctions?

Note: This chapter is structured to reflect the larger concept of criminal sanctions rather than any one aspect of it (e.g., county jails). This may lead to some confusion for readers who are used to seeing strict distinctions between and among agencies such as the Ohio Department of Rehabilitation and Correction (adult prisons) and Ohio Department of Youth Services (juvenile institutions), and among criminal justice agencies administering similar sanctions at the state and local levels (e.g., probation). Notwithstanding the enormous importance of such agencies, the editorial assumption of this report is that the concept of sanctions must be viewed as a whole if it is to be effectively addressed as a component of the criminal justice system.

This chapter was critiqued by: Simon Dinitz, Professor Emeritus at The Ohio State University; James Karnes, Franklin County Sheriff; Geno Natalucci-Persichetti, Director, Ohio Dept. of Youth Services; and Reginald Wilkinson, Director, Ohio Dept. of Rehabilitation and Correction.

What determines the appropriateness of sanctions for various criminal acts?

Sanctions reflect a complex and sometimes confused array of societal values, historical precedents, and resource limitations of the criminal justice system

How should crime be punished?

The question, itself, testifies to the complexity of the issue in that it erroneously assumes that punishment (e.g., imprisonment, death) is the only legitimate function of justice at the sentencing level. Incapacitation, deterrence, rehabilitation, restitution and, more recently, forfeiture, are other goals which can and do drive the decisions of legislators, judges, parole officials, corrections authorities, and others who administer criminal sanctions—the carrying out of court sentences—in this State.

For these reasons and others (e.g., legal issues, humane and equitable treatment of offenders) prisons and jails are not necessarily the best sanctions for all felony offenders, as is often assumed. "Alternatives to incarceration," rather than suggesting a second or third preferred choice in the sanctioning process, may in fact provide the best means at government's disposal for dealing with certain kinds of offenders.

Sanctions are also formed by particular paths of history. Prior to the Nineteenth Century, crime and justice in American society were largely viewed as the private concerns of individual citizens, with the governing authorities reserving their involvement for issues called to their attention. Prisons were unheard of, jails were used primarily as temporary holding cells, and it was assumed that citizen-victims would do much of the work of investigation and case preparation in bringing their offender to justice.

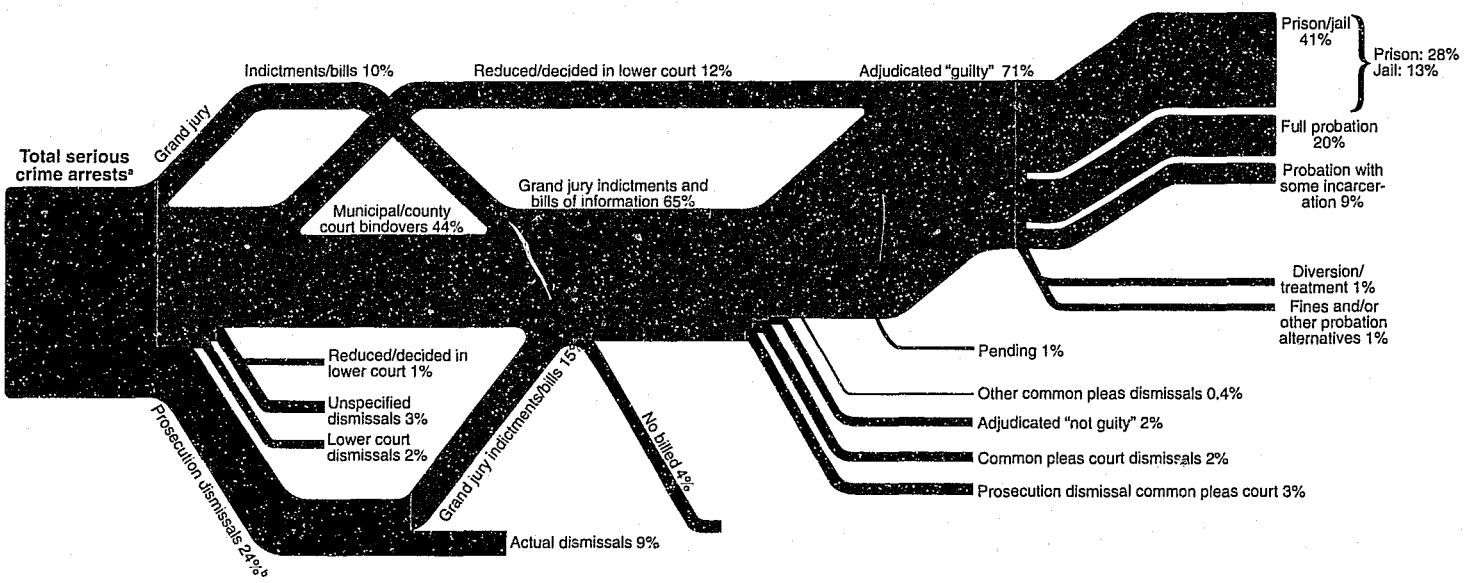
Furthermore, societal attitudes about how to address deviant behavior have changed rather dramatically since the Nation's formative years. While incarceration was not a frequent option for criminal behavior, authorities were not hesitant to use it for debtors or the mentally ill.

The pre-industrial sanctions tied to the dynamics of a rural society seem oddly inappropriate today. Banishment, public humiliation (e.g.,branding, stocks), and maiming were seen as effective responses in small towns and villages where everyone knew each other, and one's value system was located.

However, the social, economic and political forces which fueled mass movements into huge cities, as well as the shift from an agricultural to an industrial society, isolated and antiquated the earlier ideas about responses to crime. The depersonalizing impact of the urban environment negated the impact of humiliation, and banishment meant little to the uprooted poor or newly arrived immigrants. Old forms of sanctions suddenly seemed narrowly capricious and vengeful. Voices were heard calling for more uniform and humane treatment of criminals. In such environments central governments, state and national, were increasingly viewed as appropriate entities for handling society's response to crime and criminals.

Resources can also dictate choice of sanctions, where judges are given such sentencing discretion. Sometimes judges, faced with severely crowded local jails and little in the way of intermediate options, must choose between the polar extremes of prison and probation in felony sentencing. The problem has grown more extreme in recent years in the face of a dramatic increase in drug-related prison sentences which could be diminished, in number and perhaps severity, by sufficient resources devoted to treatment programs.

The vast majority of serious felony cases in Ohio end in conviction, and most of these result in prison or jail sentences



[a] *All subsequent percentages are based on this total*

[b] *Many cases are dismissed in anticipation of grand jury action*

Source: **The State of Crime and Criminal Justice in Ohio, OCJS, 1987.**

Ohioans' attitudes and opinions about sanctions reflect uncertainty about appropriate responses to criminal offenders

There appears to be a general presumption that citizens are frustrated by the leniency and inefficiency of the criminal justice system, that they are continually seeking harsher felony punishments than those being handed down in Ohio's criminal courts. Research in Ohio and at the national level suggests that key decision makers, such as legislators, rather consistently assume that the public will not support sanctions which propose something in lieu of prison/jail sentences.

However, citizen attitude surveys in Ohio and elsewhere have found that these assumptions overestimate public inflexibility, and that given sufficient information regarding the circumstances of the criminal behavior, citizens will support a wide range of other sanction options. Less than one-third of the citizen respondents in a statewide Office of Criminal Justice Services (OCJS) survey completed in 1993 stated a preference for building our way out of the prison/jail crowding crisis in Ohio, while more than half opted for community treatment centers (35%), emergency releases (18%), and more use of probation (7%).

When presented with a list of six specific options which could be used to replace or ease incarceration for non-violent offenders the same respondents found five of the six options agreeable by margins ranging from 68% to 76%. Only "fines" fell below the level of public acceptability (48%). "Victim compensation" (68%), "community supervision" (69%), "work release" (73%), "education release" (76%), and "early release" (78%) all found solid support. These results were virtually unchanged from those obtained in a 1984 survey which examined the same question.

Five critical issues largely determine Ohio's capacity to administer effective criminal justice sanctions

Institutional crowding: Both the Departments of Youth Services (DYS) and Rehabilitation and Correction (DRC) have experienced unprecedented increases in institutional populations during the past decade. DYS populations have risen by half, while DRC's numbers have doubled. Virtually all of the 24 DRC institutions are operating above capacity—176% statewide. The tremendous growth in numbers appears largely unrelated to broader crime trends, instead being driven by decision choices within the criminal justice system (i.e., legislative, prosecutorial/judicial, parole). Every aspect of Ohio's sanctioning procedures is negatively affected by the institutional crowding crisis.

Impact of substance abuse: This nationwide problem has created special stress for the sanctioning function in criminal justice. Tougher laws and sentencing relative to drunk driving and drug abuse, combined with the usage explosion of crack-cocaine in the latter 1980s, have proven especially burdensome for already crowded prisons, jails, youth detention facilities, and treatment programs.

Escalating costs: Funding for new institutional construction is not the major economic cost concern relative to sanctions; the cost of running those institutions is. The average per-year, per-prisoner operational cost to DRC exceeds $13,000, ballooning that agency's annual budget to the three-quarters-of-a-billion-dollar range. Meeting the basic needs of county jail inmates and juvenile offenders adds more hundreds of millions of dollars each year. In the aftermath of the Lucasville uprising it appears that security costs will dramatically increase in at least some state facilities. While technology promises hope for minimizing the costs of some sanctions (e.g., ankle bracelets for electronic monitoring of house arrestees, hair testing for drug supervision of parolees, etc.), the fact remains that Ohio's expenditures on criminal sanctions are increasing dramatically at a time when most items in government budgets are holding level or being reduced.

Effectiveness of treatment: Sentenced criminal offenders bring a wide range of social disorders relating to sexual problems, gambling, child abuse, substance addiction, learning disabilities, and others. Frequently, criminal sanctions include treatment provisions for these disorders, but it is difficult to determine how effective these treatment programs are, especially in light of very limited treatment resources. Much of the future of criminal sanctions may ride on treatment programs with a proven capacity to interrupt criminal careers.

Availability of sanctioning options: Ohio's institutional crowding crisis alone, with its enormous implications for state and local budgets, strongly suggests the development of non-incarceration options for at least some types of offenders. Other issues of justice are also linked to this development, such as sentencing equity, long-term crime costs to society, and the potential tapping of resources outside of the traditional criminal justice arena (e.g., public health).

Incarceration sanctions are administered in a variety of settings in Ohio

Public safety is the first priority for the State's adult and juvenile secure incarceration facilities

The mission statements of the Ohio Department of Rehabilitation and Correction (DRC) and Department of Youth Services (DYS) both begin by emphasizing their public safety roles. The DRC statement notes that the agency contains and supervises adult offenders in order "to perpetuate social order and public safety," after which are listed the provision of humane living conditions and programs for rehabilitation. DYS begins by emphasizing its intention to "ensure public safety" via services which "hold youthful offenders accountable for their actions and give them skills and competencies they need to live crime free."

The primary distinction between DRC and DYS is the age of the offenders they house. In the vast majority of cases, offenders committing crimes prior to their 18th birthday are sentenced in the county juvenile courts. However, juveniles may be sentenced to the DYS for periods which take them to their 21st birthdays. Adult felons, 18 and over, are sentenced in county common pleas courts. But these courts of primary felony jurisdiction in Ohio also occasionally sentence juveniles who have been "bound over" from juvenile court to be tried as adults for particularly violent or incorrigible criminality. As of July 1, 1994, DRC had 85 fifteen, sixteen and seventeen year-olds within its prison population.

Juveniles are incarcerated in several different types of facilities at the state and local levels in the U.S.

	Juveniles held in U.S. facilities:*		
Type of facility	Public	Private	Total
Detention centers	18,014	396	18,410
Training schools	27,823	7,352	35,175
Ranches and camps	4,617	4,826	9,443
Shelters	646	2,821	3,467
Diagnostic centers	1,424	477	1,901
Halfway houses	3,599	21,950	25,549
Total	56,123	37,822	93,945

* One day count on Feb. 15, 1989; does not include juveniles bound over and held in adult facilities

Source: **Sourcebook of Criminal Justice Statistics, 1992, BJS, 1993.**

The DYS, while maintaining jurisdiction only over the state facilities, provides annual subsidies for community corrections, detention and rehabilitation facilities

The subsidies are offered, in part, to encourage juvenile courts to make more use of local incarceration and supervision options. There is some evidence that the program is having its intended effect.

	FY 1990	FY 1991	FY 1992
Total Ohio juvenile felony convictions (excluding probation violators)	11,952	14,328	15,698
Total commitments to DYS	3,166	3,223	3,287
% of convictions ending in commitments	26.5%	22.5%	20.9%

Source: Intra-Departmental Reference report, DYS, July 1, 1993.

Ohio's primary maximum security state prison, the Southern Ohio Correctional Facility, is located in Scioto County

Sources: DRC, July 16, 1993;
DYS Agency Overview, Oct. 1992.

Locally-based jails serve more diverse needs and tend to house specific types of offenders

Ohio's 99 full-service jails, which include county jails and several large city jails, house some eleven thousand criminal offenders and arrestees on any given day. The latter are considered "pre-trial" (i.e., unsentenced) and are incarcerated for one of several reasons: 1) they could not meet the release conditions (e.g., bond) set by the judge during a preliminary hearing; 2) they are held without bond (rarely); or 3) they are being held for some other jurisdiction. "Post trial" populations in the jails are usually: 1) serving a criminal sentence—usually for a less serious felony or misdemeanor; 2) serving time for having violated a court order (e.g., terms of probation or failure to appear); or 3) awaiting transfer to DRC or another jurisdiction.

In 1992, incarcerated populations in the 99 full-service jails fell into four main categories:

sentenced felons	8%
unsentenced felons	42%
sentenced misdemeanants	36%
unsentenced misdemeanants	10%
other	4%

Source: 1992 jail inspection survey data, DRC, Bureau of Adult Detention, August, 1993.

Other locally-based corrections facilities, which usually require less security than those noted previously, can include:

community-based facilities—residential units where offenders can slowly reintegrate into society after incarceration;

boot camps—military style alternatives to mandatory sentences where offenders can reduce the time remaining on a prison sentence by participating in a discipline-oriented environment;

minimum security misdemeanant jails—regional, multi-county facilities for less serious offenders such as drunk drivers (consideration is being given to including lower degree felons in these facilities to lessen the huge number of short-term prisoners sent to DRC);

youth detention centers—secure county and regional facilities for youthful offenders not sent to the State DYS;

youth rehabilitation centers—some of these are secure facilities, some not; populations include juvenile felony offenders but, in contrast to the detention centers, these concentrate on offender treatment services;

5-day and 8-hour jails serving as holding facilities—local jails at the city, township, village or precinct levels which temporarily house prisoners during some part of the criminal justice process; 1992 saw 115 5-day and 93 8-hour facilities in operation in Ohio.

One fourth of Ohio's county jails date from the 19th Century

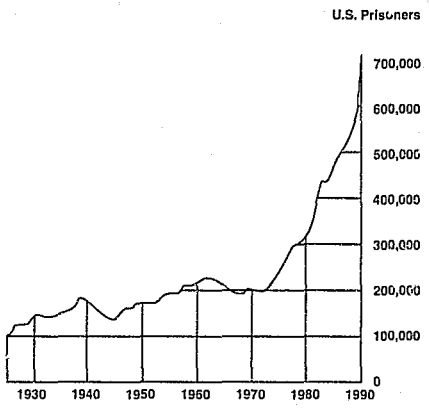
Number of jails	100-150 years old	50-100 years old	20-50 years old	0-20 years old
87*	22	10	21	34

* Some counties have more than one county jail facility; a small number have none

Source: 1992 jail inspection survey data, DRC, Bureau of Adult Detention, August, 1993.

Prison and jail crowding threaten the stability of the entire criminal justice system in Ohio—and the U.S.

The use of state and federal prisons as a sanctions option in the U.S. has reached unprecedented levels in recent years



Source: **Sourcebook of Criminal Justice Statistics, 1991**, BJS.

The heavy reliance on prisons as a criminal sanction is a phenomenon of the last generation only. During the 90 years between 1880 and 1970 the state/federal prison population grew at a fairly consistent and negligible rate, averaging perhaps 3%-5% and reflecting little more than the growth in the general population. However, the U.S. prison population has multiplied itself five-fold since 1970, with a tripling of the numbers of inmates between 1980 and this writing.

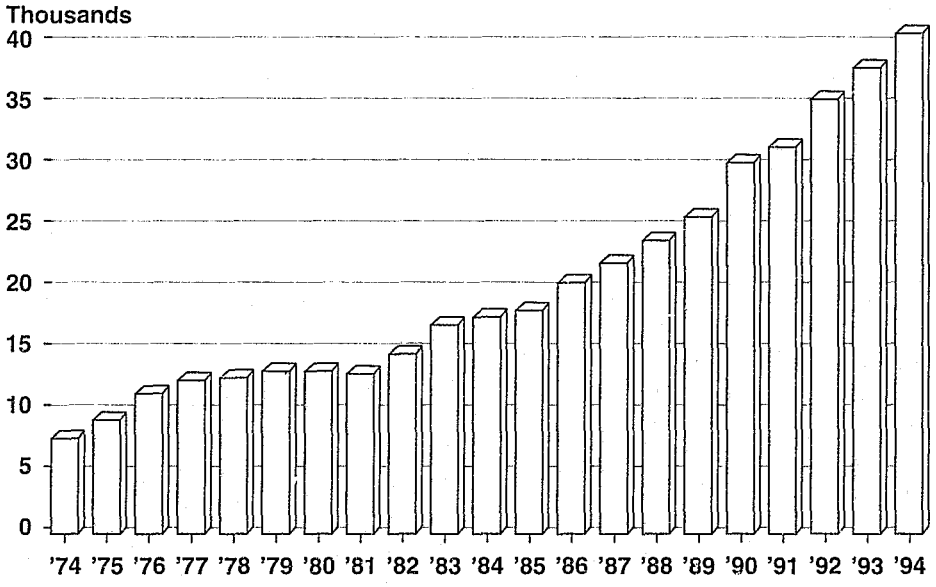
With the number of inmates in federal and state prisons exceeding the one million mark as of October, 1994, and more than a half million more in local jails and juvenile institutions, a significant percentage of America's citizenry is being criminally institutionalized.

Ohio ranked second among states in prison crowding in 1992, even though the prison option is used more liberally in other states, especially in the South and West

State	Percent over capacity	State	Prisoners per 100,000 residents
California	190%	Texas	553
Ohio	180	Oklahoma	506
Iowa	150	Louisiana	499
Massachusetts	146	South Carolina	489
Michigan	143	Nevada	438
Pennsylvania	138	Alabama	431
New Jersey	135	Arizona	430
Illinois	131	Michigan	416
Wisconsin	129	Delaware	397
Virginia	125	Georgia	387

Source: **Prisoners in 1993**, Bureau of Justice Statistics, 1993.

Ohio's state prison population has increased five-fold during the past twenty years, nearly doubling in the last six years alone



Sources: DRC Management Information Systems, June 1, 1993;
DRC Census Report Memo, Jan. 1,1994.

The 1990s may well prove to be the critical stage of the crowding crisis

The issue of prison and jail crowding is the crisis point within the criminal justice system because it challenges the assumption that government is capable of handling what is seen as essentially a routine function of government. In this sense, the crisis may have larger implications for all governments in this democratic society by begging the question: "What happens when a major government function simply breaks down?"

The work of the Ohio Criminal Sentencing Commission included population forecasts for Ohio's prisons through the year 2003, if current conditions remain largely unchanged. While the practice of forecasting is a risky business—the Sentencing Commission's own recommendations could impact these numbers—the populations being suggested hint at continued crowding problems.

Year	July 1 prison population
1994 actual	40,784
1995 estimated	40,837
1996 estimated	41,915
1997 estimated	43,695
1998 estimated	45,510
1999 estimated	47,433
2000 estimated	49,238
2001 estimated	51,217
2002 estimated	53,047
2003 estimated	54,639

Source: **Ohio Criminal Sentencing Commission,** Oct. 24, 1994. (Note: DRC's own population projections reflect smaller growth to 51,732 by the year 2003.)

The severely taxed resources of prison systems in Ohio and the Nation are further threatened by continuous legal actions

As of January 1, 1993, 34 states (accounting for 341 institutions) were under court orders relative to confinement conditions, 26 were working under court ordered population limits, and 19 had court monitors. (Ohio is not under either of the latter two restraints.) A total of 34,005 inmate lawsuits were generated in 1992 alone, 1,064 of which came from Ohio prisoners.

The Department of Youth Services population forecasts anticipate continued crowding problems in state facilities, then a leveling off after the current proposal supporting local sanctions ("Reclaim Ohio") takes full effect in 1995

Fiscal year	Capacity	Average daily population	Percent of capacity
1993	1,514	2,362	156%
1994	1,380	2,498	181
1995	1,380	2,529	183
1996	1,530	2,637	172

Source: **Budget Presentation to the Ohio Senate,** DYS, April 5, 1993.

Drug crimes constitute the clearest reason for runaway prison populations in Ohio and the Nation

Several factors have been identified as causative in the expanding prison population including tougher sentencing by judges, mandatory minimums and "add-ons" (e.g., the three year Ohio add-on for committing a felony with a gun) enacted by the legislature, and increasingly restrictive practices the state parole board and others responsible for release decisions. The explosion of drug crimes, arrests and convictions beginning in the mid-1980s, which was closely linked to the crack-cocaine epidemic, has had an impact of undeniable significance.

Year	Drug crimes as a percent of prison commitments in: Ohio	U.S.
1985	12%	13%
1986	15	16
1987	15	20
1988	20	25
1989	26	31
1990	29	32
1991	29	30
1992	31	31

Sources: DRC Management Information Systems, 1993; and **Prisoners in 1993,** BJS Bulletin, June, 1994.

Crowding is a problem in virtually every Ohio prison

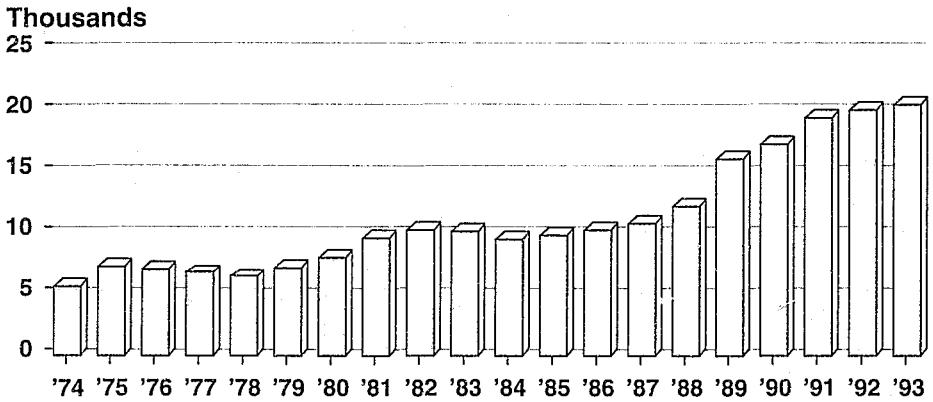
When the Southern Ohio Correctional Facility in Lucasville erupted into a nationally unprecedented uprising on Easter Sunday, 1993, over 1,800 prisoners were being housed in a facility with 1,645 cells, two to three hundred below earlier population levels and by no means crowded by current standards. These men were tough cases even by prison standards, having earned their trips to Lucasville via exceptionally serious crimes, exceptionally bad behavior in other state institutions, or both. At Ohio's prison reception centers, inmates may eat breakfast at 10:00 a.m. and lunch at 3:45 p.m. as institutional kitchens run virtually round the clock to feed the huge intake populations. In other prisons, gymnasiums and other non-living space may have long-since been converted to temporary dormitories. As difficult as these circumstances seem, they would worsen if the legal thread upholding Ohio's double-bunking cell policy ever breaks.

Design DRC Correctional* Institutions (C.I.)	Number of capacity on Oct. 1, 1994	prisoners on Apr. 4, 1994	Security level** Max.	Close	Med.	Min.
Allen C.I.	711	1,388		X	X	
Belmont Correctional Camp	252	N/A				X
Chillicothe C.I.	1,507	2,796		X	X	
Corr. Medical Center Columbus	210	160	X			
Correctional Reception Center	937	2,271	X	X		
Dayton C.I.	480	484		X		
Franklin Pre-Release Center	250	446			X	
Grafton C.I.	859	1,567		X	X	
Hocking C.I.	290	447		X		
Lebanon C.I.	1,188	2,195	X			
Lima C.I.	1,104	1,930		X	X	
London C.I.	1,478	2,385		X	X	
Lorain C.I.	750	2,345	X			
Madison C.I.	1,252	2,567		X	X	
Mansfield C.I.	1,058	2,427	X	X		X
Marion C.I.	1,251	2,301		X	X	
Northeast Pre-Release Center	350	650			X	
Oakwood Correctional Facility	228	N/A		X		
Ohio Reformatory for Women	914	1,702	X	X	X	X
Orient C.I.	1,484	2,307		X		
Pickaway C.I.	1,458	1,943			X	
Ross C.I.	1,434	2,925		X	X	
Southeast C.I.	1,165	1,896		X	X	
Southern Ohio Corr. Facility***	1,040	1,108***	X	X		
Trumbull C.I.	500	918			X	
Warren C.I.	766	1,497	X		X	

*Reflects institutions operating in April,1994
**Categories are Maximum, Close, Medium, and Minimum
***Reflects numerous, temporary transfers in riot's aftermath (320 beds of K-Block shut down for rebuilding)

Sources: DRC in-house research memo, May 20, 1992;
"Weekly Population Count," DRC Bureau of Classification, April 4,1994; and
DRC Research Bureau, October, 1994.

Despite the State's most aggressive prison building program ever, prisoner intake is outstripping available space



Sources: DRC Management Information Systems, August 27, 1993; "Highlights from reports" memo, DRC.1994.

The building trend is one repeated in many states in recent years

Seventeen states and the District of Columbia opened new prisons in 1992, adding 28,686 beds at a cost of $1.2 billion. Ohio opened two facilities (710 beds) at a cost of $64.6 million. The Nation saw the opening of 298 prisons during the 1987-92 period.

Crowding is also a severe problem among institutions housing juvenile delinquents

Department of Youth Services institutions are also falling behind in the race against space, operating at 50%-60% over design capacity. In the crowded facilities staff struggle to deal with a youth population characterized by mental health problems (35%), substance abuse problems (87%) and addiction (41%), and an average I.Q. of 88.

The last 22 years has seen a doubling of the use of local jails as a sanctions option

The federal Bureau of Justice Statistics's annual survey of local jails in the U.S. has documented not only a near tripling of jail inmates since 1970 but also a more than doubling of the "inmates per 100,000 residents" measure. That figure jumped from 79 in 1970 to 174 in June of 1992. Most of that jump has occurred since 1986, about the same time the Nation began experiencing the Crack-cocaine epidemic and heavy pressure to address the problem of drunk drivers. The Nation's 503 jails incarcerating daily populations of 100 or more, which account for four-fifths of all inmates in the Nation's local jails, were 105% of capacity on the last weekday in June, 1992. Over one quarter of these 503 jails were under some kind of court order to limit inmate populations in 1992, while 108, some of which were the same jails, were ordered to address a total of 41 conditions of confinement.

In 21 states and the District of Columbia, not including Ohio, 18,191 prisoners (2.2% of the Nation's total state prison population) are being held in local jails for want of space at the state levels. Over 4,000 prisoners are so housed in Louisiana, a figure constituting over 22% of that State's entire prison population.

Over half of Ohio's full-service jails, most of which are county jails, are operating above the rated-capacity limits set by the DRC Bureau of Adult Detention (not necessarily the design capacities). Waiting lists are common in many counties, with sentenced criminals notified by mail that they are to report for jail sentences months, or even years, after their convictions. The Bureau's November, 1993, survey of 76 Ohio counties found waiting lists in use in 29 of them, accounting for 26,287 persons waiting to serve jail time in these 29 counties alone. This figure is over twice the current jail population for the entire State of Ohio.

Twenty-five of the jails are further burdened by a total of 45 federal or local court orders which, among other actions, restrict their capacity to take more prisoners. Seventeen jails operate under set population caps. During 1992 Ohio's county jails reflected an average daily population of 13,455, more than double the 6,636 figure from 1984.

Year	Average daily populations in Ohio jails
1983	6,557
1984	6,636
1988	9,703
1990	11,157
1992	13,455

Source: DRC, Management Information Systems, 1993.

What Does a Prison Sentence Really Mean?

Q. When can 6 to 25 equal 4?
A. When it is a prison sentence in Ohio.

The minimum prison time imposed by a judge in open court is rarely the time served in Ohio. Decisions by prison officials and others can both shorten and lengthen the time. Although legitimate, these decisions are made in private. As a result, the public is often surprised when an offender is released from prison. One could say that prison time ticks, but it doesn't talk.

Let's follow a case. John Doe robs a store while armed with a gun. He is convicted of a first degree felony and sentenced to six to 25 years. The law lets prison officials reduce a sentence by 30% when an inmate follows rules ("good time"). Because of crowding pressures and the use of other tools to punish inmate misconduct, this reduction is virtually automatic.

Doe could also get another 3% "earned credits" reduction by attaining minimum security status or by participating in school, work, or substance abuse programs in prison. Together, good time and earned credits could make Doe eligible for release after serving two-thirds of his minimum sentence—about four years. In effect, each prison year may be only eight months long.

But it may be much longer. Good time and earned credits shorten an inmate's *minimum* sentence. As a higher-level felon, Doe received an indefinite term. Although he could be released early, as noted, he also could be kept until his 25-year maximum expires. Ultimately, the Parole Board decides how long Doe will spend in prison. If Doe's case is typical, he is likely to leave prison after serving four, five, or six years of his six to 25 sentence. He will be supervised for a year or so once released. If caught violating conditions of release, Doe could be returned to prison.

In addition to his six to 25 year sentence, Doe could receive another three years for toting a gun. This is called "actual incarceration", not because Doe is actually incarcerated (his cellmate is actually incarcerated too), but because Doe would actually serve the three years. The additional term could not be reduced by good time or earned credits. The Parole Board would continue to decide the time Doe would serve on the underlying six to 25 term.

Let's say Doe instead broke into a garage, unarmed. As a lower-level nonviolent felon, he could receive a definite sentence. The minimum and maximum would be the same. A flat 12 month term, reduced by good time and earned credits, would mean release after eight months, with no parole supervision.

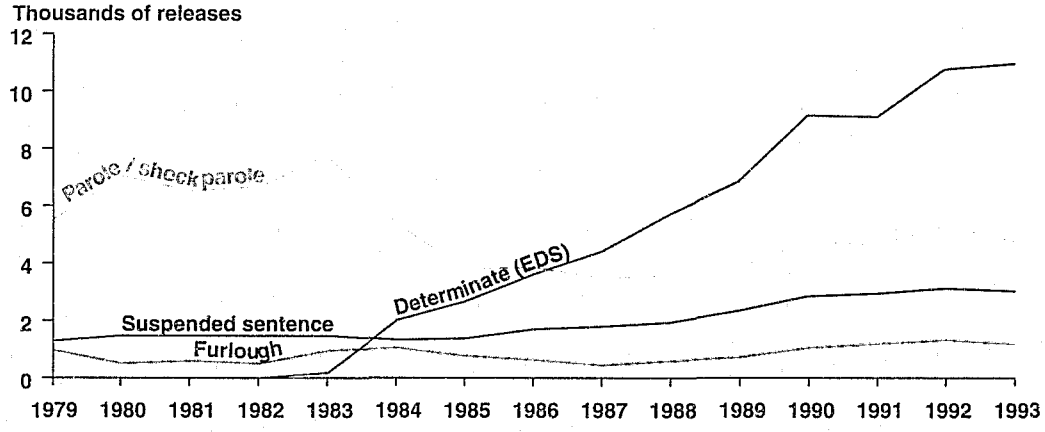
Alternately, Doe could be sent to prison and released on shock probation by the judge after serving 30 to 90 days. Or he could be released on shock parole by the Parole Board after serving six months. Or he could receive a furlough from the Board during the last months of his term. Or, in rare cases, he could have his term commuted to time served, or be pardoned, by the Governor.

Murderers, rapists, and offenders with guns are ineligible for probation. Almost everyone else is eligible. The judge could impose the 12 month prison term on Doe, then suspend it and place Doe in a community-based correctional facility or county jail for up to six months. Or the judge could suspend Doe's prison term and require him to participate in a non-residential program, with other restrictions on his liberty.

In short, when it comes to prison sentences in Ohio, time certainly does not stand still.

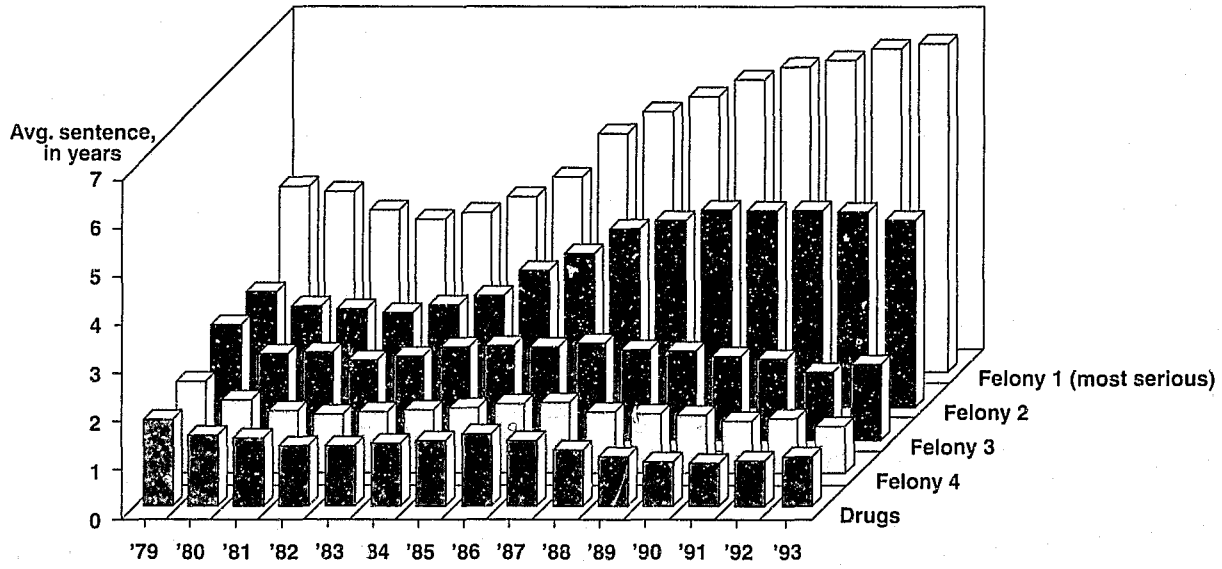
David Diroll, Executive Director
Ohio Criminal Sentencing Commission

The beginning of the prison crowding crisis in the mid-80s, coupled with Ohio's enactment of determinant sentencing, have changed the patterns of prison release in the State



Sources: Management Information Systems, DRC, June 1, 1993.; "Highlights from Reports" Memo, DRC,1994.

The State's most serious offenders (felony 1 and 2 level) are serving longer sentences in prison



Source: Management Information Systems, DRC, August 26, 1993.

The dramatic nationwide decline in the use of parole, coupled with the rise in the use of mandatory minimum sentences, has limited the flexibility of prison systems to impact crowding via release mechanisms

As a result, more states are turning to other special releases to help relieve the problem.

Year	Discretionary parole	Supervised mandatory release	Probation	Expiration of sentence	Special release*	All other
1977	72%	6%	4%	16%	1%	1%
1978	70	6	3	17	2	2
1979	60	17	3	16	2	2
1980	57	20	4	15	3	1
1981	55	21	4	14	3	3
1982	52	24	5	14	4	1
1983	48	27	5	16	2	2
1984	46	29	5	16	3	1
1985	43	31	4	17	3	2
1986	43	31	4	15	5	2
1987	41	31	4	16	6	2
1988	40	31	4	17	6	2
1989	39	30	4	16	9	2
1990	40	30	5	13	11	1

*Includes emergency releases, work furloughs, releases to home detention, community residence, special supervision programs, and supervised reprieves

Source: **Probation and Parole, 1990,** BJS, November, 1991.

The routine administration of secure incarceration facilities in Ohio implies a variety of extremely complex and difficult tasks

Proper classification of inmates is critical to institutional control and efficiency

The management of large institutional populations by too few staff demands a thorough understanding of who those inmates are. The intake process in prisons and jails must produce answers to many questions about incoming prisoners, such as: Is there a history of violence or substance abuse? Are there special needs related to mental health, physical health, or education? Is there a danger of suicide? Is there a reason for isolation from the general prison population?

Even among the existing inmate populations, updated classification continues to be of considerable importance. Parole board hearing dates and other legal transactions require anticipation. Especially difficult prisoners may need transfer to a more stringent security or supervision level. Conversely, inmates with good behavior records need to be moving to less restrictive environments—all with an eye on crowding levels at individual institutions. Updated program needs may drive movement. And, of course, the adult prison system alone must anticipate the physical logistics of releasing more than 20,000 prisoners each year. With the median time served at DRC now at less than 12 months, classification officials are often fighting the calendar in an attempt to get the prisoner properly classified (in extremely crowded reception centers) and sent to an institution before his or her sentence expires.

DYS faces a scaled-down version of the same kinds of problems. However, additional complications inherent in the definition of a juvenile offender can accompany this population (e.g., the need for schooling, adherence to other state laws covering the general youth population, etc.).

In local jails, a major classification issue over the past two decades had been the legally required separation of juvenile and adult offenders, not only from common cells, but from entire areas of the jails. This has put an additional resource strain on Ohio's county jails, in particular, but virtually all local jails are now in compliance with this regulation. An additional classification burden unique to local jails is the need for immediate intake detection of potential suicide cases, this because arrestees processed into jails (unlike those entering state prisons) are frequently under the influence of some substance and/or in the throes of arrest anxiety.

All DRC prisons offer at least one of four different levels of security and supervision

	Minimum	Medium	Close	Maximum
Perimeter	clearly designated by single fence.*	secure	secure	secure
Towers	none	optional manned 24 hours	optional manned 24 hours	manned 24 hours and
External patrol	none	yes	yes	yes
Detection devices	optional	yes	yes	yes
Housing	single rooms and/or multiple rooms and/or dorms.	single cells or rooms and/or dormitories.	single outside or inside cells	single inside cells; corridor grills.

Definitions

Secure perimeter: Walled or double-fenced perimeter with armed towers and/or mobile patrols. All entry and exit into and out of the compound is via sally ports.

Inside cell: A cell which is contained on four sides within a cellblock: i.e., if an inmate escapes from the cell, he is still confined within the building.

Outside cell: A cell with a wall or window immediately adjacent to the outside of the building: i.e., if an inmate escapes from the cell, he has escaped from the building.

*Minimum security camps without a fence will be reserved for minimum level 1 inmate housing.

Source: **Security Designation and Supervision Classification System Manual**, DRC, 1992.

Escapes are an indicator of the effectiveness of prison classification systems

Few inmates are happy inside prison walls, but their degree of unhappiness is an important distinction to prison officials. Misclassified or unclassified prisoners are unlikely to have access to appropriate treatment programs, improvement opportunities, and medical aid. Such frustrations, combined with those stemming from an ill fit with their fellow inmates, often result in negative behaviors such as assaults and escape attempts. Escapes from DRC prisons are becoming increasingly rare.

Fiscal year	Ohio prison* escapees
1982	26
1983	18
1984	25
1985	49
1986	21
1987	24
1988	20
1989	23
1990	15
1991	8
1992	9

State	1992* ** escapees	1992* ** recaptures
California	79	57
Florida	72	169
Illinois	3	3
Michigan	9	NA
New York	9	9
Pennsylvania	10	9
Texas	10	10

*does not include community correctional facilities

**calendar year data

Source: Statistical Summary for Fiscal Year 1992, DRC memo, 1992.

Source: **The Corrections Yearbook, 1993,** Criminal Justice Institute, 1993.

The State of Ohio must provide for 124 death row inmates housed at the Southern Ohio Correctional Facility in Lucasville

The State assumed the role of criminal executioner from the counties in 1885. Since that time 343 persons have been hanged (28) or, since 1897, electrocuted (315, including 3 women).

However, no executions have taken place in Ohio since 1963, largely due to a U.S. Supreme Court ruling in 1972. The General Assembly revised the death penalty law in 1974, but it too was rejected by the Supreme Court in 1978. The current capital punishment law went into effect in 1981, but appeals have prevented any executions as the number of death row inmates grows annually.

Executions have taken place in a third of the states, the vast majority of which are located in South and West

Sixteen states executed 188 prisoners between 1977 and 1993, with southern states continuing to dominate the statistics. By 1992 a plurality of states (22) had switched to lethal injection as the means of execution, followed by electrocution (12), lethal gas (7), hanging (3), and firing squad (2).

State	Persons executed, 1977-1993	Prisoners on death row 12/31/92
Texas	54	344
Florida	29	312
Louisiana	20	44
Georgia	15	101
Virginia	17	49

Other states conducting executions between 1977 and Jan.1, 1993, include North Carolina, South Carolina, Mississippi, Alabama, Arkansas, Illinois, Missouri, Oklahoma, Indiana, Nevada, and Utah,Wyoming, Delaware, Arizona,and California.

Source: **Capital Punishment in 1992,** BJS, December, 1993.

Staff in state correctional institutions are needed for many reasons beyond that of basic inmate supervision and control

The Ohio Department of Youth Services maintains some 1,700 staff positions to support an institutionalized youth population of 2,100-2,200. This high ratio reflects not only the serious felony status of the youth population, but also the extensive services and programs necessary for children in custody:

Education. DYS does extensive intake analysis to determine the educational levels of incoming youth. In addition, special programming is offered for those with developmental handicaps, learning disabilities, severe behavioral handicaps, and speech/language/hearing handicaps, as well as those wishing to pursue vocational education. Regular school day classes are scheduled at the DYS institutions.

Medical/mental health. All youth receive a Medical Intake Assessment within 24 hours of entering the DYS, and each will be seen by a doctor within seven days for a full medical examination. A dental examination is completed within 14 days of admission, with psychiatrist/psychologist sessions scheduled upon referral from the doctor.

Recreation. Generally, DYS recreation programs are run on evenings and weekends to supplement the day education programs. In addition to the traditional sports, activities include camping, swimming, drill teams, weight lifting/training, basic physical fitness, arts and crafts, hiking, canoeing, community service projects, gardening, etc.

Ohio's adult prison system faces similar programming and service challenges, but does so for a population 16 times larger.

The State's correctional officer-to-inmate ratio, much publicized in the wake of the Lucasville uprising, is much lower than the national prison average (8:8 v. 5:1), and considerably below those found in most other large states. Department-wide, DRC has strained to balance the service delivery and budget demands created in the crowding crisis. During the five year period from June 30, 1988 to June 30, 1993, total DRC staff increased from 7,014 to 9,122, an increase of 30%.

As of January 1, 1993, Ohio's entry level correctional officer salary (after probation) was $20,842, virtually equal to the national average. The maximum salary figure topped out at $23,795 in Ohio, $29,684 nationally. The difficulty of finding minority corrections officers in

some parts of Ohio, as well as the problems besetting prisons where that problem reigns, was well documented in the wake of the Lucasville uprising. Despite a prison population which is over 50% non-white, only 18% of the State's correctional officers fit that demographic description. Nationwide, that figure is 30%.

However, the escalating prison population also strains service and program staff, which are sometimes viewed (by others outside of DRC) as more budgetarily expendable than the corrections officers. As a result, there are now waiting lists for inmate education and substance abuse programs. Furthermore, the temporary conversion of recreational space to housing space increases inmate tensions, as does the cutting back of visiting programs for want of space. In 1991 DRC maintained 230 full-time teachers, with an average starting salary range of $21,000.

DRC's medical program is also struggling to keep up with the huge increase in numbers. Typically, health care staff within all of the prisons will see 2,000 inmates a day. The special needs of older inmates are met at the Hocking Correctional Facility in Nelsonville, where the 968 inmates 55 and over represent a doubling of the senior population during the past decade. Most of the wheelchair-disabled inmates are housed in a specially designed unit at the Orient Correctional Institution. Since voluntary HIV testing was begun in 1990, over 45,000 inmate tests have been run, with 550 persons testing positive. Most HIV cases are still housed in accordance with their security classifications, but special medical treatment is available through the Infectious Disease staff of the Ohio State University. Renal dialysis is provided to 20-30 patients a month, totalling more than 250 monthly treatments.

While the HIV virus has not hit epidemic proportions in Ohio's prisons, cases are beginning to escalate in some other states, particularly in the East. The number of New York's state prisoners testing HIV-positive had reached 8,000 by the beginning of 1992, 14% of the entire state prison population. The disease accounted for over half of all prison inmate deaths in the Nation's northeastern states during 1991.

Inmate mental health needs make continuous demands on DRC staff and resources. A 1992 DRC intake study found that 17% of the males and 27% of the females entering prison indicated a history of mental health problems. Psychiatric services are provided to approximately six percent of the inmate population via the partnership which exists between DRC and the Ohio Department of Mental Health. There are over 100 psycho-educational programs in operation.

DRC inmate assignments on Jan. 1, 1993	Number	Percent
Institutional operations		49%
maint./food service	9,306	
agriculture	748	
cleaning	6,682	
clerks	1,845	
Education		20
college	2,982	
academic/ABE/GED	3,172	
vocational	949	
apprenticeship	176	
other	423	
Industry		7
material handler	564	
unit assembler	264	
other	1,660	
Unavailable for assignment		24
at reception	4,975	
disciplinary segregation	1,119	
medically idle	315	
pre-release	1,283	
other	1,512	

Source: **Quarterly Report of the Correctional Institution Inspection Committee** (Oct. 1 - Dec. 31, 1992), DRC, 1993.

The substance abuse issue negatively affects virtually every aspect of the administration of correctional institutions

During 1992, 31% of all prisoners entering Ohio's Department of Rehabilitation and Correction had been so sentenced for drug offenses, a 158% increase since 1985. A special study of the more than three thousand prisoners entering between April and June of 1992 found that over half were heavy drug users and over one-third were heavy alcohol users. The study also suggested that less than one third of inmates entering prison had previously received any substance abuse treatment, and most of those who had reported a negative outcome for it.

A national survey of prison inmates found that half had been using drugs during the month preceding their current offenses, with 31% reported under the influence of a drug at the time of the crime. Three in five inmates incarcerated for violence said that either they or their victims had been drinking or using drugs at the time of the offenses.

Substance abuse problems do not end with their implications for crowding and intake

Offenders in both DRC and DYS are regularly tested for drug use. DYS testing includes:

—10% of all institutionalized youth each month

—40% of all institutionalized youth once a year

—all youth in substance abuse residential treatment units every three weeks

—all youth in trafficking treatment units every month

—all youth testing positive, for the next three months

Generally, positives run less than one percent at DYS. DRC tests 3,000 to 5,000 inmates each month, with positives running at an average of 3%, about half of the 5.4% national average for prisoners.

The prospect of program staff or corrections officers becoming involved with drug usage or trafficking presents special difficulties

Nationally, by 1990, prison staff drug testing was being conducted in 83% of the federal facilities, 42% of the states' facilities, and 32% of the community corrections facilities, with over half of these testing all employees.

Both DRC and DYS offer a variety of drug and alcohol treatment programs for offenders

At DYS each youth undergoes a chemical dependency assessment at intake, and all take the Department's 40-hour drug education and early intervention program. Each of the institutions provides a core substance abuse curriculum, and special 42-day programs are offered at Freedom Center in Columbus and Independence Hall in Delaware, Ohio.

In DRC, in addition to the institutional programs special Therapeutic Communities' programs are offered at the Marysville and Pickaway County correctional facilities.

The drug and alcohol abuse impact appears equally burdensome for local jails

A 1989 national survey of jail inmates found that 78% had used drugs at some time, and that 55% had used one of the major drugs (heroin, cocaine, crack, methadone, LSD, PCP). A five year-old drug testing program in Cleveland has routinely found cocaine present in the urines of half or more of all felony arrestees at the time of booking, with figures running as high as three-fourths for women arrestees. There is also the additional consideration of offenders who commit crimes to get money for drugs. The 1989 data indicate that one fourth of all jail inmates arrested for property crimes were so motivated.

Inmate behavior is a constant concern to prison officials

The lives of ten Ohioans were lost during the Easter Lucasville uprising in April, 1993. The story made national news leads for more than a week.

During the fiscal year preceding the riot, a total of 676 DRC disciplinary and administrative transfers were made to the Southern Ohio Correctional Facility (SOCF—Lucasville), while only 253 inmates were reclassified and transferred from SOCF to lesser custody. This 423 inmate transfer differential was the largest in at least nine years.

This constant exchanging of lesser behavioral problems for greater ones, coupled with SOCF's role as Ohio's maximum security prison for male felons, ensures that major disturbances will always be a possibility. This prospect generated much of the drive for a "super-max" prison in Ohio for especially difficult prisoners, to be located in Mahoning County.

Fiscal year	Disciplinary and administrative transfers to SOCF	SOCF inmates transferred to lesser custody	Difference
1984	138	296	-158
1985	730	680	+ 50
1986	763	558	+205
1987	678	490	+188
1988	652	711	- 59
1989	525	369	+156
1990	639	501	+138
1991	428	1,028	-600
1992	676	253	+423

Source: **Statistical Summary for Fiscal Year 1992,** DRC memo, 1993.

The Easter Sunday Disturbance at Lucasville: A Corrections Perspective

Background

The Southern Ohio Correctional Facility (SOCF) is Ohio's maximum security prison, constructed in 1971 to house 1,540 maximum security inmates (initial design capacity) in a single-celled environment. This facility is located just outside Lucasville, Ohio, in a rural section of southern Ohio. The institution was designed consistent with other maximum security institutions of its time, in a "telephone pole" configuration with 22 acres under one roof.

The institution has been the site of serious incidents throughout its 22-year history including a turbulent first nine months of 1990 that included the murder of a staff teacher and four inmates by inmate assailants. In November 1990, following major investigations by the Ohio House of Representatives' Select Committee and the Ohio State Highway Patrol, a significant security operation was undertaken concurrently with the appointment of Warden Arthur Tate, Jr.

Operation Shakedown

The security operation was titled "Operation Shakedown". This comprehensive security plan was developed by the Department of Rehabilitation and Correction utilizing the House Select Committee and Ohio State Highway Patrol reports to support an aggressive effort to better control the maximum security inmate population. Significant elements of the plan were:

- Additional staff (30 correction officers and 31 support staff);
- Reduced inmate population;
- Greater control of inmate movement;
- Enhanced security practices (e.g., metal detectors, searches).

Operation Shakedown, under the leadership of Warden Tate, effectively reduced the amount of violence and deaths at the Southern Ohio Correctional Facility. Additionally, American Correctional Association auditors reported that during interviews of both staff and inmates conducted approximately ten months after implementation of Operation Shakedown, staff and inmates felt safer and more positive about the direction of the institution. SOCF achieved the recognition of Accreditation by the American Correctional Association in January 1992, a recognition enjoyed by only 10% of the correctional institutions in the United States.

The Riot

At approximately 3:00 p.m. on April 11, 1993, Easter Sunday, a disturbance was ignited that lasted 11 days, bringing the attention of the country to Lucasville, Ohio. As an announcement was made over the institution intercom that the recreation period was over, 250 inmates returning from the recreation yard to the cellblocks in L-corridor overpowered security staff gaining control of security keys to all eight cellblocks in L-corridor. After a bloody 20 minute skirmish, inmates held 12 employees hostage, controlled eight cellblocks, a gymnasium and the long corridor connecting this complex.

The riot came to a peaceful conclusion on April 22, after intense negotiation between inmates and the administration. The negotiations concluded with the administration agreeing to accept a list of inmate demands in exchange for release of the staff hostages and surrender of the 800 inmates in L-block.

Causes of the Riot

The Cause Committee, one of several created in the Riot's immediate aftermath, dedicated seven weeks to the examination of the incident, precipitat-

ing events, institution and department trends and general institution climate. The Committee assigned to examine the cause, chaired by the Director of the Office of Criminal Justice Services, also a former warden and Deputy Director with the Department of Rehabilitation and Correction, was staffed by institution wardens, program and security administrators, and institution inspectors and investigators. The Committee worked hand-in-hand with the Ohio State Highway Patrol's investigation. The Cause Committee published and testified to the following causal findings that established a climate conducive to a violent disturbance:

- One of the most recognized causes of the disturbance was the increased inmate population, requiring maximum security inmates to be double-celled.
- Interracial celling to comply with White v. Morris was implemented in 1991, but had little impact on the climate of the institution until late 1992 when the growing inmate population required increased double-celling.
- Institution transfers beginning in June,1992, significantly changed the complexion of the SOCF inmate profile to a younger and higher security risk population.
- The relationship between staff and inmates was not conducive to managing the inmate population and resolving problems before they had a chance to magnify.
- Cultural and racial differences between the workforce and inmate population further diminished interaction. 9.9% of the employee workforce were African-American compared to 57% of the inmate population.
- Significant inmate gang membership existed at SOCF with 13.7% of the inmate population known to have been involved with one of the inmate gangs. Despite this known inmate gang activity, a centralized institution intelligence system did not exist to help the administration manage the inmate population.

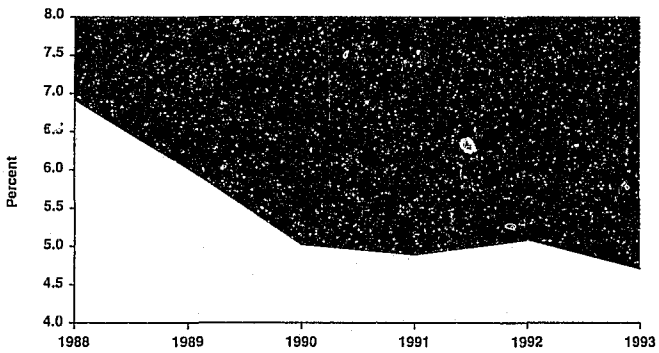
Conclusion

Debate will continue regarding the most appropriate strategies to employ to manage the most assaultive and non-compliant inmates found in the statewide population of 40,000+ long after this article is published. The manner in which the Southern Ohio Correctional Facility will manage maximum security inmates in the future was an issue addressed by the Design committee plans for renovation of the riot damaged L-complex wing. Issues of direct staff supervision of inmates or indirect supervision of inmates from secure control panels was debated by both management and union employees. Concurrently, the Department of Rehabilitation and Correction is sifting through the thousands of pages of reports in an effort to ponder and resolve all issues presented throughout this complex investigative process.

It is important to note that as this investigative process continues, the numbers of felons held in Ohio's prisons each week climb to new record levels, increasing the density of inmates confined in all of Ohio's prisons. Concern remains for the ability of Ohio to safely incarcerate the ever growing population of offenders held in Ohio's prisons. As legislative leaders examine the proposal of the Ohio Criminal Sentencing Commission to restructure the law promoting greater community-based sentencing for non-violent offenders and longer sentences for violent, repeat offenders, significant impact on Ohio's prisons and local government is possible. It is clear that Ohio is at a critical junction regarding its philosophy of executing correctional sanctions.

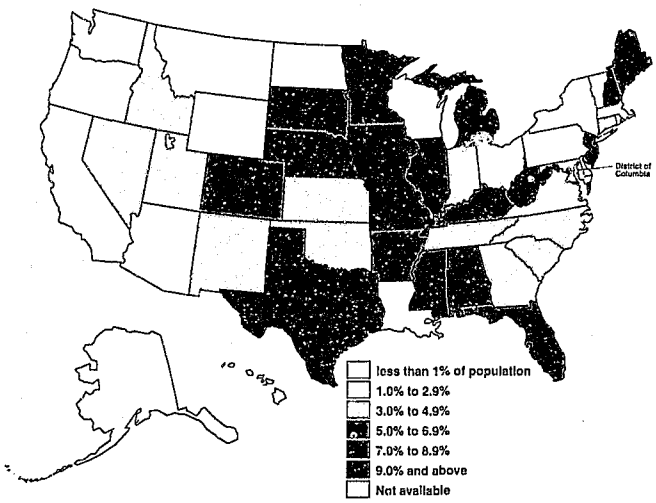
Gary C. Mohr
Dept. of Rehabilitation and Correction

As prison crowding has escalated, the average percent of inmates in administrative and protective custody has declined nationwide



Source: **The Corrections Yearbook, 1993,** Criminal Justice Institute, 1993.

Ohio's prisons use administrative and protective custody less than those in almost every other state



Source: **The Corrections Yearbook, 1993,** Criminal Justice Institute, 1993.

Nationally, prison rule violations by inmates are common

A 1986 Bureau of Justice Statistics representative survey of state prison inmates found that 53% had been charged with at least one prison rule violation since beginning their sentence. Also, the 450,000 U.S. prison inmates in 1986 had been charged with 1.75 million violations, averaging out to nearly four violations for every prisoner in the system. Ninety-four percent of all charges resulted in guilty findings.

Ohio reflected 109,665 prison inmate misconduct reports in 1992, with 52,886 of these described as major misconduct.

Over two thousand U.S. state and federal prisoners died in incarceration during 1992

State	Homicide	Suicide	AIDS	Execution	Natural	Accident	Other	Total
California	5	16	62	1	125	1	3	213
Florida	0	6	67	2	60	2	0	137
Illinois	5	3	14	0	33	1	0	56
New Jersey	1	1	65	0	37	0	0	104
New York	12	9	210	0	77	2	0	310
Ohio	2	1	6	0	67	0	0	76
Penn.	2	4	13	0	58	5	0	82
Texas	2	9	46	11	87	-	0	155
Federal	3	5	41	0	95	5	-	149
U.S. Total	66	123	702	29	1,120	34	5	2,079

Source: **The Corrections Yearbook,** Criminal Justice Institute, 1993.

Suicide is a major worry among local jails

A 1989 U.S. Department of Justice study identified suicide as the leading cause of deaths in U.S. jails. Other studies have found that most of these occur within the first 24 hours after arrest and are related to stress, isolation, incarceration and the depressant effects of alcohol.

A study of 242 Ohio jail suicides over the 10-year period 1975-84 noted special correlational problems with alcohol, times of (day) admission and length of incarceration (especially related to alcohol involvement), and day of the week (i.e., weekends). Hanging was the overwhelming choice of means. (Davis and Muscat, 1993) DRC's annual jail survey reported 17 suicides in full-service (14) and five-hour (3) jails in 1992.

The Difficulties of Running a County Jail

The impact of the war on drugs, AIDS, and tight budgets have had a detrimental impact on county jails in Ohio.

A recent survey conducted by the Ohio Department of Rehabilitation and Correction found that 22 of Ohio's county jails are over 100 years old, and 54 are operating at or in excess of capacity, many of these under the oversight of Federal Courts.

Many factors affect the operation of today's jails. The most significant is the implementation of Minimum Jail Standards which provide to prisoners, in the eyes of the public, many rights that neither citizens nor victims of crime feel they enjoy. Requirements regarding staffing, recreation, programming, and grievance procedures have added to workloads and costs without any additional funding to pay for these programs. Every jail administrator finds himself spending time trying to "justify" to the public why inmates watch color television, have better dental and medical coverage than they do, and spend their time lifting weights, playing cards or basketball. Since under our criminal justice system an inmate is considered to be "NOT Guilty" until proven guilty by a judge or jury, county jails, which house many pretrial prisoners, are not permitted to impose punitive punishment or make inmates work unless they agree to.

County jails were designed to hold inmates until they were tried in the common pleas court system, and to hold misdemeanor prisoners in custody while they were serving their sentences locally. However, most major county jails now hold only felony pre-trial inmates. Recently arrested offenders, from drunk drivers to theft suspects, are being released because there are no beds for them. The Sheriff has been forced, many times by the terms of a federal consent decree, to become a judge and decide who poses the least risk to society, putting some offenders back on the street and telling them to return for their court dates. Many of the offenders don't return and the reputation of the criminal justice system suffers. Unfortunately in some county jails it is not uncommon for an offender to be found guilty by the judge, sentenced to jail and then be told by the sheriff's staff to report to serve his sentence as much as a year later when his name finally comes up on a waiting list. The public not surprisingly, questions whether, in fact, justice is being served.

Most counties are finding out that **We can't build our way out of a jail crisis.** Sheriffs are involving their inmates in community service programs, electronic house arrest, and day fine centers to provide non-incarcerating work or rehabilitation options for local inmates. County jails will play an important role in the growing corrections approach known as intermediate punishment sanctions where in the judge will tailor a corrections plan to the needs of the offenders so that some positive change might be made in the behavior of inmates while keeping that empty jail bed for times of real need.

Medical care and its skyrocketing costs have also become a major concern for Ohio's county jails. Offenders are being booked daily who suffer from HIV, AIDS, hepatitis and tuberculosis. Jail medical areas are now being upgraded to meet the requirements of the Airborne Blood Pathogens Act which virtually requires a small hospital within each jail. The county has to either develop an internal facility at significant expense or place the inmate in a hospital bed, under guard and at significant expense to taxpayers.

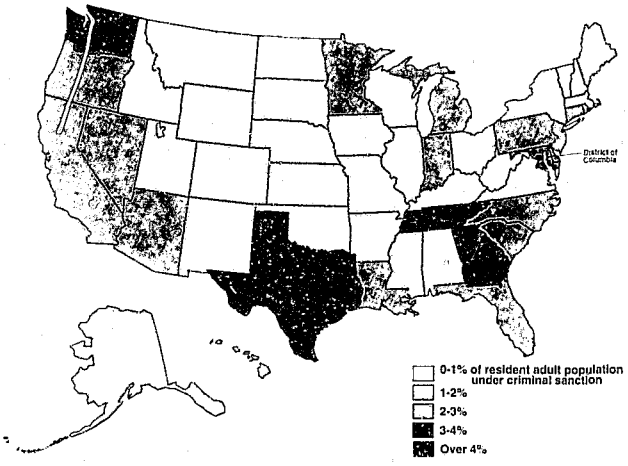
The problem of housing juvenile offenders did not face county jails in years past, but in Ohio's larger counties it is not unusual to find a housing area now devoted to juvenile offenders charged with rape, robbery and murder. Jail standards prohibit the mixing of juveniles and adults, sometimes making jail beds empty but unusable because of the offender's age, rather than the severity of the crime.

All of this means that sheriffs, faced with limited or decreasing county general fund budgets, are sometimes forced to make the decision of either putting marked cruisers on the street for patrol purposes or operating the county jails in compliance with the Jail Standards.

Gary Haines, Sheriff
Montgomery County

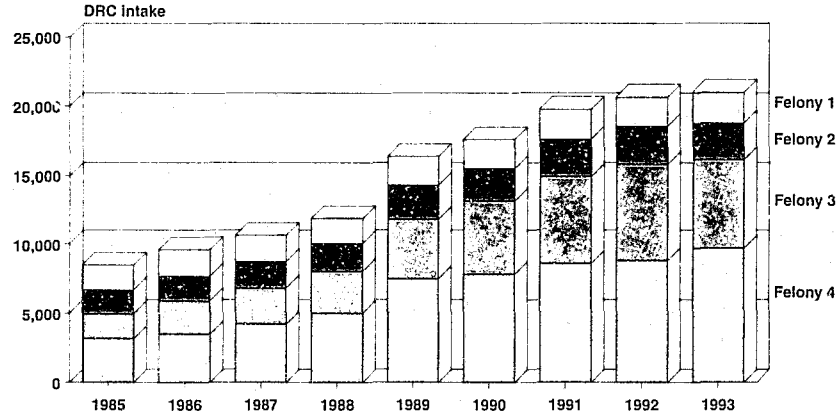
Who are the offenders under criminal sanctions in Ohio?

Persons under some kind of criminal sanction now constitute more than two percent of the adult population in the U.S., slightly less in Ohio



Source: **Correctional Populations in the United States, 1990, BJS, 1992.**

Despite efforts to reserve incarceration for the most serious felony offenders (Felony 1 and 2), lower felonies (Felony 3 and 4) continue to supply increasingly larger percentages of the prison intake population in Ohio



Source: DRC, Management Information Systems, June 1, 1993; June 21,1994.

The largest offense category represented among Ohio prison inmates on January 1, 1993 was "trafficking in drugs," which accounted for 4,340 inmates, or 11.5% of the entire prison population. Trafficking offenses can run the full range of felonies (1, 2, 3, 4). However, the next five largest offender groups (aggravated robbery, rape, aggravated burglary, robbery, and felonious assault), accounting for 41% of the total prison population, were comprised of Felony 1 or 2 offenses. Overall, the broader categories of homicide (12%), sexual assault (12%), aggravated burglary (15%), robbery (17%), assault (9%), and other violent offenses (2%) made up two-thirds of the inmate population.

The preponderance of Felony 3s and 4s in the intake population and Felony 1s and 2s in the standing population indicates the extent to which DRC is burdened with a large number of prisoners who are perpetually moving into and out of DRC on very short sentences.

DYS demonstrates a similar pattern relative to juvenile offender intake, with 71% of FY 1992 (July 1, 1992 - June 30, 1993) new admissions committed for Felony 3 or 4 offenses. However, because DYS can keep juveniles only until their 21st birthdays, the Department is less likely to build up the heavy concentration of more serious felonies experienced in DRC.

Ohio prisoners tended to be unemployed, single, and under-educated at the time of their arrests

Personal characteristics at time of arrest	Males	Females
Marital status		
single	62%	61%
married	14	12
divorced	12	17
separated	5	8
common law	7	2

unknown (240 out of 3,350 intakees)

Personal characteristics at time of arrest	Males	Females
Employment status		
unemployed	64%	74%
employed full-time	26	17
employed part-time	6	5
disabled	3	3
student	1	-

unknown (1,160 out of 3,350 intakees)

Personal characteristics at time of arrest	Males	Females
Education levels		
less than 7 years	1%	1%
7 years	1	1
8 years	4	4
9 years	10	9
10 years	17	20
11 years	23	19
high school graduate	29	26
GED	8	7
some college	5	10
college degree	1	3

unknown (320 out of 3,350 intakees)

Source: **1992 Intake Study,** DRC, 1993.

The Overrepresentation and Disproportionate Confinement of African-American and Hispanic Youth: An Ohio Study

The Bowling Green State University research team, which completed its initial study on June 1, 1993, was charged with doing a detailed case record study designed to examine the proportions of minorities confined in the juvenile justice system and the factors associated with over-confinement. Emphasis was to be placed on the issue of minority status and its relationship with over-confinement. The research was completed in June of 1993.

Our data supports national findings that indicate differences in delinquent behavior are insufficient to account for disparities between minority and white youth in detention and confinement. The data from this and other studies suggest that it is not possible to claim that minority youth commit more crime or are referred to juvenile court for more serious offenses than white youth.

Nevertheless, from this study we know that minority youth are referred to juvenile court in nearly twice the proportion as their prevalence in the population suggests they should be. They are detained more frequently than white youth, their cases are dismissed more frequently, and they are confined in DYS institutions more frequently. At none of these points of decision are their offenses more serious on average than those of white youth, nor are their prior records of referrals to court more lengthy. In fact, the average number of prior court referrals for minority males sent to DYS is about three; for white males, about five.

Pre-trial detention is a crucial decision, not just for the immediate freedom of the youth but for the eventual disposition decision of the court. In addition to minority youth having a greater risk of detention than white youth, persons with the following characteristics also have a substantially greater risk of detention: those currently serving a term on probation; living in an urban jurisdiction; being referred to court by police; and coming from a single-parent-only family.

Pre-trial detention is the second strongest risk factor linked to a confinement disposition, exceeded only by previous confinement for juvenile delinquency. Differences between minorities and whites in the chances of any type of confinement disposition are not as substantial as the difference for detention.

However, if minority youth, particularly minority males, are going to receive a confinement disposition, two out of three will be sent to DYS facilities compared to only one out of two white youth. Since the referral numbers of minority and white youth are approximately the same, the greater chances of detention for minority youth and the strong correlation of detention with DYS dispositions means that minority admissions to DYS are substantially more prevalent than white admissions. In our sample data, this marginal distribution was 60 percent minority, 40 percent white.

Putting these things together, we observe clear evidence of the effects of drug enforcement practices in the larger metropolitan areas that are targeted in disadvantaged, high crime risk areas of these cities. We would infer from our results that these practices have created more arrests of minority youth, not all of which are "good" arrests since minority youth have a higher rate of cases dismissed by the court. The higher rate of arrests of minority youth and the greater prevalence of public assistance income and single-parent-only families in minority communities result in higher chances for minority youth to be detained.

In the second phase of the study we focused on the intricacies of interactions between youth, school officials and parents concerning an informal sanction, i.e., suspension from school. Minority and white youth were asked to assess how school officials, parents, peers, and themselves responded to the suspension sanctions. The largest differences between minority and white youth were observed around the issue of perceived purposes and styles of administering sanctions.

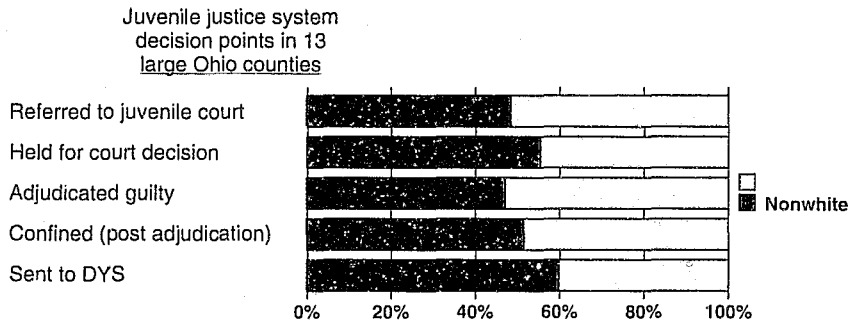
When minority youth thought that the purpose of the sanction was merely to enforce the rules and was done angrily, nearly 50 percent responded with anger themselves. If minority youth felt that the sanction process was really a way to provide advice and counsel, less than 25 percent responded angrily; most felt guilty or ashamed. Such a difference was not evident for white youth, whose percentage of angry responders was about 25 percent no matter what the purpose or style of punishment was.

Neither race nor the anger response was related to variation in the total number of juvenile court referrals or DYS confinements in the small interview sample, but the evidence that some minority youth were angry at their treatment by the sanctioning system or angry at the school authority structure itself is important. It suggests that the old paradigm used to assess minority overrepresentation, namely legal versus social characteristics, or behavior versus societal reaction, is insufficient. We don't know from our data whether the anger response observed is a typical reaction to school discipline or, more broadly, whether it generalizes to other authority and sanction systems. However, we like many others have observed an increase in tension, dissatisfaction and, more recently, violent hostility in response to repeated instances of injustice perpetrated by the criminal justice system on members of minority communities. Early experiences with informal sanction systems may be crucial in forming responses to authority that aggravate the situation or affect the reasonableness of the outcome.

In the third phase of the study we presented fictional case vignettes to juvenile justice decision-makers and asked them to make detention and disposition decisions in response to the facts. We systematically varied the facts across the vignettes according to five variables: race, offense type, current supervision, social history and information about home environment, school problems and other forms of trouble like drug and alcohol abuse. Demeanor, however, had an independent effect on detention decisions, and some respondents suggested in unstructured comments that the person needed some "cooling off time" in detention. No difference in either of the decisions was noted by race, either directly or in interaction with other variables.

Robert Perry, Ph.D.
Professor and Chair
Ethnic Studies Department
Bowling Green State University

The overrepresentation of minorities in incarceration does not begin at the front door of Ohio's adult prisons



Source: **Race and Juvenile Justice in Ohio: The Overrepresentation and Disproportionate Confinement of African American and Hispanic Youth**, Bowling Green State University, 1993.

For the fiscal year ending June 30, 1993, DYS reported minority youth admissions at 59%, with all but 2% of that in the form of black children. Females comprised 6% of the total, also very similar to the adult breakout. Eighty percent of the DYS population is composed of 15, 16, and 17 year-olds.

Among Ohio's 1992 prison admissions, 39% had served previous prison sentences

State	Intake recidivism rate*	Follow-up recidivism rate**
California	NA	58% (2 yrs.)
Florida	50%	50% (1 yr.)
Illinois	20%	46% (3 yrs.)
New Jersey	NA	24% (3 yrs.)
New York	46%	23% (5 yrs.)
Ohio	39%	18% (1 yr.)
Texas	20%	43% (3 yrs.)
U.S. total	37%	35% (3 yrs.)

*percentage of incoming prisoners who had previously served prison terms

**percentage of released prisoners who were convicted of new crimes during tracking period indicated in parentheses

Source: **The Corrections Yearbook, 1993**, Criminal Justice Institute, 1993.

Given the difficulty of tracking prisoners after release, the follow-up recidivism rates are almost certainly on the conservative side. An 11-state study which tracked a sampling of 1983 prison releasees found that 47% were reconvicted within three years, and 79% were rearrested over the 11-year period.

In virtually every incarcerated population—federal, state, and local—there is considerable overrepresentation of minorities, males, and young adults (under 35)

The two most significant 20th Century changes in the demographic characteristics of prison inmates relate to race and sex. In 1926, 78% of all state and federal prison inmate admissions were white, with 21% black and 1% "other." Sixty years later, in 1986, the white percentage had fallen steadily to 55% while the percentage of blacks had more than doubled to 44%. By 1991 white non-Hispanic inmates in state prisons made up only 35% of the population, where blacks maintained a solid plurality at 46%. Hispanics had more than doubled their percentage of the state prison population in the U.S. between 1970 and 1990, with current figures listed at 17%.

Some care needs to be taken regarding these figures since the sources mix intake and existing populations, and since the federal sources are not entirely consistent relative to the separate identifying of the Hispanic populations. Clearly the early data series tended to bypass the designation altogether. Nevertheless, the shift to a minority prison population has been clear and profound over the past several decades.

Jail inmates reflect a similar overrepresentation of minority inmates. In 1992 blacks and Hispanics accounted for 60% of the jail population in the U.S.

Another significant shift in the demographics of incarcerated persons concerns women. As recently as 1973 the Nation's 6,004 women prisoners comprised slightly less than three percent of the populations in state and federal institutions. By 1991, the number had risen to 43,827, and the percentage of the total to 5.5%. Even given the tremendous growth in the overall prison populations during the 1980s and 1990s women were gaining an increasingly larger share of the total numbers.

In the Nation's jails women tend to account for a higher percentage of the inmate population, averaging around 10%, reflecting the usual practice of handling lesser felonies and criminal misdemeanants (e.g., theft, prostitution, lesser drug charges) at the local level.

The Criminal Justice System provides many sanctioning options in addition to incarceration

The use of intermediate sanctions provides the best, immediate option for addressing major problems in youth and adult corrections

"Intermediate sanctions, ranging in severity from day fines to 'boot camps,' are interventions that are beginning to fill the sentencing gap between prison at one extreme and probation at the other. Lengthy prison terms may be inappropriate for some offenders; for others probation may be too inconsequential and may not provide the degree of supervision necessary to ensure public safety."

The statement from the National Institute of Justice (**Intermediate Sanctions**) hints at the need for greater capabilities in the sanctioning process. For reasons which have more to do with inadequate resources than adequate empowerment, felony sentencing judges may be forced to choose sanctions which are inappropriate relative to the offense, overly expensive, or dangerous to the general public. Criminal justice becomes an all-or-nothing world of prison or probation—each of which can be an effective option for certain offenders, but by no means all or even most of them.

Expanding the use of intermediate sanctions appears to be the best option for dealing with the seemingly overwhelming problems of institutional crowding, high recidivism rates, paralyzing costs, and drug offenders. Other solutions with the potential power to address these issues all seem to imply radical changes in the current system, such as dramatically increased taxes or major legislative changes (e.g., decriminalization or legalization of drugs).

A variety of intermediate sanctions are legally available to courts and corrections officials, some of which preclude formal court decisions

Pretrial release: allows release of prisoner on bond or recognizance; can make use of electronic monitoring, regular reporting, and home incarceration to ensure reporting for trial; not a formal sanction at this point since it is pretrial (i.e., prior to a formal decision by the court).

Pretrial diversion: requires some defendants—not usually those charged with violent felonies—to participate in some form of corrective activity (e.g., job training, drug treatment, counseling, education) in exchange for later dismissal of charges.

Fines: may be levied for violating any criminal law in Ohio; if a fiscally capable person is unwilling to pay the fine, he or she may be sentenced to jail at a fine time rate of $30.00 per day served.

Day fines: are still somewhat experimental in the U.S.; they allow judges to tie fines to daily income value (and net worth), or some similar calculation of day fine units, with sentences based on severity of the offense and ability to pay.

Community service: requires offenders to perform community service work for governmental or private nonprofit organizations.

Asset forfeiture: is an option for certain kinds of crimes, notably those connected to organized crime and/or drug operations; any property used in the illegal operations or bought with the monies thereof is subject to seizure and later forfeiture; in 1993 Ohio law was changed to allow for seizure and forfeiture of automobiles belonging to repeat drunk drivers or those who knowingly permit them to use their vehicles.

Restitution: involves the repaying or compensating of victims by their offenders.

Intensive supervision probation: establishes more frequent contact and interaction between probationer and probation officer; assumes a significantly reduced case load for probation officer.

Electronic monitoring: allows for electronic checking (e.g., ankle bracelet monitor) on the whereabouts of non-incarcerated offenders; often used in conjunction with some other sanction such as house arrest or intensive supervision probation.

Drug and alcohol treatment programs: are basically the same kinds of options offered at the pretrial level; at this level, success of program participation determines execution or waiving of a standing sentence, rather than charges.

Education programs: are similar to the treatment programs in terms of offender obligations; may include GED or literacy programs, vocational training, or special education related to certain kinds of offenses.

Mental health programs: are also options in lieu of sentence execution; may also substitute for further legal action in cases of those not guilty by reason of insanity or mentally incompetent to stand trial.

Sexual offender treatment programs: can be used as add-ons to other sanctions or in lieu of a standing sentence; frequently involve intensive interaction with counselors.

Day reporting: requires offenders to report to a center during the day for programs, work, or other purposes; still very limited use in Ohio (two programs), although several new programs are being funded by the Office of Criminal Justice Services in 1994.

Split sentencing: usually involves some jail time combined with one or more intermediate sanctions.

Halfway houses: usually serve as a second level sanction for probationers, furloughees, or parolees in need of interim residential structuring as they prepare for reentry into society.

Minimum security misdemeanant jails: are multi-jurisdictional confinement facilities for the diversion of nonviolent misdemeanants, typically drunk drivers; less expensive to operate, but incorporating more program options.

Community-based correctional facilities: serve counties or multiple jurisdictions with 200,000 or more population; secure residential programs aimed at diverting probationable non-violent offenders from state prison.

Work release: permits inmates to leave confinement during work hours to report to jobs, after which they return to incarceration.

Educational/vocational release training: is similar to the conditions for work release.

Furloughs: are escorted or unescorted leaves from confinement for designated purposes and time periods; the practice has been suspended in DRC in recent years.

Shock probation: may be granted by a judge 30-60 days into the prison sentence of an offender, upon a court

motion for same; "super shock probation" may be granted after six months of the sentence has been served.

Shock parole: permits the Parole Board to consider the release of eligible offenders from DRC once the offenders have served at least six months in prison.

Parole: is the conditional release from state prison after a minimum term, usually for a period of one, two or five years of follow-up supervision or in conjunction with some other sanction.

Emergency release: can be a formal or informal option at the county jail level, effected either by the judge or sheriff; state law allows for emergency prisoner release under certain conditions for DRC, but it has not been used to date.

Other intermediate sanctions: include variations on, or supplements to, the above, such as home incarceration, driver intervention programs, crisis intervention programs, auto ignition lock systems, victim-offender mediation and others.

Sources: **A Plan for Felony Sentencing in Ohio: Appendix,** Ohio Criminal Sentencing Commission, 1993.
Ohio Community Corrections Bench Book, Ohio Community Corrections Organization, 1993.

Using Private Enterprise in Ohio's Justice System

The debate over public sector juvenile correctional facilities has become more of a focal point as the public becomes more concerned with the need for violent offenders to be housed in secure facilities. Most states have had at least one experience with a private sector juvenile corrections contract, and the results have varied. The Handbook on Private Sector Options for Corrections, published by the American Correctional Association states, "The debate over privatization has heated up in recent years because of citizen demands that the juvenile justice system confront the problem of serious offenders more aggressively than ever before, meaning that the system has to do more with less." Juvenile justice agencies are trying to find answers to several important questions:

* How can the juvenile justice system deal more effectively with the chronic, serious juvenile offender?
* What approaches are best for responding to this population and reducing recidivism?
* What type of correctional/rehabilitative setting is most appropriate for chronic, serious offenders, and how should services be delivered?

It appears the most effective private facilities are those that are small, (30-50 beds) and are designed to provide a specific service, or treatment program, to a specially identified population. It was with this philosophy in mind that DYS began to utilize the private sector option. Both contracted programs are small in size (33 and 30 beds respectively) while serving a distinct population of youth with a specific treatment modality.

The DYS initiated its first contract with Paint Creek Youth Center (PCYC) in 1986 to serve serious Felony 1 and 2 male offenders, 15-18 years old, committed from juvenile courts located in counties south of Route I-70. During the next six years, PCYC proved to be a good alternative to state incarceration, providing many young men with intensive treatment that enabled PCYC to show a lower recidivism rate than other DYS facilities, based on an evaluation conducted by the RAND Corporation. This evaluation also showed that PCYC youth received more intensive treatment and services, and lived in a safer more humane setting than those youth committed to a DYS facility.

Based on our positive experience with PCYC, DYS, in a joint project with the Rehabilitation Services Commission initiated a contract in May of 1993, for a second program with ABRAXAS of Ohio. This program also serves serious Felony 1 and 2 male offenders 15-18 years old; however, these youth must also have a serious substance abuse problem, and be committed from courts North of Route I-70.

Overall to date, DYS has had a positive experience with the private sector option for juvenile corrections. As we move forward with the ABRAXAS Project, and as we look at other possible programs, we will continue to evaluate the effectiveness based on outcome data for youth, as well as to determine how private sections in juvenile corrections mesh with the overall mission of DYS.

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How efficient and effective are criminal sanctions?

The shadows being increasingly cast over the sanctions function of criminal justice ultimately have as much to do with cost effectiveness as any single issue. Public safety, institutional crowding, and legal difficulties all are directly affected by available resources and the effectiveness of the various kinds of sanctions. There are many questions: Given Ohio's dramatic increase in confinement populations, and the prospects for continued increases, can the State afford to practice a policy which emphasizes state level incarceration? How much of the total State budget is "too much" to be spending on corrections? Do other sanctions really work (e.g., treatment programs, training/skill development efforts, etc.)? Can non-confinement sanctions ultimately translate into better public safety than that provided by secure institutions? Is there a better way to ensure that types of criminality are addressed by appropriate sanctions?

There are no cheap options in sanctions which include residential (i.e., live-in) populations

It cost the State of Ohio an average of $37.49 per day ($13,682 per year) to house one adult prisoner in DRC in 1994. For county jails the figure was $42.09 per day in 1992, with bed contracts (i.e, for prisoners from other jurisdictions) averaging $51.00. Residential juvenile population costs (not limited to DYS facilities) had reached twice that amount as early as 1988. By 1993, the DYS cost per juvenile resident per day was $97.89, yet this was only one-third of the cost of the secure segment of a juvenile residential facility close to Columbus. In terms of construction, the cost per bed of the eleven prisons opened by DRC between 1986 and 1992 was $53,417.

The costs of other adult residential sanctions in Ohio are similarly expensive, but a noticeable drop is evidenced when the residential component is missing.

Ohio residential sanctions	Cost per offender per day*
State prison (1992)	$32.22
Boot camp	62.00
County jail	42.09
Community-based correctional facility	67.89
Minimum security jail	26.69
Halfway house	33.65
Halfway house with treatment	60.00
Ohio non-residential sanctions	
Day reporting	$17.50
Electronic monitoring	10.00
Intensive (probation) supervision	5.56
Basic probation supervision	3.00
Basic parole supervision	5.00

*Figures do not include debt service costs.

Source: **A Plan for Felony Sentencing in Ohio,** Ohio Sentencing Commission, 1993.

Some states spend 10% to 20% of their entire budgets on prisons

Select state prison systems	% of 1993 state operating budget
Alabama	17%
California	9
Florida	3
Illinois	4
Michigan	12
New Jersey	7
New York	3
Ohio	6
Pennsylvania	4
Texas	6
Wisconsin	15

Source: **The Corrections Yearbook,** Criminal Justice Institute, 1993.

How effective are sanctions in changing criminal behavior?

This central question drives much of the debate concerning sanctions, and highlights the continuing ambivalence of both the public and key criminal justice decision makers. Citizen attitude surveys indicate that the public is concerned about both tougher sentencing and rehabilitative efforts for at least some offenders. Costs and program effectiveness will determine how this seemingly contradictory attitude translates into policy. These two, however, are unequally yoked partners, with "effectiveness" difficult to define and measure, while "cost" is clear and measurable.

"Recidivism" is a concept which reflects the number of convicted offenders who commit repeat crimes after completing their sentenced sanctions. There is general support for this kind of measure of effectiveness (i.e., repeat criminality), but the complexities of the criminal justice system, coupled with measurement difficulties, have combined to render recidivism measures extremely cumbersome and inconsistent. Should the measure be based on rearrest, reconviction, or recommitment to an institution? Should the tracking (follow-up) period be one, three, or five years? More? Should a minor parole or probation violation be viewed as recidivism? Should the recidivism measurement for, say, a drug treatment program focus on repeat criminality or repeat drug use? These difficulties have left little in the way of comparable recidivism measures in order to determine sanction effectiveness. However, there are some helpful exceptions. An 11-state study of 108,580 adult prisoners released in 1983 found that 62% were rearrested (for one or more felonies or serious misdemeanors) within three years of release, 47% were reconvicted, and 41% were reincarcerated. Rearrest data for the 8,018 Ohio prison releasees in the survey showed:

Original conviction offense	% of releasees	% rearrested within 3 years
Violent	25%	39%
Property	54	48
Drug	16	31
Public order	5	33

Source: **Recidivism of Prisoners Released in 1983,** BJS, 1989.

From another perspective, the 1992 DRC intake study found that 57% of Ohio's incoming prisoners had been convicted of at least one felony previously. Historically, approximately one-third of all incoming DRC inmates have served prior prison terms. At the other end of the spectrum, a significant and apparently growing number of prisoners is composed of prison parole violators being returned to the institutions. That number jumped from 1,020 in 1990 to 1,796 in 1993. Paroles have been averaging slightly more than 4,000 per calendar year in the early 1990's.

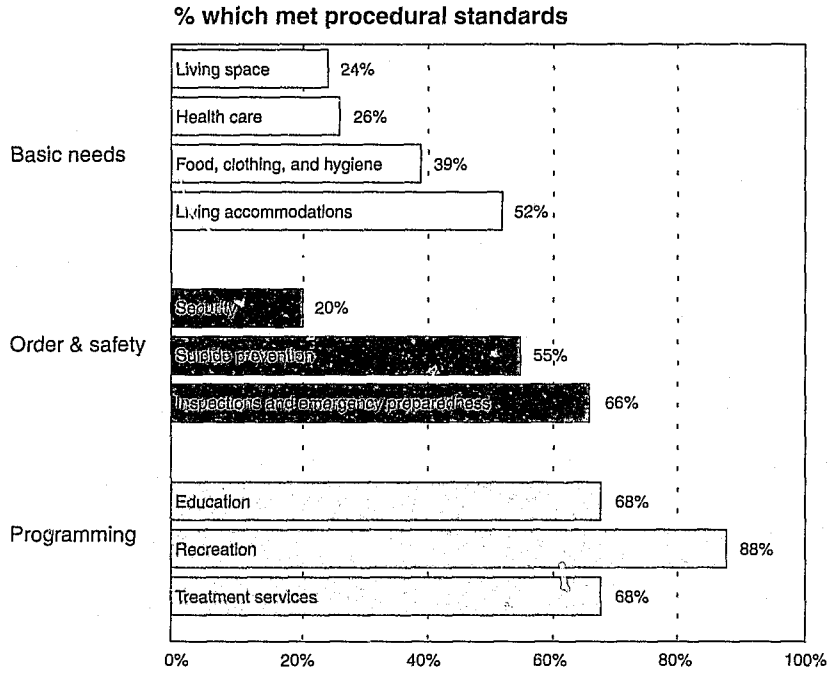
Estimates vary concerning the successful completion rates among local Ohio programs used in conjunction with criminal sanctions

Select programs	Successful completion rate*
Pretrial release	87%
Sexual offender programs	80
Drug/alcohol treatment (outpatient)	48
Mental health treatment (outpatient)	45
Mental retardation programs	17
Electronic monitoring	84
Day reporting	50
Community service work	80
Basic probation	73
Intensive supervision probation	64
Conventional fines (paid)	69
Restitution (paid)	74

* These are **estimates** only from persons working in programs in the 18 counties selected for the Sentencing Commission study in 1992. Completion rates indicate the estimated percentages of offenders who completed the particular program (e.g., pretrial release success rate = % who appeared for court; intensive supervision success rate = % who did not violate conditions of release; etc.)

Source: **A Plan for Felony Sentencing in Ohio: Appendix,** Ohio Criminal Sentencing Commission, 1993.

A U.S. Department of Justice report to Congress found that 984 public and private juvenile facilities frequently failed to meet procedural standards



Note: Generally, assessment criteria measure conformance to procedural standards and do not measure effectiveness of services or performances in a given area.

Source: **Report to Congress: A Study to Evaluate the Conditions in Juvenile Detention and Correctional Facilities,** Office of Justice Programs, U.S. Dept. of Justice, 1993.

How adequate are institutions which house inmate populations?

Two-thirds of the State's full-service jails were at least 70% compliant with jail standards during 1992, but one-fourth were less than 50% compliant. Among the 5-day jails 62% were at least 60% compliant, and 52% of the 8-hour jails were at least 50% compliant.

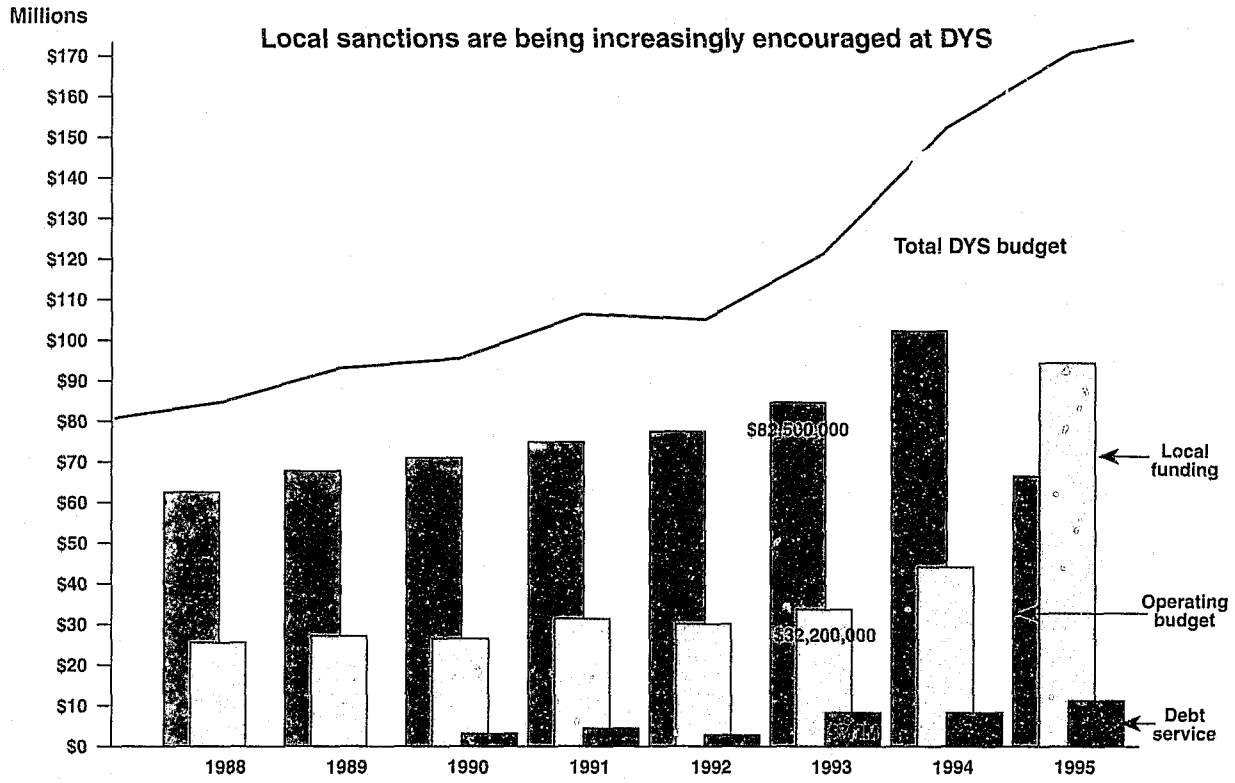
DRC is looking to community correctional concepts to alleviate the crowding crisis

In the early weeks of 1993, DRC submitted a budget which also contained significant provisions for deflecting many would-be state prisoners to local sanctioning options, notably community corrections. Much of that budget was subsequently redirected to the hiring of more corrections security officers in the wake of the Lucasville uprising, but there is some indication that the trend of using state resources to encourage locally directed sanctions for felons will receive more emphasis in the years ahead. At the same time, DRC is continuing its active building program, with four new institutions completed in 1993 (1,069 beds), three scheduled in 1994 (3,374 beds), and one in 1995 (1,260 beds).

Concerning prison accreditation, ten of DRC's prisons had received the accreditation of the American Correctional Association as of October, 1994, with four more set to be accredited in January, 1995. These institutions are meeting the nation's highest accepted standards for prison operation and conditions.

The future of criminal sanctions, especially as they relate to secure, residential populations, will see more emphasis on local options

In the summer of 1993 the Ohio Department of Youth Services announced "Reclaim Ohio," new conceptual and fiscal approach to juvenile sanctions in this State. At the heart of the program is a very strong positive inducement for local county governments to use local facilities and programs for the treatment of all but their most serious juvenile offenders (those guilty of aggravated murder, murder, and rape). Beginning in 1995 the DYS budget will, for the first time, reflect a majority of total funding designated to The Care and Custody Fund established in the counties to allow local judges to purchase sanctions or services most appropriate for each juvenile offender being sanctioned. The local juvenile court judge can also exercise the option of sending the juvenile to DYS or a community corrections facility, but this option would require that 75% of the per diem costs for such commitments be covered by "pay backs" from the county Care and Custody Fund allocation (the serious, violent offenders are sent to DYS without a pay back charge).



Source: Reclaim Ohio, concept paper, DYS, 1993.

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Chapter 8

New Directions and Technologies

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This chapter profiles some of the new technologies and strategies coming into criminal justice use in Ohio, and answers questions such as:

What is the status of offender identification improvements? How can the revolution in our understanding of DNA help find and convict offenders?

To what extent is advanced technology offering better means of monitoring convicted offenders without having to lock them up?

How is computer technology working to aid in the massive job of managing criminal records?

This chapter was reviewed by Dr. Ming You of the Medical College of Ohio at Toledo, and Steve Hale and Richard Pfau, Ph.D., Bureau of Criminal Identification and Investigation.

The "genetic fingerprinting" capacity of DNA analysis is radically improving capabilities for identifying, apprehending and convicting violent criminal offenders

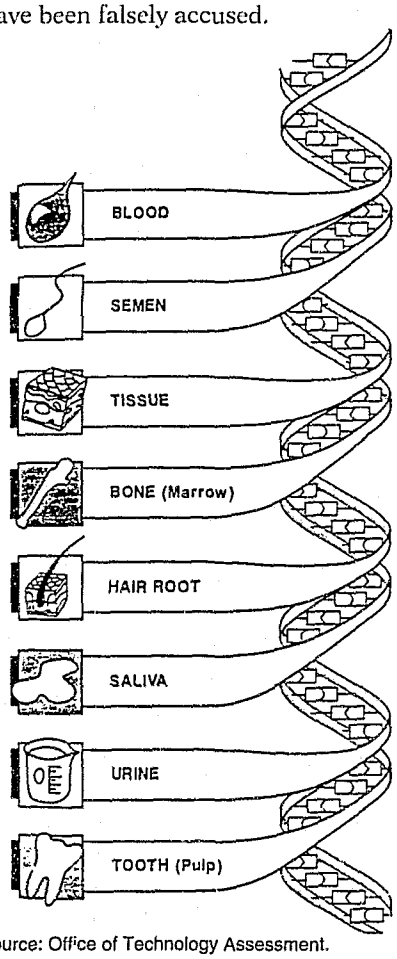
Consider the following scenario:

Police investigating the brutal slaying of a young woman in a southeastern town carefully collect physical evidence at the scene and submit it to their local crime laboratory. Forensic analysis reveals the presence of semen from which a DNA identification profile is determined. This profile is searched through a computerized data bank and a "hit" is made with DNA profiles from similar crimes which occurred months earlier in two northeastern cities. Investigators from these jurisdictions share investigative data, and a suspect is identified. A blood sample obtained from the suspect reveals the same DNA profile, which conclusively identifies him through the evidence recovered from the three murder victims.

Source: **FBI Law Enforcement Bulletin**, FBI, August, 1988.

The processes developed for criminal justice use of DNA technology are very recent

Of all the modern technological tools designed to combat crime, the one with perhaps the greatest potential impact is DNA typing or DNA fingerprinting. The results of DNA typing are used to link biological evidence found at crime scenes with specific suspects. It can also be used to exonerate those who have been falsely accused.



Source: Office of Technology Assessment.

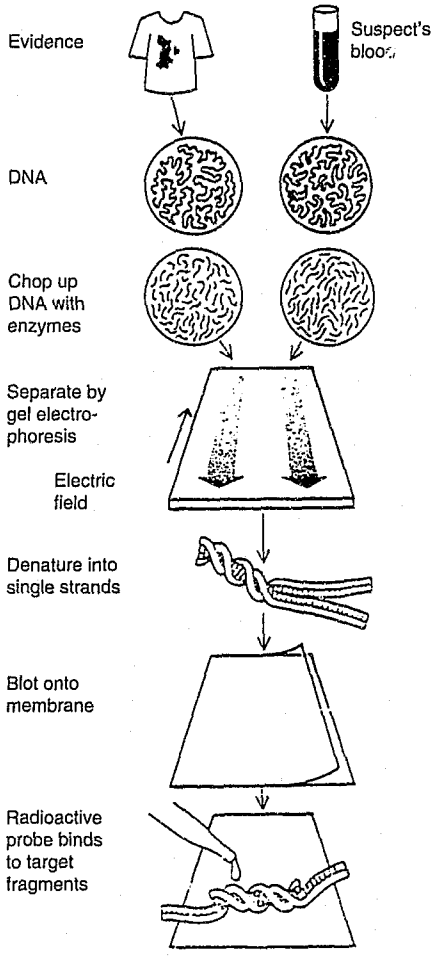
DNA, as students learn in high school biology, is the blueprint of human cells. As such, it can be found in a variety of human tissues including bone and muscle. Each individual's DNA is different from that of others. The only exception is the DNA of identical twins, which is the same.

Developed first in Great Britain, DNA typing promises to revolutionize the accuracy with which offenders are linked to crimes, thereby enabling law enforcement to increase its efficiency while at the same time protecting the rights of innocent persons.

Perhaps the most widely known approach to DNA typing in current use was developed in 1985 by British geneticist Alec Jefferys and was introduced in the U. S. in 1987 by Cellmark Diagnostics of Germantown, Maryland. The results of this DNA "fingerprinting" is a series of parallel lines that look somewhat like a price bar code. Genetic differences among individuals are reflected in the spacing of the bands.

A second approach to DNA typing, known as the "DNA-Print" test, is offered by Lifecodes Corporation. Lifecodes' test produces a "print" with only one or two bands. There is little chance that two unrelated people would have an identical pattern on several (3-4) DNA prints. For a single locus probe, the chance that two individuals may have a match is 1/1,000 to 1/100,000. Thus, only multiple single locus probes can provide significant value for forensic testing.

Polymerase chain reaction, developed by the Cetus Corporation, yields a set of dots which indicate whether specific DNA characteristics are present in a analyzed sample. The advantage of this test is that it requires less biological material than the other two tests and consequently can be used on samples too small for other techniques. The disadvantage is the lack of power of inclusion or match. Similarly, two unrelated people may have identical results on the Cetus test because they happen to have the same alleles.



To conduct a DNA analysis, the specimen is treated with a solution containing digestive enzymes and detergent, in much the same way that stains on clothing are dissolved by the enzymes in laundry detergent.

This purified DNA is then treated with an enzyme that cuts the strands of DNA at certain points. The enzyme changes the DNA from long strands into shorter strands of widely variable lengths.

The next step is to sort these strands according to size, in which an electric field is used to force the DNA through a thin, water-filled gel. The short DNA fragments can flow swiftly through the lattice of the gel, but longer ones get tangled and cannot move as fast.

Once this process is completed, the DNA is denatured by treatment and transferred to a thin, porous nylon membrane to facilitate the remaining analytical procedures. The DNA is then bound to the membrane with heat or ultraviolet light and is treated with special DNA probes.

The DNA probes recognize and bind to certain sequences of the denatured DNA. When the DNA probe binds itself to the DNA on the membrane, its location is made visible through the use of X-ray film. The developed film reveals dark bands which indicate the location of the radioactive DNA probes.

The interpretation of the results of a DNA analysis is fairly straightforward. The band patterns on the X-ray film produced by the known DNA is visually compared to the questioned exhibits. If the band patterns do not match, the samples of DNA did not come from the same person. If the bands match, they are from the same person.

The likelihood of misidentifying a match through DNA typing depends, in part, on the type and numbers of probes used. Since the membrane can be reprobed for several times, the amount of human tissue required is the same for either a single DNA print or multiple DNA prints.

Even if the probes work as expected, there are still ways in which DNA typing may produce a misidentification. First, two people may have an identical DNA type. While no two people (except for identical twins) have the same DNA, under extremely rare situations two unrelated people may have identical prints because they happen to have polymorphic DNA segments of the same length when using a limited number of probes (2-3).

What are the benefits of DNA typing?

- It requires only a small amount of tissue to perform the analysis.
- Because of the stability of the DNA molecule, DNA analysis can be applied to samples too old for the identification of many protein genetic markers.
- Mixed stains frequently occur in sexual assault cases. Seminal stains on clothing or vaginal swabs are usually mixtures of semen from the perpetrator and blood or vaginal secretions of the victim. Under current methodology, if a rape victim were an AB secretor, the A, B and O blood group substances in her vaginal secretions would mask the ABO blood group substances in the rapist's semen.
- The results obtained by one laboratory can be readily checked by another. The membranes to which the DNA is transferred following electrophoresis can be preserved and reported by another laboratory using the same DNA probes.
- Because the results of DNA analysis are easy to computerize, a data base of DNA patterns can readily be established to aid future investigations.

What are the limitations of DNA typing?

- At present DNA analysis is more time-consuming than conventional examinations. Because of the expense and time involved in DNA analysis, the conventional techniques will still be needed as screening procedures.
- The method is expensive. William Eubanks of the FBI estimates of the equipment costs alone for a DNA laboratory at over $64,000. A further consideration is that the use of radioactive materials requires the dedication of some laboratory space solely to DNA analysis.
- Most forensic serologists will have to be trained in the use of this technology. At the present time, few if any forensic serologists have had courses in molecular biology.

The FBI Laboratory, which began conducting forensic casework in 1988, is now the principal provider of forensic DNA testing services in the nation. The lab receives DNA cases from law enforcement agencies throughout the country, conducting more forensic DNA examinations than all other public and private forensic laboratories combined. Between 1988 and July, 1991, DNA examiners from the FBI Laboratory, for example, testified in over 120 trials and admissibility hearings throughout the U. S. Of approximately 2,000 DNA cases submitted annually to the FBI Laboratory's DNA Unit, about two-thirds are for rape investigations and the remaining one-third involve murder or other violent crimes.

DNA technology is making a tremendous impact on the way violent crimes are investigated, with DNA profile information entered into a centralized computer data bank. Legislation in some 20 states provides for blood samples to be taken for genetic typing from offenders such as those convicted of sex crimes. Such a file provides a database against which blood, semen, or hair from the scene of a subsequent crime might be searched.

The FBI laboratory provides DNA testing to state and local crime laboratories at no cost, while the fee structure of the three commercial laboratories varies from $200 to $490 per sample, or $1,500 per case, depending on the exact service and company.

The FBI estimates that performing DNA typing on one sample, after a laboratory is equipped, will cost $28.50 (excluding labor), and $98.50 including labor, but not overhead costs such as rent and utilities, which are included in the fee structures of the commercial companies. The Miami-Dade Police

Department Crime Laboratory Bureau estimates it will cost their facility $41.60 per sample (excluding labor) and with labor costs added, $97.60.

Ohio is on the threshold of a statewide DNA program

As of the summer of 1994, the State of Ohio is well on its way to establishing a statewide DNA capacity under the auspices of the Attorney General's Bureau of Criminal Identification and Investigation (BCI&I). Since December, 1993, an Advisory Council jointly appointed by Attorney General Lee Fisher and Lt. Governor Mike DeWine has been developing a plan for establishing a state DNA laboratory in the very near future.

With the exception of the Columbus Police Division, which houses its own DNA analysis capacity, Ohio law enforcement agencies use either the FBI or private labs. At present, the DNA Profiling Laboratory at the Medical College of Toledo is the only Ohio facility offering these services. Since it was established in 1989, they have completed 21 forensic cases. Of these five were murder-related, 11 were rape-related, and the other five were "other" such as human identification.

The planning for the new Ohio DNA lab anticipates a major central facility at the London crime lab of BCI&I. It is also a virtual certainty that Ohio's efforts will be developed in conformity with the FBI's national DNA program (CODIS). Several major decisions are now being made relative to which convicted offenders will be typed, how the DNA samples (probably blood) will be secured and processed, and which standards and safeguards will ensure maximum effectiveness in criminal case processing.

A newly developed FBI computer program will allow for DNA checks across state lines

The FBI is developing a local/state/national law enforcement system of DNA records. This system, called CODIS, will establish one file and three indexes of DNA records: the population file, and the forensic, convicted offender, and missing persons indexes. Investigative leads will be generated by identifying associations among DNA records in these indexes to the DNA record obtained during an investigation of a violent crime or missing person case. The population file, consisting of anonymous DNA profiles, will assist in the statistical interpretation of DNA profiles from case work.

A crime scene DNA profile from an unknown suspect case will be searched against the convicted offender index. Associations that result in confirmed DNA matches will identify suspects in those previously unsolvable cases. Twenty-two states[1] have enacted legislation requiring individuals convicted of certain crimes to provide their blood samples for DNA profiling. There are currently 17,000 DNA records of convicted offenders in eight states.

A confirmed DNA match of an unknown suspect crime scene DNA profile to other crime scene DNA profiles in the forensic index will link serial cases. Thus investigators can exchange investigative information that ultimately could lead to the identification, prosecution, and appropriate sentencing of the offender.

The missing persons index will assist investigators in the identification of the unidentified person. In cases of small children recovered alive, the family will be reunited. In the case of an unidentified murder victim, the identity of the victim will be established and the investigation can then proceed.

There are now several examples of forensic DNA testing generating previously unavailable investigative leads. Examples of these applications are:

1. The first case solved in the United States by searching convicted offender DNA records was a rape/murder that occurred in Minnesota in 1991. The DNA profile from the crime scene semen was searched against the approximately 1,200 convicted offender DNA records on file at the Minnesota Bureau of Criminal Apprehension (MBCA). A suspect was identified, arrested, and convicted.

2. In a second case, a suspect was identified by the MBCA in February, 1993. This was a rape case without a suspect until a DNA match to a convicted offender record was discovered. CODIS-provided matching software was used to confirm this association, as part of the MBCA's DNA analysis program. The suspect was arrested and charged with the crime.

3. The Illinois State Police identified a suspect by matching the DNA record of a convicted offender to the crime scene DNA evidence in the murder of a man and the sexual assault/attempted murder of his wife. DNA testing eliminated two suspects originally developed by the police. In April 1993, the Illinois State Police, using CODIS software, discovered a DNA match among its 500 convicted offender DNA records. This DNA match led to the indictment and arrest of the suspect.

4. The Metro-Dade County Police Department, Miami, Florida, solved an unknown suspect rape case by linking the DNA crime scene evidence from this case to the DNA evidence from another rape, already solved by police. The suspect pled guilty to both crimes.

5. The Washoe County Sheriff, Reno, Nevada, linked three rape cases, two of which were unknown suspect cases. The police identified a suspect in the third rape case. The suspect pled guilty to all three crimes and received a stronger sentence then he would have otherwise received by pleading guilty to the single rape.

6. The MBCA, in analyzing crime scene DNA specimens, linked 18 unknown suspect serial cases together. Two suspects originally arrested were eliminated by DNA testing. These cases were subsequently solved when police identified two other suspects and the MBCA matched their DNA to the crime scene DNA specimens.

7. The Florida Department of Law Enforcement, Tallahassee, Florida, having received the DNA profile from a south Florida unknown suspect case, searched their state's convicted offender DNA index, using CODIS software. No matches were found. However, a search of this DNA profile against the DNA records from other unknown suspect cases in Florida resulted in a match to another south Florida case. The information concerning these apparent serial cases has been given to the investigators. The investigations are continuing.

Source: **Violent Crimes Solved by the Application of DNA Testing,** FBI bulletin, August 2, 1993.

[1]States with enacted legislation establishing files of convicted offender genetic records for law enforcement purposes: Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nevada, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Virginia, Washington, and Wisconsin. Additional states are considering enactment of similar legislation.

Computerized fingerprinting and lasers are upgrading the quality of criminal identification evidence processing

Automated fingerprint identification systems (AFIS) can make a print match in minutes which would demand the entire career of a technician making a manual search

A young woman pumping her own gas in a self-service gas station is surprised by a man who forces her into her car. From there they proceed to the woman's home where the man sexually assaults and robs her. Before he leaves, he takes a drink of soda from a bottle in the refrigerator. Other than the prints on the bottle, there is little evidence that would link the offender to the crime. Police compare the latent prints lifted from the soda bottle to those in their computerized database of fingerprints. The computer generates a list of possible matches which have to be examined closely by a fingerprint examiner. Very shortly, police identify the suspect and take him into custody. Such a quick apprehension would not be possible without a new technology known as AFIS.

The term AFIS describes systems designed to permit law enforcement officials to quickly record, store, and match the fingerprints of offenders, missing children, and others whose identification is important. With this kind of computerized database, it is possible to quickly check the records of felons, firearms purchasers and others whose criminal records are in question.

AFIS equipment most often makes use of an optical reader which scans the fingerprints, either from file cards or even directly from the crime scene. This information is passed along to a computer, which generates a map of the ridge patterns of each print. The map is then translated into digital code and stored in the computer's memory. When police conduct a search, the computer compares prints, looking for possible matches based on universal criteria. These "hits" are then examined closely by a fingerprint expert.

There have been two problems with early AFIS equipment. One is compatibility among various systems. Until a national standard is set and software conversion systems are created, AFIS devices made by different companies often were not compatible with each other. Ohio's planning for a statewide AFIS program in 1995 includes contracting for a "Black Box" to synthesize the different systems in operation in the three largest cities. The second problem was that AFIS could only give the fingerprint examiner a list of possible matches. The investigator had to go to the files and pull the cards. But advanced scanning and computer-imaging capabilities, along with better telecommunications, have made AFIS more practical. Today, detectives on systems like New York's new $40-million statewide network can scan a print locally, transmit it to a mainframe in the state capitol and get back a digital image on their computer screen for comparison with the new print.

The AFIS technology is particularly powerful in cases involving "cold searches," where there is no list of suspects. A single "latent" print can be run against an entire data base of "ten-print" cards—often in less time than it took to secure the crime scene—to produce a "top-ten" or "top-three" list of suspects. Previously, investigations involving latent prints with no known suspects were all but hopeless.

Ohio is implementing a statewide AFIS program

Three of Ohio's metropolitan areas, Cleveland, Cincinnati and Columbus, already have operational AFIS programs. Since 1991 the State has been working to develop a state program which would allow local and state law enforcement agencies to access BCI&I's multi-million fingerprint card data base for automated searches. The project is scheduled for completion at the end of 1994, but it will take longer to develop a dissimilar interface system to tie-in the three local AFIS sites.

Forensic light sourcing can detect virtually invisible evidence

Although still in its infancy as a forensic tool, the lasers can already be used to lift prints from surfaces that often defy traditional powder or chemical techniques, including glass, paper, cardboard, rubber, wood, plastic, leather and even human skin.

The laser works by fluorescing components of perspiration, body oils and foreign substances characteristic of latent prints. The residue absorbs a single-wavelength light of the laser and re-emits it at longer wave-lengths - approximately 550 nanometers and above. By observing an illuminated specimen through a filter that excludes all wavelengths below 540 nanometers, technicians can spot the faintest trace of human contact.

Forensic Light Source and various chemical processes are able to discover latent prints and trace evidence which in the past have been impossible. The problem has been that forensic lights have been too expensive for the smaller police departments.

Uses of portable forensic light source systems are not limited to fingerprint detection. Many criminal cases have been prosecuted based on other types of physical evidence obtained with forensic light sources. Examples of this include hairs and fibers that blended into the surface on which they were deposited, and blood and other body fluids on patterned surfaces.

Due to the portability of light sources, they can be taken to any crime scene. Prior to the availability of portable systems, crime scenes were difficult to process. Some items could be transported to a lab for thorough processing; however, the entire scene could not be processed. Without portable light source technology evidence often went undetected. Agencies that utilize this technology will be obtaining a greater amount of evidence, aiding in the successful investigation of the crime.

This system can be used quite successfully to develop latent prints on evidence. Fingerprint evidence has become increasingly important for agencies that have access to automated fingerprint identification systems. Lasers and forensic light sources are directly beneficial to AFIS technology, because they allow a greater number of fingerprints to be located.

It may soon be possible for most law enforcement agencies to equip their entire staffs of technical investigators with the power of a forensic light source system. The new unit is ideal for field use and has several features which makes it more versatile than other, more expensive forensic light sources on the market.

Forensic art is coming into increasing use as a sophisticated identification tool of law enforcement

Poorly witnessed criminal suspects and kidnapped children held long in captivity often create identification problems for law enforcement officials

Freehand composite drawings of suspects have been used since the 1800s. The value and success of a freehand artist is well documented in numerous major cases. The obvious drawback is the limited number of experienced and trained artists.

The kit system was developed in reaction to this. The most widely used kit system is probably Smith and Wesson's Identi-Kit. The kit provides overlays of different facial features to arrive at "composite look-a-likes." Introduced in the early 1950s, the kit system has several advantages; the department did not have to have an artist on staff, it was easy to use, and quick. Training was provided at no charge, and the system was leased from the company and updated periodically. Identi-Kit and other kit systems have been successful in numerous cases.

The main problem with the kit system is that it provides a very generic looking person, lacking the versatility of the unique characteristics of real human faces. Consequently, sketch artists usually draw better images than the Identi-Kit can produce.

The fastest growing area of forensic art, however, is computer-generated images. One very useful computerized technique is that found at the National Center for Missing and Exploited Children. Assisting in the search for missing children by age-enhanced photographs, this program has been responsible for achieving a 10% recovery rate for long-term missing children.

Originally an outgrowth of efforts to project what children would look like after cosmetic surgery, the images were later found to be highly effective in identifying missing children.

The FBI uses its own age-progression program for adult faces. The system allows artists to do such things as thin hair, add jowls or increase wrinkles while the computer maintains the basic facial proportions. First the artist feeds the photograph itself into the computer and it appears on the screen. Adjustments are then made. Hair can be thinned; wrinkles added or removed.

The most dramatic application of computer aging involves cases of kidnapped children. FBI software for aging children's faces allows pictures of parents and older siblings to be fused into photos of missing children to obtain a more accurate image. The photos show many astonishingly accurate predictions of what a missing child might look like in two, five or ten years.

With regards to computerized age progression technology, a software package called Photosketch has been developed by QMA Group of Reston, Virginia. Currently used by the FBI, Photosketch is capable of transforming the merged images of parents/siblings and a missing child to create an accurate facial age progression. It also has the capability to rapidly create composite images based on witness testimony.

Computerized age progression, while faster than the original technology, is still a painstaking process. After collecting visual information on the missing child, the photographic material is "scanned" into the Photosketch system. From there, the artist uses his own knowledge of facial change to predict how the child's face may presently differ from how it was at the time of abduction. Working on a grid system, Photosketch allows the artist to work on the image feature, which enables him to blend the child's image with photos of the parents and/or siblings at the same age. Finally, after much experimentation and fine-tuning, a final "aged" photo of the child is created.

Age progression of missing children is not the only application for which Photosketch can be used. The technique can also be applied to images of terrorists and other felons. Another application is cranial/facial reconstruction, which aids in identifying the remains of deceased children whose features may have become unrecognizable.

The data tablet is connected to the personal computer and used as a pointing device. The computer detects the position of the stylus on the drawing surface and draws a cross hair on the video screen to show its current location. The user draws with the stylus, much as one might use a pencil or pen for sketching.

Images and menus are displayed on a color monitor. The computer menu is a series of on-screen, stylus-selected tools that allow the operator to affect an image electronically in any way by adding or deleting information, stretching, merging or airbrushing.

One variety of this technology uses a video camera to capture the images such as sources photos. The image is then digitized and stored in the computer. This digital information is then used to create the video image displayed on the monitor. The forensic artist can then alter images, change clothing and hair styles, as well as add or modify facial features.

Who Was This Man?

On July 10, 1993, the body of an unidentified male was recovered from the Scioto River on the south side in the City of Columbus. At the time of the external examination by the Franklin County Coroner, it was determined that the body had been in the water approximately three days prior to its discovery near the intersection of High Street and Williams Road.

The decedent was determined to Caucasian and was found wearing a maroon t-shirt, blue jeans, and a brown leather belt with a large oval brass buckle with the letter "J" inscribed. This information had been released to the media for possible identification of the individual, without success.

Because the general physical description of the individual did not spark any possible identification from the media exposure, and the check of records revealed no missing person file which matched the general physical description, the normal methodology of identifying someone via fingerprints, dental x-rays, or long bone comparisons, could not be utilized.

At this particular impasse in their investigation, the Columbus Police Homicide Division called the Ohio Attorney General's Office, Bureau of Criminal Identification & Investigation Center for Human Identification, for examination of the body to complete an ante-mortem or life picture. During the course of the examination, the general physical characteristics of the individual were noted. The individual's dentures, which had been recovered but not implanted in the mouth of the individual, were replaced so that appropriate photographs could be taken. Additionally noted were two unique tattoos located on the dorsal surface of both left and right forearms.

The Center took numerous photographs of the individual's face and head and also of the tattoos. These photographs were later committed to two-dimensional rendering depicting both the tattoos, their locations, and also the individual's face such as it might appear in life. Illustrations were then printed in the Columbus Dispatch, whereupon the Columbus Police Homicide Unit received a call stating that the individual might be a certain individual who was missing, but apparently not reported so. Columbus Police Homicide Unit then obtained not only current photographs of the individual, but also a mug shot and fingerprints which were taken in 1966 when the individual had been arrested by the Columbus Police Department.

Attempts were made to raise friction ridge skin on the decedent without success, therefore no comparisons could be made of fingerprints. The recent photographs of the believed individual were strikingly similar to the life drawing produced by the Center. For positive identification, the tattoos, both ante and post mortem, were compared by computer and found to be one and the same.

It is highly unlikely that these remains could have been positively identified without the state-of-the-art computerized assistance that the Center now offers to all Ohio law enforcement agencies upon request.

Steve Hale, Director
Center for Human Identification
BCI&I

Sometimes clay models are used to recreate decomposed facial constructions

This process involves attaching tissue-depth markers at selected sites around the cranium or a cast of the cranium. Clay is then used to fill in between the markers, and the fine features of the face are sculpted. Frequently glass eyes, a wig, and real clothing are used to make the result as lifelike as possible. Alternatively, these features also can be sculpted in clay. According to one report, 23 of 33 reproductions led to successful identifications. The report observed that accuracy ranged from "rather poor" to "a startling likeness," and noted that successful identification strongly correlated with the socioeconomic status of the missing person. The higher the status, the more likely identification becomes, which suggests that persons of higher status are more likely to be missed and are more easily traced.

Technical problems with the technique include using the stand holding the cranium, obtaining the appropriate glass eyes, and locating the correct type of clay. In an experimental study of the cranium of a known individual, it was found that the final product was not accurate in the cheek area, was too symmetrical, and was otherwise not realistic. Subsequent reproduction in an actual case, however, closely resembled the missing person and led to positive identification.

New technologies are improving the criminal justice system's capacity to detect illegal drug use

Drug testing serves a variety of criminal justice needs

Because so many accused and convicted offenders have a history of substance abuse, it becomes important for criminal justice authorities to monitor drug use. For example, judges responsible for setting bond want to know if the offender is a current drug user in order to make an appropriate bond decision. If the offender is convicted and is placed on probation, authorities need to know whether the probationer is violating the law by using illegal drugs. A person's drug use patterns often influence official decisions about placement, release and surveillance, and mandatory referral to treatment.

Urinalysis provides the standard means for drug testing

With the development of reliable and inexpensive immunoassay technology in the early 1970s, urinalysis screening has become an important tool.

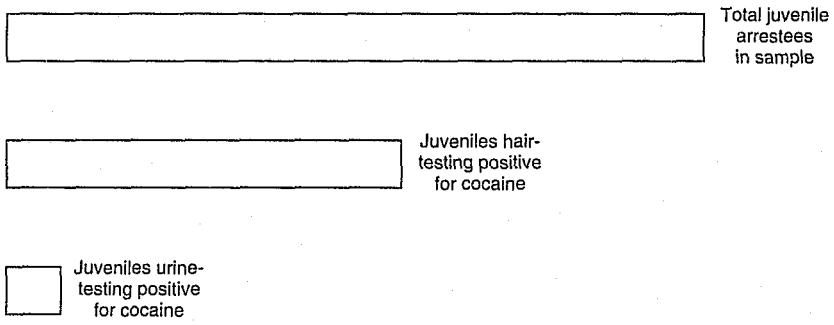
The use of urine as the test medium imposes practical limitations on the frequency of collection when these techniques are applied. Opiates and cocaine are water-soluble and quite rapidly excreted, generally within 48 to 72 hours. Only marijuana, which is fat-soluble, has a slow, relatively long-term urine excretion rate (regular, heavy users can test positive for several weeks after cessation.)

Urinalysis techniques cannot differentiate between users who have recently consumed very small amounts of a drug and those who have consumed significant amounts but have had a more than two- or three-day lapse between ingestion and testing. Hence a single urine test for cocaine and opiate use underestimates the true extent of opiate and cocaine use.

Hair testing promises a better means of drug detection

Radioimmunoassay of hair detects more drug exposure than more traditional forms of monitoring such as self-reporting or detection by a single urine test. Based on available information, it appears that hair testing has many strengths.

A study of juveniles arrested in Cleveland in 1992 found that urinalysis, alone, failed to detect cocaine in 43 of 50 users



Source: **Drug Use Among Juvenile Arrestees: A Comparison of Self-Report, Urinalysis and Hair Assay** (Thomas E. Feucht, Richard C. Stephens, Michael L. Walker: *The Journal of Drug Issues*, v. 24, pp. 99-116, 1994).

The testing of hair for drugs is possible because hair absorbs drugs and their metabolites into its structure from the circulation system. Metabolites are the biochemical products of the breakdown of drugs within the body. With cocaine, for example, the hair test detects the drug metabolites, not the illegal drug itself.

Once a drug metabolite shows up in the hair shaft, it serves as a permanent record of the substances the hair has absorbed, including drugs of abuse.

Drug metabolites are detectable in hair approximately a week after ingestion. Hair grows at an average rate of about half an inch every 30 days. The hair shaft can be cut into various lengths, providing "time line" drug consumption which allows an analyst to construct a history of drug use. Segments more distant from the root provide an indication of drug use that occurred weeks or months earlier, depending on rate of hair growth. Segments close to the root document drug use days earlier. Since hair on the head grows at an average rate of about one-half inch per month, a two- to three-inch strand would contain a record of the last four to six months of drug usage. It is therefore possible to compare sections of hair at different distances from the root to determine whether the person has been increasing or decreasing drug use over time.

According to one study, a single hair test appears to have the potential of identifying more drug users than would otherwise become known by a single urine screen.

Hair can be tested for drugs by dissolving the hair shaft and analyzing the resulting solution, or by analyzing the solid hair directly. The procedures for analysis of a solution extracted from hair are analogous to the procedure used for urinalysis. Analysis of the intact hair is rarer, and most often conducted by heating the hair sample and analyzing the spectrum of the resulting vapors by mass spectroscopy.

Criminal justice officials have only begun to explore the applications of hair testing. The drugs most often analyzed using radioimmunoassay of hair are the opiates, methadone, cocaine, marijuana, PCP, amphetamines, barbiturates, and benzodiazepines.

Several problems remain for hair analysis

Drugs may enter the hair by being incorporated into the growing hair shaft from the blood that supplies the hair follicle or by being absorbed by chemicals from the external environment into the developed hair shaft. In addition to drugs that have been self-administered, drugs that come into contact with skin or sweat or are in the air may enter the hair. People who are present where drugs such as opium, cocaine, or marijuana are being smoked may have the drug in their hair even if they did not take the drug.

Not enough is known about the effects of hair treatments, environmental exposure, or retention of drugs by hair. One study found no difference in nicotine concentrations in the hair of smokers and nonsmokers. Interpretation of sectional analyses of hair may be complicated by a breakdown in the hair structure at the tip that allows for drugs to be more easily absorbed there from the environment; this could lead to overestimates of past drug use. Little is known about the correlation between the dose of the drug and the amount found in hair or the minimal amount of drug use needed to result in the detectable amount in hair.

The ability to conduct a valid analysis of hair is based on the assumptions that:

- external contamination has been eliminated,
- there is no movement of drugs along the hair shaft, and
- the rate of hair growth is constant and documented for the person being tested.

Other problems yet to be resolved are sampling procedures for choosing hair specimens and the lack of knowledge of how variable hair growth rates may affect the concentration of drugs in the hair. At present, it would appear that hair analysis could be used to confirm urinalysis test results that have been challenged.

Advantages of hair analysis

Hair has several advantages over urine in testing for drugs of abuse:

- Hair greatly expands the time window for the detection of an illicit drug. Urinalysis of a single specimen generally can detect the presence of drugs for a period of several days to a week or two, depending on the drug. But hair analysis can detect drug use for several months or more, depending on the length of the hair.
- Brief periods of abstinence from drugs will not significantly alter the outcome of hair analysis.
- Hair is relatively inert, easy to handle, and requires no special storage facilities or conditions. Compared with urine samples, it presents fewer risks of disease transmission.
- Having some hair snipped from the head is less invasive and embarrassing for most people than supplying a monitored urine specimen.
- Analysis allows for a retest of the person by taking another sample if the results from the original sample are challenged because of claims of contamination or laboratory error.
- Contaminating a sample to distort or manipulate test results is much more difficult with hair than with urine. Preliminary research shows that even treating hair with a variety of strong compounds will not completely eliminate traces of illicit drugs.
- Detection is difficult to evade, and results may be more difficult to contaminate. Even persons who are given a month's notice of an impending test cannot eliminate the traces of drug left over from prior use. Furthermore, the results cannot be contaminated by drinking fluids. While all body hair could be shaved, this would be readily discovered.

Disadvantages of hair analysis

- For situations where the criminal justice system needs to detect drugs used in the last few hours or days, hair analysis is inappropriate. Because hair grows relatively slowly, there is a considerable time lag before drugs become detectable in the hair specimen.
- The technique is new and still costly and time consuming. Automated techniques for washing, extraction, and analysis are not yet available. Furthermore, the techniques have not been standardized and are not widely practiced.
- There are numerous technical questions that have yet to be answered, some of which have serious implications for the eventual feasibility of hair testing. For example, little is known about how drugs are deposited in hair and whether the concentration of the drug found in hair is strongly correlated with the dose taken. A number of studies have found that, while hair analysis often detects the drugs, the amount detected does not correlate directly with the person's self-reported use. In addition studies have found dramatic differences in the concentration of substances (not drugs) in hair samples taken from different areas of the scalp. It therefore may be important to standardize the location from which hair samples are taken.

Electronic devices are reducing the need for the criminal justice system "to be everywhere at once"

Electronic monitoring offers a less expensive alternative to incarceration of offenders

In these days of crowded prisons and jails, criminal justice officials are showing more and more interest in alternatives to confinement. These alternatives, however, must not only serve the needs of the offender, but also protect the community. One of the more recent innovations holding some promise is electronic monitoring.

The concept of electronic monitoring is simple. Sentenced offenders wear an electronic device that allows officials to keep track of their whereabouts. If the monitored offender strays too far from home, the device gives off a signal, alerting authorities that the offender has absconded. The official then verifies whether the offender has truly escaped from the "electronic jail."

There are several types of electronic monitoring devices. One, for example, consists of a wrist or ankle bracelet worn by the offender. This bracelet allows the monitored person a limited distance to roam, most often several hundred feet. Should the offender go beyond the allowed distance, an alarm will sound at the headquarters. If the person tries to remove the bracelet, it will give off a signal to alert the authorities.

Though the cost of electronic monitoring is less than the cost of having the offender be supervised by a probation or parole officer, it still is not inexpensive. Some jurisdictions pay for their expenses of electronic monitoring by charging a monthly fee to the offenders.

Currently there are several courts in Ohio which use one form of electronic monitoring or another. Franklin County, for example, has used electronic monitoring as one component of its Home Incarceration Program since 1989. During 1992, out of 186 offenders received by the courts, only 23 (12%) were violations. These numbers speak well of this program as an alternative to jail.

Ignition interlock mechanisms suggest greater safety for drunk drivers and their potential victims

Drunk drivers have become one of the most visible, most discussed of criminal justice problems. Many of those who commit Driving Under the Influence (DUI) offenses are repeat offenders. It is for this reason that criminal justice officials have sought creative methods to keep them from offending again. One such method is the ignition interlock mechanism.

Ignition interlock mechanisms are hooked up to the automobile's ignition. Before the engine of the car can start, the driver is required to breathe into a breathalyzer-type device. The device measures the blood-alcohol content (BAC) of the driver. If the driver's BAC is sufficiently high, the ignition system will not function.

The Hamilton County Adult Probation Department uses an ignition interlock system for its DUI offenders, the preliminary data from which suggest an increase in safety.

	Interlock rates		License suspension rates	
Time at risk	Survival	(Failure)	Survival	(Failure)
6 months	98.9%	(1.1%)	96.7%	(3.3%)
12 months	97.4%	(2.6%)	92.6%	(7.4%)
24 months	96.6%	(3.4%)	90.2%	(9.8%)
30 months	96.6%	(3.4%)	90.2%	(9.8%)

Other devices help reduce auto theft and high speed pursuit chases

One recent innovation helping in the fight against car thieves is the mobile tracking system. This system consists of an electronic transmitter about the size of a chalkboard eraser which is installed in a hidden, recessed area of a motor vehicle. The code of the transmitter is paired with the vehicle's identification number. When a car is reported stolen, the device is automatically activated from a central office by a radio signal. Police then use that signal to track down the car. Owners would have to install these devices themselves at a cost of $595.

The Lo-Jack, made by the Lo-Jack Corporation of Dedham, Massachusetts, is a homing device that broadcasts a coded signal when it is activated by a computer signal over a discrete radio frequency. Any cruiser with a tracking device will hear it from a distance of up to 20 miles, depending on the terrain. The device points to the signal's direction. A distinctive code number is displayed, the compass shows the direction and the signal strength meter gives an indication of distance.

Frequently, recovery of a stolen vehicle involves many days and additional damage during the long period of neglect. With devices such as that manufactured by Lo-Jack Corporation, police are automatically alerted to the presence of a stolen vehicle, usually within minutes of the report. In Massachusetts, when a stolen vehicle's identification number is entered into the state crime computer system, it automatically checks to see if that vehicle has a tracking device installed.

The potential for high speed chases is greatly reduced, since the thief is unaware the car is being tracked by police, who may be miles away. This means that there is less chance for damage to the vehicle or for injuries to other parties. The odds of capturing the thief are also greatly increased.

Computerized crime and justice records systems are allowing for better decisions in the criminal justice system

Rapid access to timely and relevant criminal justice data is essential to efficient management of Ohio's burgeoning system

Every day in Ohio tens of thousands of decisions are made regarding the quality and effectiveness of criminal justice in this State. A law enforcement officer must determine how to approach a call for service, after which he or she will decide what action to take. The sheriff or chief of that officer's agency is routinely concerned with officer deployment, equipment issues, criminal investigations, and the handling of arrestees.

All the way along the criminal justice continuum—from the legislators who pass criminal laws to the official supervising an offender's final day of a sanction—officials are making these kinds of "information-hungry" decisions. Prosecutors decide if and which charges should be brought against a person. A judge determines whether that person should remain in pre-trial custody as a safety measure. Correctional officials make daily decisions concerning prisoner classifications, medical needs, protection of rights, suicide risks, and a host of issue areas.

Without ready access to a continuous supply of solid information disastrous decisions could occur at any of these points on that continuum. Without computerized data systems there is no hope of keeping up with the hundreds of thousands of crimes and criminals encountered in Ohio's criminal justice system each year.

Numerous automated systems have been developed in recent years

Sheriffs' Jail Linkage System: Administered by the Buckeye State Sheriffs' Association, this new system links virtually all of the State's county jails via a PC-based computer program. Data are entered during booking, and nightly "sweeps" by the central program allow tracking of every person in a county jail on a daily basis.

Ohio Prosecuting Attorneys Association (COPS): Similar to the Sheriffs' program in its PC-based structure, this system captures information on the offense, arrestee, and case disposition. It is currently operational in approximately half of Ohio's counties.

Computerized Criminal History File: This is the master criminal history file in the State, located in the Attorney General's Office at BCI&I. It is set up to enter both arrest and case disposition data, and is tied to several national and federal identification systems. In the early 1990s BCI&I began a major upgrade of the dispositional reporting files, largely to meet the demands for better identification of felons relative to handgun purchases, employment background checks for sensitive and safety jobs, and the onset of statewide automated fingerprinting.

Law Enforcement Automated Data System: LEADS is the State's oldest and largest automated criminal information system. Under the authority of the Highway Patrol, LEADS allows peace officers throughout Ohio instant access to information on outstanding warrants (i.e., whether the person the officer has stopped is a wanted felon), stolen vehicles, and other issues vital to the officer's safety. In conjunction with NCIC-2000, a major national upgrade of criminal information systems in the United States, the Highway Patrol is radically increasing the speed of its communications transmission lines and making other improvements which will greatly increase Ohio's power and speed in utilizing criminal information.

National Incident-Based Reporting System: This new state and national crime reporting program will greatly improve the timeliness, usefulness, and quantity of data on crime, offenders, victims, and stolen property. Already eight years in its development, NIBRS should be operational in Ohio within three years. The project is being jointly administered by the Office of Criminal Justice Services and the Attorney General's Office.

Juvenile Data Network: Now several years in development, this Supreme Court-directed project aims at creating an information system linking all county juvenile courts in Ohio, the first time the State's county courts, or divisions thereof, have been so joined. The finished network would provide local judges and other juvenile justice officials with daily tracking of juveniles in the system, as well as provide rich and consistent data for statewide analysis not previously possible.

Regional law enforcement reporting systems: Each of three major metropolitan areas in Ohio boasts an automated law enforcement reporting system servicing a large number of area agencies with data analysis and information feedback. Over one hundred agencies report to one of the three systems located in Cincinnati (the Regional Crime Information Center), Toledo (Northwest Ohio Regional Information System), and Cleveland (Cuyahoga Regional Information System). All three systems are in the process of making major automation upgrades in their capacity to serve local agencies and supply Computerized Criminal History data to BCI&I.

Automated statewide data systems in criminal justice components: Several of the State's major criminal justice component agencies, such as the Department of Rehabilitation and Correction and the Department of Youth Services, maintain extensive automated systems which are frequently upgraded to take advantage of improvements in communications technology. The Supreme Court is in the initial phases of a significant and unprecedented systems initiative relative to Ohio courts.

Ohio's Criminal Justice Information Systems (CJIS) Steering Committee coordinates development statewide

The large and growing number of CJIS projects creates the need for coordination and cooperation lest the State find itself in the middle of an informational feudal system in which systems are mutually exclusive of each other. Jointly appointed by Lt. Governor Mike DeWine and Attorney General Lee Fisher in June of 1992, the Steering Committee meets regularly to provide such system cohesion and promote the emergence of a broader system which can be of uniform service to all criminal justice information users in the state.

Chapter 9

Policy Implications

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This chapter explores some of the directions suggested by the data and insights of the first eight chapters.

Particular policy implications relate to:

Citizen knowledge and awareness concerning crime and justice

Implications for law enforcement

Issues relating to firearms, new technologies, substance abuse, training, and victimization

Sanction alternatives and prison/jail crowding problems

What can we infer from the data?

Criminal justice data have the greatest importance when applied to real-world issues.

It is through the process of solving criminal justice problems that these data justify the time and expense involved in their collection. Some of the data discussed in this report clearly argue for action on the part of Ohio's legislators and criminal justice policy makers. The following are some of the actions that could form part of Ohio's agenda over the next few years.

Citizens need more education about crime and justice

Because they serve as taxpayers, voters, jurors, witnesses, etc., citizens need to be better informed about crime and criminal justice. The data in this report suggest that many Ohioans know relatively little about crime or the workings of the criminal justice system.

Beginning in elementary and secondary schools, it is possible to acquaint students with the various roles they will play as a result of, and in response to, the crime problem. It is also possible and desirable to teach students about various crimes and how they can be prevented. Such education should also include skill building in dispute resolution and conflict management.

There is no reason why other public agencies cannot also play a role in educating Ohio citizens about crime and criminal justice. Human services agencies that have frequent contact with especially high-risk populations are natural vehicles for conveying information to those who may need it most.

Community policing should be promoted in Ohio

A concept which has its roots in the beat cop who patrols a particular neighborhood, community policing is now touted by leaders in law enforcement across the country. Here the police officer is not only a law enforcer, but also a resource broker, arbiter, community leader, and friend. When police officers and citizens know one another, a bond is created which serves to promote a positive approach to solving the myriad of community problems which contributes to social disorganization and crime.

Where community policing has been piloted, evaluations suggest that it is a vast improvement over the more traditional, reactive stance of law enforcement agencies. The level of crime, as well as perceptions of police, show improvement under a community policing approach.

It is in the best interests of both law enforcement agencies and the communities they are charged with protecting to strike a more positive, less adversarial relationship. Moving toward community policing should help reduce many types of crime by creating partnerships between law enforcement and the community that prevent crime before it occurs.

Firearm-related crime needs attention

The proportion of homicides and other violent crimes due to firearms is unacceptably high. And while these alarming numbers do not argue for the strict control of firearms, they do make a compelling case for measures aimed at reducing avoidable deaths due to guns.

The education of all Ohioans about this tragedy is one place to start. Youths, for example, should be encouraged to leave firearms alone if found in their homes or elsewhere. All Ohio citizens should learn about the risks of having firearms in the home.

Those at great risk of being involved in disputes involving firearms should be trained in alternative methods of settling conflicts Many domestic and other disputes that end in gun violence could have been solved through a peaceful, rational discussion of the conflict and possible solutions. Schools and social service agencies are vehicles by which these methods of dispute resolution can be learned.

New technology needs to be expanded and coordinated

There are a number of crime-related problems that can be solved through the use of modern technology. A good example of this is the magnetic strip drivers licenses that have been suggested for instant record checks of handgun purchasers. Another example is the anti-theft devices that make possible the tracking of stolen motor vehicles.

Ohio criminal justice agencies, therefore, should take advantage of available technology for the purpose of preventing and controlling crime. This means supporting evaluation of these new technologies, but also communicating the findings to those who might be interested in taking advantage of them.

Public policy officials also need to be aware of the possible ethical implications of new criminal justice technology. Gains in modern technology generally come at a cost of lost privacy or other rights. It is, therefore, important that the rights of all Ohioans — especially offenders and practitioners — be considered before any new technologies are adopted.

Substance abuse programs should be expanded for criminal justice populations

The data presented in this report suggest that a number of offenders engage in crime to support drug habits. Others are under the influence of substances when they commit their offenses. And it is clear that a considerable segment of Ohio's correctional population has a problem with substance abuse.

Consequently, programs that address substance abuse should be expanded for offenders. This means that those who have been charged and diverted, those who have been convicted and incarcerated, and those at points in between should be able to take advantage of quality substance abuse treatment. Inasmuch as substance abuse can be viewed as much as a public health problem as a criminal justice problem, there is no reason why those with addictions cannot be treated with quality programming.

Criminal justice professionals need training in cultural diversity

The comprehensive study completed by Bowling Green State University suggests that some decision makers in the juvenile justice system may unknowingly be making unfair decisions about which youths are detained. These decisions can then affect later outcomes for these youths. It may also be possible that similar problems exist in the adult system.

Therefore, it is extremely important that practitioners in both the juvenile and criminal justice systems be trained to deal with cultural differences and to appreciate the way these differences can affect important decisions. Already there are numerous programs designed to help citizens understand the beliefs, customs, and values of others. Such training should go a long way in helping to promote the equitable, unbiased processing of clients in Ohio's justice system.

Community correctional alternatives need to be expanded

As the crime rate grows and prison and jail populations continue to rise, it is increasingly evident that Ohio policy makers must seek and make use of alternatives to confinement. Jurisdictions across the country in which crowding has gone unchecked have found themselves under the control of federal courts. In addition, unrelieved crowding spawns yet other problems including the increased likelihood of disease, violence, and riots.

It is important that policy makers in Ohio expand the use of community-based alternatives to incarceration. In addition to heading off the problems discussed above, using these alternatives avoids segregating offenders from the communities into which they will eventually be released. Taking advantage of the myriad of opportunities that a community has to offer, including employment, substance abuse treatment, and other benefits, makes good sense from a holistic approach.

Obviously a prime concern regarding community alternatives is public safety. Sentenced offenders forfeit certain rights and consequently, should not assume the right to receive community sentencing. Law-abiding citizens, on the other hand, should reasonably expect that their safety will be of paramount concern. Therefore, any alternatives to prison and jail must take into consideration the safety of the community into which these offenders are released and supervised.

One way to work toward safe, reliable methods of community sanctioning is to evaluate both those currently being used, as well as those still in the planning stages. The in-depth assessment of community alternatives can not only reveal which have succeeded and which have failed, but it can also give policy makers specific direction in how promising alternatives can be improved.

Prisons should ensure public safety while promoting rehabilitation

Just as it makes sense to keep non-violent offenders in the community, it makes sense to lock up those who pose a threat to the community. Unfortunately, a small core of criminal offenders seem to resist all attempts at rehabilitation.

For a select segment of violent offenders, a certain, lengthy period of incarceration may be the only way to assure law-abiding citizens that they will not be the next victims of these offenders. It is also important that measures be taken to ensure the safety of prison guards and other inmates. This may necessitate building correctional facilities that provide for the single-celling of exceptionally dangerous offenders who threaten the safe, secure environment of a correctional facility.

If society truly believes that rehabilitation is possible, then it needs to ensure that programming exists which promotes a better-adjusted, more employable offender. Releasing offenders from prison without having given attention to the myriad of problems their criminality suggests offers little hope for stemming criminal careers.

Ohio needs crime victim services where they currently do not exist

Ohio is fortunate to have many dedicated victim service workers who not only render counseling and other direct services, but who also refer victims to other service providers. Unfortunately, not all Ohio communities have such services.

It should be a priority for Ohio to develop and support crime victim services where they currently do not exist. Clearly, the greatest impediment to statewide victim services is funding. A combination of federal, state, and private funding sources will be necessary to support victim services at an acceptable level.

The special needs of homicide survivors need to be addressed

Ohioans who have lost loved ones as a result of a homicide have needs that are not necessarily met by traditional victim services. Those who have suffered such a loss suggest that only survivors of homicide victims can really identify with the pain.

Consequently, it is important that the various components of the criminal justice system develop a sensitivity to the special needs of these victims. It is also critical that special services, materials, and other support be funded, especially in areas of the state where they currently cannot be found.

Such an emphasis also suggests that the criminal justice system expand its definition and view of crime victims. Those who are affected by criminal victimization include not only the direct victim of the crime, but also parents, children, siblings, spouses, friends and others who have been profoundly touched by the crime, but whose needs have been ignored by the system.

Criminal justice policy makers should promote crime prevention and early intervention

It should be evident from the data on the types and seriousness of crime that measures designed to control crime have limited success in reducing violent, predatory offending. From the anguish of homicide survivors to the problems posed by confined offenders who threaten to riot, it is clear that simply identifying, arresting, prosecuting and confining felons does not stop crime. Ohio is still faced with generation after generation of predominantly young people lost to victimization and criminal careers.

It therefore should be of paramount importance to Ohio to support and promote programs that promise to prevent crime before it has ever started. Many such programs exist both in Ohio and around the country. These approaches depend upon substantial funding from federal, state, and private sources. They also depend upon the realization by all Ohioans that it makes much better sense to prevent a serious problem than to try to remedy it once it has been identified.

Research Publications of The Office of Criminal Justice Services

January, 1995

The State of Crime and Criminal Justice in Ohio Report (2nd Edition).

This 112-page, 4-color report is an easily read overview of crime and justice in the state as borne out by the research data. It eclipses the 1987 edition with more information, a chapter on emerging technologies, and numerous brief inset articles by guest (expert) authors.

1993

"An Epidemiologic Study of Alcohol and Suicide Risk in Ohio Jails and Lockups, 1975-1984", *Journal of Criminal Justice* Vol. 21., Issue 3, pp. 277-283 . Two hundred and twenty-eight suicides in Ohio jails and lockups, committed by inmates between 1975-1985, provide the data base for this unique study. Information was gathered from jail records and death certificates.

January, 1992

Ohio's Incident-Based Reporting System Data Collection and Submission Specifications.

The first edition of this manual outlines Ohio's new crime reporting program that will enable the State to participate in the National Incident-Based Reporting System. It includes a detailed description of the data elements and values, the data submission specifications and a listing of the edits that will be applied to the State information system.

November, 1989

Understanding the Enemy: An Informational Overview of Substance Abuse in Ohio.

Ohio's first comprehensive report on substance abuse and its link to crime draws together all of the known data relative to this most critical of public issues. The 5-color, 65 page report is a highly readable profile of citizen attitudes, use patterns, costs to society, and crime linkages relative to the problem of drug and alcohol abuse. The report also includes a series of provocative articles by some of Ohio's and America's leading experts on substance abuse.

September, 1988

Violent Crime Victimization in a Large Ohio County.

This study analyzes 181 victims of violent crime in a large Ohio county with a close look at such "controllable" factors as victim chemical state, relationship to offender, precipitating arguments, time of day, and place.

September, 1987

The State of Crime and Criminal Justice in Ohio Report.

This report presents a complete overview of crime and criminal justice in this State, beginning with citizen attitudes and extending through the commission, investigation, prosecution, and adjudication of criminal acts.

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.

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