

CRIME PREVENTION: STRATEGIES OF THE 70's

A Monograph in the Criminal Justice System Series

Number 17

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THE
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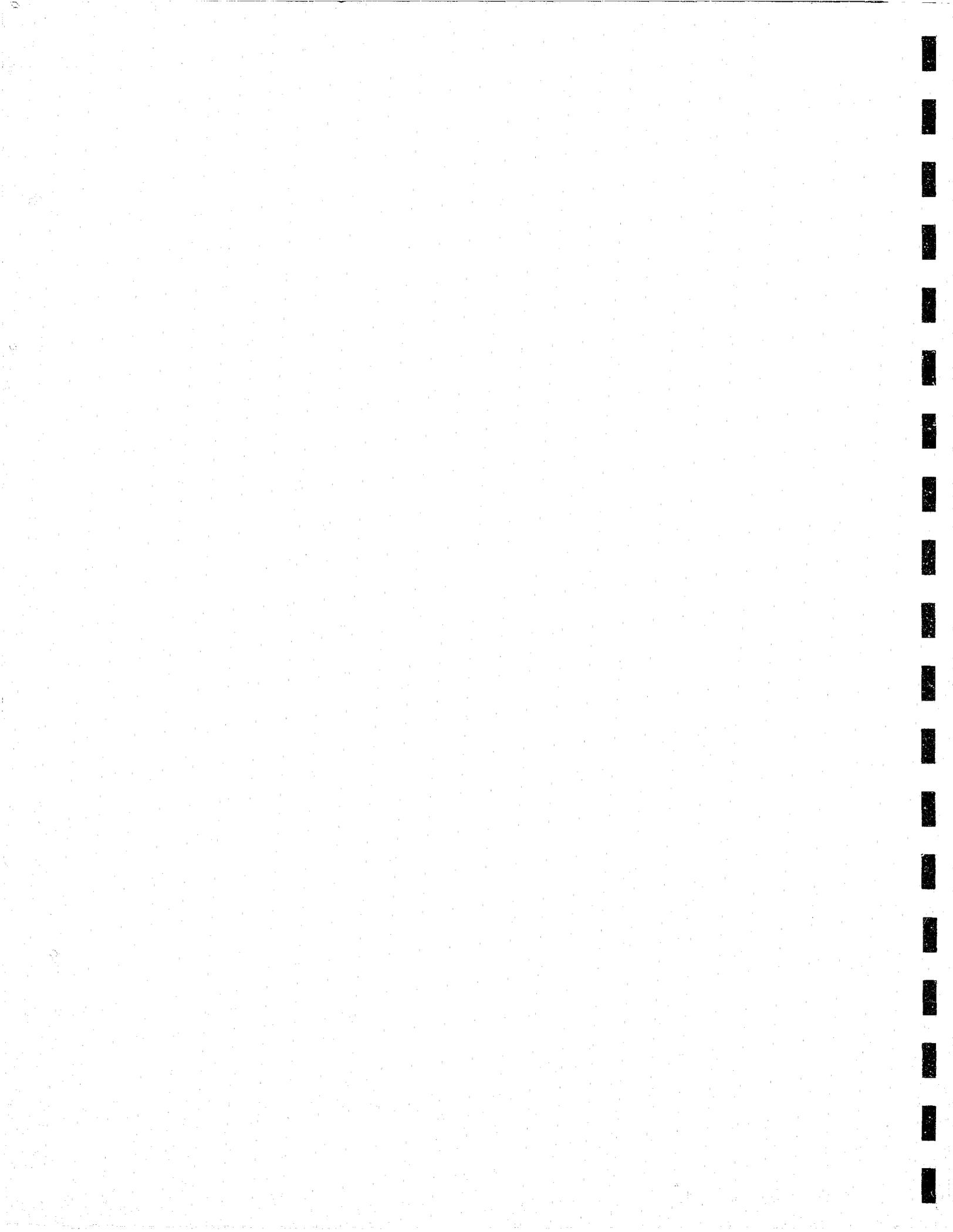
Division of Public Administration

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CRIME PREVENTION STRATEGIES THAT ARE WORKING

Robert L. Rabe

Washington D.C. has a problem. If you didn't have a problem within your criminal justice system you probably wouldn't be sitting here today. Because national attention has been focused on Washington's Police Department, we've had to take some pretty drastic measures in our attempt to reduce crime. These crime reduction strategies are working. I think we are showing that with good ideas backed up with the tools to do the job, these problems can be licked.

Eleven years ago, in 1962, the citizens of the District of Columbia had become seriously concerned with the crime problem. Statistics showed that crime index offenses were steadily increasing -- from 28 offenses per day in 1956 to 41 daily in 1962. The problem was considered so serious that a Citizen's Crime Council was formed to deal with it. Today, we would all be extremely grateful to return to those days of a so-called "serious" crime rate.

By 1966, when President Johnson announced the formation of the President's Commission on Law Enforcement and Administration of Justice, crime index offenses had doubled to 80 offenses per day. But most disturbing, in November, 1969, we experienced our darkest hours, when better than 202 crime index offenses were committed per day -- more than double the 1966 figure and over four times the 1962 figure.

A deeply distressing outlook for the American way of life. Most would ask what could be done to turn the trend and restore law and order to our cities. Many of our American cities had crime problems of near crisis proportions, primarily from the heavy increases in crime which occurred in the latter part of the 1960's.

Our nation's capital, the District of Columbia, illustrates the problems of most large cities. Washington is an urban area with fixed boundaries surrounded by well-to-do suburbs, a city with a large percentage of its population being defined as those in the lower income bracket, living in public housing, and a great many on welfare.

Most people would agree that one of the most perplexing characteristics of our time is change - change in values, attitudes, and living patterns. Along with change came the economic and social ills of our society.

The urban concentration of problem socio-economic groups into impersonal environments, the erosion of police authority and increased complexity of criminal trials under appeals court decisions, the

apparent growing permissiveness in our general society -- to each of these was attributed the blame for the shocking crime rates in our cities.

But whatever the cause of crime increases, by the late 1960's crime control ranked high among the priorities of even the most deprived city dweller. Police agencies found themselves facing so many calls for service that immediate response to every emergency became an ideal not always achieved. In my own department, calls for service average nearly 2,600 daily, forcing deferment of less serious calls or dispatch of distant units during peak workload periods. Slowed police response obviously reduces the potential for apprehension of the criminal.

The courts found themselves staggering under increased workloads so that one year delays until trial became commonplace. Even obtaining a trial date within one year could only be achieved through plea-bargaining systems which downgrade or drop many serious charges simply to clear court calendars.

Additionally, the use of hard narcotics increased. Our figures tracking the city's drug traffic showed almost a parallel peak with crime index offenses. As with most social problems, the impact came first and hardest in the central city.

The solution to the crime problem is both simple and complex. Simple because it is easily stated: establish reduction of crime as the first priority of government. Complex because a first priority is more easily stated than achieved. Any large municipal government faces a different major crises every day -- in education, in housing, in welfare, in transportation, in trash collection, in hospital care, in one or more of the wide range of fields where our city governments have either expressed or implied responsibility. Consequently, a city is hard put to maintain any single problem as a first priority.

However, beginning in the latter part of 1969, precisely that happened in the District of Columbia when the reduction of crime was established as the first priority of our city government. Finally, our criminal justice system was being given the concentrated attention and resources that are mandatory if we are to win the war on crime.

I would have to single out several areas which we found to be extremely important in our overall program to reduce crime.

Accountability of District Commanders

Adequate number of policemen

Ample and well-organized courts

Narcotic treatment programs

The initiation of these programs caused a dramatic reduction in the District of Columbia's crime rate. The continued application of these programs has resulted in a constant downward trend in the number of crime index offenses. Just as these strategies are preventing crime in our city, they may be modified and molded to fit the needs of your cities.

Accountability of District Commanders

The importance of the accountability of a District Commander is something that I know from personal experience just having spent 16 months in that position.

The essential and key factors of a modern, efficient police district are responsiveness and flexibility. It can no longer stand on old-line traditions, concepts, or organizations based on the pace and life-style of an earlier generation. It must not only be sensitive and responsive to the changing needs of the community, to the causes of anti-social behavior, and to the shifting activity patterns of the criminal element, but it must also be flexible enough to meet these challenges.

The city of Washington is presently divided into 7 police districts, each commanded by an inspector who is held strictly accountable by the Chief of Police through the field operations officer and the Patrol Division Commander for a successful operation within his assigned area.

District Commanders are expected to introduce their own crime programs. They are given the individual responsibility and the necessary resources to act and results are expected.

Without going any further, let's look at the police service as big business. Before you begin to sell any product, in our case police service, all available market data is collected and evaluated and the product tailored to fit the need. With this in mind, the District Commander must tailor his police service to fit his particular area and in some cases, even a particular sub-area.

At this point, manpower and material resources become extremely important. If a District Commander is expected to introduce innovative programs and to wage a successful fight against crime, headquarters must be responsive to his individual needs for men and equipment. We believe that each district is unique within itself and that just as each District Commander is responsible for the reduction of crime in his district, the headquarters staff is responsible for supplying him, to the extent possible, with needed manpower and material.

Before each District Commander can launch an effective fight against crime, he must gather sufficient information relative to population breakdown, geographical and topographical problems, authorized manpower and material resources presently available and what may become available,

upon justified request. Area problems involving community relations must be explored in order to obtain the best police-community relations possible. Present service to the community must be evaluated, along with any particular type of crime problem.

To get at the heart of a community, our District Commanders are readily available to civic and community leaders to discuss important issues and crime problems. These are not one way conversations, but develop into channels of effective communication whereby both the police and community benefit. Along with improving our relationship with the community, we have not lost sight of the importance of establishing and maintaining adequate standards of conduct for our own personnel. The effectiveness and quality of police service will always be enhanced in direct proportion to the amount of cooperation received from the community at large. In turn, that cooperation is equally dependent on our citizen's belief in the trustworthiness, sensitivity, and professionalism of their policemen. Commanders are, therefore, always on the alert for new community relations programs in areas where increased police-citizen cooperation and rapport are particularly needed.

Beyond the development of the necessary manpower and resource requirements to staff a district and respond to the basic needs of that particular district, each District Commander is responsible for the development of his own crime fighting methods to meet his objectives and goals. If you were to interview each of our District Commanders, you might come away thinking that there are seven different police departments, and you may not be entirely wrong. We expect results and we firmly believe that each District Commander, based on his experience, must exercise a great degree of individual discretion. What may work in one District may not work in another. For example, scooters have given our footmen needed mobility and maneuverability, but you probably would not find them being used for the same purposes in each district. Some are used in uniform tactical units, others in regular patrol patterns, while some are available and flexible enough to respond rapidly on any call for assistance. Some District Commanders have chosen to set up auto interceptor units which have been successful in apprehending auto thieves in the commission of the crime, as well as in locating stolen autos. In contrast, auto theft is not a major problem in other districts and their commanders have not felt the need to establish such a specialized unit.

On the other hand, highly flexible tactical squads, comprised of both uniformed and casual clothes officers, which may be deployed to trouble spots at the discretion of each District Commander, have been found to be universally effective in reversing the crime rate and have been established in many of our districts.

In addition, a recently instituted program was designed to assist the District Commanders and to increase police coverage. Specialized units, such as our canine branch and youth division have been decentralized and their personnel distributed among our seven districts to allow more

effective and direct utilization of their special skills by commanders.

Holding the District Inspector directly accountable for conditions within his assigned area, along with all headquarters units assisting him in his endeavors, has brought about a reduction in crime. As previously stated, each District Inspector is expected to show results and they have.

To say the least, our District Commanders have contributed immeasurably to the overall crime reduction. They have the so called "monkey on their backs" and they have risen to the occasion.

Adequate Number of Police Officers

To be adaptable while still maintaining a posture which will provide the maximum amount of police service in proportion to the resources available, an adequate number of police officers is essential. Our department is organized for this purpose into two basic levels of activity. The field operations bureau is directly involved in the daily tasks of preventing and detecting crime, apprehending criminals, and maintaining peace and order in the community, while the administrative, inspectional, and technical bureaus support the "frontline" forces and enable them to carry out their mission more effectively. These two groups work in close cooperation, combining their many talents and specialities in attacking the problem at hand, be it crime fighting, traffic control, crowd management, or any of the other activities which are covered by the general term "police services". Of course, the foremost purpose of our field forces is the protection of the lives of our citizens and their material possessions, and it is to this task that we have directed the greatest proportion of our resources.

In 1969, an increase in the authorized strength of the police force to 5,100 sworn personnel and 1,084 civilian positions was authorized making it the largest per capita police agency in the nation. To bridge the gap between the executive policy decision to increase the force and the later legislative appropriations for the increases, a \$1,250,00 LEAA Grant made it possible to immediately increase effective manpower through a program of police officers working on overtime. From August 1, 1969, through September 10, 1970, we appointed 1,942 additional men to the department, providing the manpower needed to deal with crimes as they happened, the necessary investigative follow-up personnel, and a high visibility patrol as a deterrent to crime.

In 1967, approximately 85 percent of our 3,100 man department was assigned to the field operations bureau, with 53 percent assigned to the patrol division, our first line forces. Since the increase in personnel in 1969, we remained steady in the overall assignment to field operations, but have increased our patrol division to 3,500 officers, approximately 68 percent of our total authorized strength of 5,100 men.

Manpower is by no means an inexpensive item as you all know. Our current budget calls for 74 million dollars for personnel funding. When you spend this much money just for people, effective use of manpower becomes critical.

Our aim in this area is to deploy our patrol resources in order to discourage crime and reduce the opportunity for its commission and to provide response to emergency calls so as to maximize the probability of apprehending the criminal. Without doubt, no number of men assigned to street patrol duty could effectively cope with crime and disorder in our modern urban environment without an enormous amount of support and assistance from the second level of police activity which I mentioned earlier. In a very large measure, the ultimate success of police operations will be determined by such factors as the effectiveness of the command and control apparatus.

Ample and Well Organized Courts

In relation to the reduction of crime, ample and well-organized courts play an exceptionally important role.

The courts have found themselves staggering under vastly increased workloads, often without commensurate increases in the number of judges and staffs, and at the same time have found trials complicated and delayed by more complex court procedures.

Long delays between arrest and trial in serious criminal cases began to force jurisdictions to seek alternatives to pre-trial detention for defendants accused of even the most serious crimes. Such processes as those instituted under the Federal Bail Reform Act of 1966 began turning out to the streets, pending trial, dangerous defendants such as holdup men accused of repeated crimes. Under the 1966 Federal Law, only a defendant likely to flee before trial could be held for bond; a defendant with ties in the community had to be released pending trial even though he was still awaiting trial for a prior offense. The result was predictable - a District of Columbia study showed that 35% of the indicted holdup men released by this process were rearrested and re-indicted on new charges within one year of original release.

Legislative priority was given to changes in law which provided for both an increase in the size and a reorganization of the trial and Appellate Courts of the District of Columbia. Changes in the law also established the wire-tap and no-knock authority needed to apprehend major narcotic drug distributors, in addition to providing controlled pre-trial detention for dangerous criminals.

The pre-trial detention portion of the Act retains the general purpose of the Bail Reform Act of 1966. For the first time, however, danger to the community may be considered by the judge in determining

non-financial conditions of release. A hearing must be held and the person may be detained if the judge finds: clear and convincing evidence that the person is either dangerous or violent; no condition of release will reasonably assure the safety of the community; and that there is a substantial probability that the person committed the offense charged. If detained, the case is placed on an expedited calendar and the trial must commence within 60 days exclusive of defense continuances. Otherwise, the defendant becomes eligible for release under the regular provisions of the Act.

In a little over 2 years, this statute has only been used approximately 12 times. Because it has built in safeguards, it sometimes takes longer to have a pre-trial hearing than to try the actual case. Also, because of these same safeguards, a Prosecuting Attorney may be required to divulge much of his evidence which, in turn, seriously hampers the successful prosecution of his case.

In relation to no-knock authority, the statute has two primary provisions. It codifies in statutory form the exceptions to the announcement rule which have been created by the courts over the years in a series of decisions and it also provides a mechanism for obtaining a no-knock search warrant. Since enactment, our department has applied for approximately five no-knock warrants, reserving the right for the most important cases.

Additionally, the United States Attorney, principal prosecuting officer for the District of Columbia, has increased the staff of his attorneys dealing with street crime by nearly 50% and has doubled their clerical assistance. Equally important, he established imaginative training programs designed to reduce the possibility that important criminal cases might be lost because of inexperienced prosecutors. The result was a substantial increase in the prosecutor's conviction rates.

Beginning early in 1971, a coordinated effort was instituted between the Police Department and the United States Attorney's office to identify and give special attention to offenders who repeatedly commit major crimes. ~~This program has been supplemented and strengthened by an IBM financed computerized system for assigning priority to criminal cases on a daily basis.~~

During 1972, a case review section was instituted by our department to determine what was happening in the courts to the thousands of persons arrested for serious criminal offenses each year. First, we wanted to know the number and percentage of cases presented to court which were being disposed of in an unsatisfactory manner. Secondly, we wanted to determine in what areas cases were being no-papered as a result of inadequate or improper police preparation or performance.

In the beginning, we estimated that between 15 and 33 percent of all

cases presented to the Prosecutor were being no-papered. During the early states of review, we found that the no-paper percentage remained rather steady, approximately 30 percent of all cases presented to the Superior Court. Towards the latter part of 1972, no-papered cases fell to approximately 24 percent. This reduction was caused by several factors -- monitoring, counseling, training, and increased awareness of various problem areas in the system. Today, we continue to feel that approximately 10 percent of all no-papered cases are due to faults in police practices and we are working hard to correct these procedures. Other no-paper cases, not a result of what we can label as a police problem and over which we may have no control, are those cases no-papered by prosecutors because of witness problems.

The latest report issued by the chief judge of our Superior Court indicates that for the first time since 1963, all local criminal, civil, and family trial calendars are reasonably current and the court system is now reported to be operating within the 60 to 90 day time frame called for nationally.

We believe that the implementation of such revised police-court procedures is contributing immeasurably to the reduction in our city's crime rate.

Drug Program

In 1966, when the use of narcotic drugs shot upward, most Americans across the nation suddenly discovered that there were no operating, practical programs for treatment of the large and growing number of drug users. The use of hard drugs such as heroin and cocaine became a threat not only to young adults, but also to high school and junior high school students. Robbery and theft rates began to reflect crime by drug addicts seeking to support expensive habits.

It has been estimated that there were approximately 18,000 heroin users in the District of Columbia during 1970-1971. Information obtained largely from addicts in treatment programs would indicate the average cost to a person dependent upon heroin is \$45 per day. Most of this money is realized through crimes against persons and property, and is partially reflected in the fact that 45 percent of the men arrested and detained in jails within the District of Columbia have narcotics or products related to heroin use in their urine. No one questions the figures; \$375,000,000 in heroin purchase and related social costs indicate that this is indeed an enormous public problem.

LEAA financing allowed our city government to institute a major narcotic treatment program employing both methadone maintenance and detoxification treatment as substitutes for heroin habits. As a result, some 3,500 of the estimated 18,000 heroin users in the city were employed in the treatment program by October 1971.

Our department's narcotic branch is charged with the detection and investigation of illicit narcotics and dangerous drug activity, concentrating on large scale sellers, wholesalers, and financial backers. This headquarters unit has been increased from 21 members in 1969 to 61 in 1972 and emphasis shifted towards major violators. The result was that in 1970 and 1971, narcotic arrests exceeded 4,000 annually as contrasted to 1,000 in 1967.

Each police district also has its own vice squad, directly responsible to the District Commander, for district-level vice enforcement. At the same time, all patrolmen, regardless of their assignment, are encouraged to expend maximum effort in the field of drug violations.

More than 2,000 of our beat patrolmen has been specially trained, by attending a three day law-enforcement seminar given by the Bureau of Narcotics and Dangerous Drugs, to deal with street peddlers. In addition, 205 of our investigators and designated officers have attended an extended two-week course dealing with narcotics and drugs. A pleasing offshoot to this training is that presently, approximately one-third of all narcotic and drug arrests are being made equally by the narcotic branch, district vice units, and the beat patrol officers.

Along with both the treatment program and increased pressure on a local level, the Federal Law Enforcement Agencies have stepped up their pressure and have been cooperating through their local DALE units (Office of Drug Abuse-Law Enforcement).

Illicit traffic in drugs has become one of the major problems for law enforcement at all levels, not only because it is a crime in and of itself, but also because it contributes to a large portion of other crimes which are committed. While the department's efforts are helping to curb the District's drug problem, it can only be solved through continued cooperation between local and federal levels.

The supportive role, which I have skimmed over until now, has also played an important part in the success of our police operation. Much can be said of our command and control apparatus, the sophistication of our analytical services to support crime investigations, and the availability and management of the vast and diverse data bank.

One program smaller in scope, but nevertheless significant, is the increase in the number of our crime scene search officers. In 1969, 12 officers working from a central location handled all crime scene searches for the department and closed 146 cases through latent fingerprint identification. The number of officers with specialized crime scene search training has since been increased to 125, at the same time decentralizing the operation. Now there are at least 10 men with this training in each of our seven police districts providing around-the-clock coverage. The increase in personnel and the decentralization have both paid off. In 1972, 720 cases were closed through latent fingerprint identification, a 500 percent increase over 1969.

The Department also has in existence an active management improvement program. Programs and activities are monitored for the purpose of identifying explicit areas for study, improvement, innovation, and experimentation. A specially constituted working committee has been established to examine the department's overall plans, policies, and programs to make recommendations in areas where improvements in effectiveness and efficiency can be achieved. In excess of fifty such recommendations made by the committee during fiscal year 1972 have been approved and are now in various stages of implementation.

A 911 emergency communications system was implemented which permits the public more rapid access and response to their requests for Police, Fire, and Ambulance service. Another accomplishment in the communications field was the implementation of the district "voting system" which provides District Commanders with the capability of communicating with operational elements under their direct control.

Our automatic data processing capability has been vastly enhanced with the acquisition and assumption of management control over a large IBS 370/155 computer system which permits achievement of greater efficiencies and expansion into new areas of application. The ultimate goal is the realization of a fully integrated computerized criminal justice system.

At this point, I would be remiss if I did not mention more of LEAA's assistance to our crime fighting effort by underwriting several programs that have proven particularly significant.

LEAA grants allowed us to obtain three helicopters and train nine helicopter pilots. The helicopters, equipped with searchlights and loudspeakers, are being used for tracking criminals, search and rescue missions, and control of civil disorders. The helicopters fly regular beat patterns in high crime areas, much as our scout cars patrol on the ground, unless responding to a call for service in another area.

LEAA also granted funding to our department to combat organized crime. With the LEAA funds, we hired civilian intelligence specialists and purchased the equipment necessary to establish our new organized crime intelligence unit. Staffed mainly by our own police investigators, this unit collects, analyzes, and disseminates information on organized crime. It assesses the extent of such crime in the District of Columbia and attempts to identify organized crime leaders as well as those business and industrial concerns which are vulnerable to infiltration.

Another \$25,000 in LEAA funds will allow us to make large-scale narcotic buys. Instead of concentrating on the "little guy" in the drug distribution network, our department is interested in baiting the large wholesaler. LEAA was receptive to this idea and now we can put their money to work in an effective narcotics crackdown.

In summary, all of the strategies I have mentioned, taken together,

have had dramatic results. The overall trend of crime in the District of Columbia has been downward since November, 1969. Crime in 1970 was 5 percent below 1969 and in 1971 down another 13 percent. In 1972, we experienced a 27 percent decrease, the largest to date. Finally, in the first quarter of 1973, crime index offenses have fallen to an average of 89 per day -- less than half the peak number.

Among the 20 cities with populations between 500,000 and 1,000,000, Washington ranked second in 1970 in terms of crimes per capita, in 1971, we ranked fourth, and in 1973 we were tenth. When these same cities are arranged in order by their percentage of crime reduction, in 1972, Washington heads the list.

Washington, D.C.'s crime rate has been cut in half since 1969 because we have given crime reduction the highest of priorities and attacked the problem from all possible sides. No one program alone can win the war on crime. All elements of the criminal justice system must concentrate their cooperative efforts to successfully achieve this primary goal.

Remarks of C. William O'Neill
Chief Justice, Supreme Court of Ohio

Effective July 1, 1970, the Ohio Supreme Court adopted new civil rules, juvenile rules and appellate rules. Recently, the court re-submitted to the General Assembly new criminal rules, which became effective July 1, 1973.

The most important thing that the court has done is to adopt the new Rules of Superintendence governing the Common Pleas Courts of Ohio. The adoption of these rules did not require any action by the General Assembly. The purpose of the Rules of Superintendence was to eliminate delay in the courts, which is the most serious problem in the administration of justice in Ohio. A few years ago, if one had been in an automobile accident in Cleveland and had to bring an action in court to recover one's losses, he would have been fortunate indeed if his case had come to trial within four years after the date of its filing. In all probability it would have come to trial almost six years after the accident. If that case had been appealed, it probably would have been anywhere from seven to ten years before it was finally disposed of in our court. That situation existed not only in Cuyahoga County, or even other big-city counties; it occurred far too often in the rural counties of Ohio. This required people to borrow money, pay interest to cover the losses, pay attorney fees, and suffer a great many losses for which there is no legal recovery. Most significant, this delay caused litigants to lose faith in the judicial system of the state.

The same situation occurred in criminal cases. It frequently took as long as 14 months after indictment for a criminal case to come to trial. At the time we put the superintendence rules into effect on January 1, 1972, there were 51 first-degree murder cases pending on indictment in Cuyahoga County alone.

We approached the task of adopting the Rules of Superintendence by attempting to identify the causes of delay.

We decided to identify the causes of delay by bringing in the judges who were on the trial bench and saying to them in a private conference: "Look, you know what causes the delay in your court. Identify them and give us your recommendations as to what tools we could provide you with to eliminate them." Many of the judges were amazingly candid and knew exactly what the problems were. They gave us their recommendations, and we drafted the rules.

To cite an example, those of you who are lawyers know that no judgment by a court is final until a journal entry is filed, signed by the judge. One of the greatest causes of delay in many cases, particularly in domestic relations cases, was that the judge in a contested case would say from the bench: "Divorce granted." The wife occasionally took the

judge at his word. We found cases where the wife remarried, had children, divorced, remarried again, but was never legally divorced initially because the journal entry was never filed. The reason that it was not journalized, in most cases, was that the lawyer delayed until he was paid his fee, contrary to the canons of ethics, and contrary to his oath of office. Therefore, we passed a simple rule: If the journal entry is not journalized within 30 days, it is the responsibility of the judge to journalize it himself.

In the criminal field, we found great delay in bringing a person, who had been apprehended and charged with a crime, to the grand jury—months upon months of delay. We found an enormous delay in the time after indictment until trial, often far more than a year. If an accused was in jail and could not make bail, it was bad. If he was innocent and in jail, it was horrible. If he were out on bail, he was often out committing crimes.

We passed a simple rule: Within 60 days - get the accused to the grand jury or dismiss the case. Six months after arraignment on the indictment-trial. If not tried, the case must be reported to the Chief Justice who is under an obligation to see that the case is tried forthwith.

We found many instances where, after conviction and after a probation report was returned to the judge's desk, sentencing was delayed for as long as 14 months. Why? In an effort to protect the lawyer's fee! We passed a rule which states that 15 days after the probation report is made to the judge, the defendant must have a hearing on the sentence.

We arrived at the ten causes of delay in the courts and we adopted rules designed to eliminate each cause. For example, the greatest cause of delay in the trial of cases, particularly criminal cases and personal injury cases, is that the expert criminal defense counsel, the expert insurance company lawyer in a civil case, or the expert plaintiff's lawyer in a personal injury action are so encumbered with cases that, if they want to delay a case, they can always be busy with some other case in some other court. And, in almost every case, it's to the advantage of one side or the other to delay the case. If one is guilty and awaiting trial, one may hope to delay the case until a key witness is intimidated, or until the witness forgets, gets sick, has a stroke, dies, moves away, or gets lost. If one is involved in a civil case and has a weak case, he may delay, hoping to get a settlement. The best way to dispose of cases like these is to "put their feet to the fire" and make the parties come to trial. Parties settle quickly when they have to come to trial, or, in a criminal case, will often plead guilty.

To correct that type of delay, we passed a rule (this is the most sensitive rule that we passed, because it reaches right into the lawyer's pocket). The rule states that, if the lawyer has agreed to the trial date but is not ready to try the case on that date, then he must provide another lawyer to try the case. If he fails in that, the administrative

judge of the court has authority to remove him from the case.

The next greatest cause of delay, in personal injury cases, is the unavailability of doctors to testify when the judge and lawyers are ready to try the case. We solved that delay by a rule which states: If the witness is not likely to be available at the time of trial, one can use his videotape deposition. If he is present he can testify, but if not, the case is not held up or continued. The doctors were delighted with that rule. They like to be able to sit in their office (or the hospital where they have their x-rays and their records) and make the deposition at their convenience, and not be called down to court, and have to wait for the lawyers to argue the legal points or the jury to go to lunch. Committees from both the medical association and osteopath association wholeheartedly endorsed the idea, and some of the best doctors now take the position that they will not testify in a case, other than on videotape. Lawyers who had been using typewritten depositions are finding that a doctor on videotape is more effective with a jury than a lawyer standing in court reading a lifeless document in a monotone voice. They are also finding that videotape is cheaper than shorthand, court-reported depositions. This has been a very successful rule.

In addition, we put new responsibilities on the individual judges. One should remember that no one in Ohio ever told a judge that he had to do anything; there had never been any superintendency of any court. Judges were kings in their own domain so to speak. They reported to no one, were responsible to no one and were supervised by no one. We found that another serious cause of delay in the multi-judge courts in all the big counties was that no one was responsible for those 26 judges of Cuyahoga County, or the seven in Summit County, or the 11 in Franklin County. No one was responsible for their work. And, when that case that had been ten years in the courts came up to us, there was no way to determine who was responsible. A civil case often had been to one judge on a motion, another judge on a demurrer, another judge on a pre-trial, another judge for the trial, and there was no way to tell who had caused the delay.

The first thing we did was to say that in both civil and criminal cases, when a case is filed, it is assigned to one judge by lot and that judge is responsible for that case until it is terminated in the trial court. In the multi-judge courts, we appointed a judge as an administrative judge. Prior to that change, we always had presiding judges, but they only had perfunctory duties. They had no authority over their fellow judges, and the meetings were usually social gatherings. We made the administrative judge responsible to the Chief Justice for carrying out the rules. We required each judge in the state to make a monthly report to the Chief Justice. The administrative judge is responsible for the accuracy of those reports. We had a lot of foot-dragging on those reports, but it has worked well.

Let me turn now from the causes of delay and from the restraints that we have put on the judges, to the results. The rules went into

effect January 1, 1972. At that time there were over 1,800 criminal cases in Ohio that were more than six months old. After one year, there were only 705 cases that were over six months old. A reduction of over 1,100 cases in one year. In that year there were more criminal cases filed than ever before in Ohio, and not a single additional judgeship was added in this state. Usually, when you talk about eliminating delay, the response is "We need more judges." This time we decided to do with what we had. As of March 31, 1973, the 705 were reduced to 631. Two hundred and forty-two of those 631 were from Cuyahoga County. On the 23rd of April we started an attack on that backlog. I assigned five judges from rural counties, who were not busy, to Cuyahoga County, and we took five of the regular judges from there and started a double shift. We tried cases from 8:00 in the morning until 2:00 in the afternoon, after which time another judge came into that courtroom in another shift to try cases from about 3:00 to about 8:00 that night.

Overall, I had set a goal: By Labor Day of 1972, I wanted 50% of the counties to have their dockets current to a point where there were no criminal cases on their docket more than six months old. They exceeded that goal. We had a reading just after Labor Day and 60% of the judges in 60% of the counties had their docket completely up to date. One hundred and fifty-one of the judges out of 181 had no more than five cases on their docket that were more than six months old.

On March 31, 1973, only 17 judges in Ohio had more than ten cases on their docket over six months old, and only ten had more than 20 such cases. Those ten judges are not entirely to blame because some of them took over dockets at the first of the year from judges who retired, were defeated or were elected to another office and left big backlogs, and five out of that ten are in Cuyahoga County. The double shift should help that situation.

What happened, to be candid, is that the judges went to work. They amazed themselves with what they could do, and the lawyers cooperated. Either the judges or the lawyers could have destroyed the effect of those rules. The judges worked harder in this state than they ever worked before, and the lawyers have given them their complete cooperation.

We are also performing some experiments. In addition to having videotape depositions, we are also having videotaped trials. We recently had a first-degree murder case in which the only defense was not guilty by reason of insanity. That type of case lends itself particularly to a videotape trial. All the evidence is put on videotape prior to the date of trial. This defendant waived his objections to having a videotape trial, and the prosecutor was agreeable. All the witnesses were psychiatrists and doctors, which lends itself to examination and cross-examination in their offices or in the hospital at a time convenient for everyone. All the jury has to do is watch the videotape, because the judge has already ruled on the objections. The tape has been rerun on another tape which has left out objectionable material, so there is no argument as to whether an objection

should be sustained or overruled. A smart lawyer can no longer ask a question that he knows he shouldn't ask, have the witness answer quickly and the judge sustain the objection by saying "Now disregard that," and thereby call the jury's attention to it. That ploy has been eliminated.

Other cases which lend themselves to this videotape process are appropriation of land cases, because all the witnesses are usually appraisers and experts. The lawyers do not have to take all depositions on the same day; they can take them at a time convenient for everyone and then they can be submitted to the jury and the judge. The lawyer does not have to stay in the courtroom, but can be out trying a case in another courtroom. As a matter of fact, one of the judges in Summit County this year tried four cases in one day, three on videotape and one the regular way, and handled them all successfully.

A week ago today, we started an experiment in Franklin County aimed at the elimination of delay in a criminal case on appeal. Our goal is to cut the time from conviction in Common Pleas Court to determination on appeal to 90 days. The biggest cause of that delay is the time it takes to reproduce the shorthand records, frequently taking three to four months before one can go forward with an appeal. To eliminate such delay, we are making a videotape record in every criminal case in that county. It is working excellently.

For instance, if the jury wants to re-hear a witness' testimony, it is quicker to review a tape record than for the recorder to look through her book which often takes a half-hour or more. Videotape can play it back in two minutes, similar to the pro football instant replay. The monitor is visible in the courtroom to show that it is operational. We know that the record is being made accurately and we know that the day after the trial is completed and a conviction secured the record can be filed in the Court of Appeals and the appeal started. To further eliminate delay, we may have to reduce the time for filing a brief. We chose Franklin County because this Court of Appeals' docket is current.

As to other reforms, the Criminal Rules are now in effect. In my opinion this is the best set of criminal rules in this country. The most important aspect of the Criminal Rules is the new discovery rule, which provides that the defendant can discover what evidence the prosecutor has and vice versa before they go to trial. In this way, we eliminate the game-playing, the surprises and the delays. All the rules are designed not only to expedite trial of criminal cases, but more importantly, to improve the quality of justice in the courts.

Another reform we intend to adopt is a new code of judicial conduct for judges. We are going to consider the code that was recommended by the American Bar Association at its convention last August. The sensitive things about that code are that it prohibits judges from holding any membership on the board of directors of any business organization; it tightens up the restrictions on campaign financing, and it limits judges'

political activities more than they are limited now. It also requires judges to report their income outside their judicial salaries.

The next major job we intend to undertake is the new set of Rules of Superintendence of Municipal Courts, which is badly needed. We have done a little investigation, and delay in Municipal Courts is as great and its effect probably worse than that of the Common Pleas Courts. It is more difficult to approach that task than in the case of the Common Pleas Courts, because of the great amount of time that municipal judges spend in traffic court on assignment compared to the criminal side of their dockets, and with small claims. After that project we will consider uniform rules of evidence for all the courts. The one thing that is really causing serious problems in the many Municipal Courts across the state is the enormous backlog of driving-while-intoxicated cases, where the habit of asking for a jury trial is growing because of the effect of convictions in those cases.

There is another problem with us which no one seems to be aware of. The Supreme Court of the United States last November issued a decision which, in effect, says that, in the community where the mayor is the chief executive of the city and also has judicial duties, a Mayor's Court cannot try a criminal case where there is a plea of not guilty. This problem, apparently, has not even been approached by the General Assembly, and I assume there are many defendants and perhaps lawyers not even aware of it at the present time. The General Assembly should address itself to that problem.

The General Assembly should also address itself to the problem of a public defender program in this state. This is badly needed because it is a burden that the Bar cannot, and in many places does not want to, handle. Moreover, the appointive system does not give defendants the counsel expertise in criminal law that they ought to have, and certainly the individual appointment system is not the most economical way for the taxpayer to have this problem handled. I have great hopes that the General Assembly will pass the bill now before the Senate.

Those are the basic reforms underway; those are the results, particularly in the criminal field. Those are the things that are just ahead of us, and those are some of the matters that I hope the General Assembly will address itself to in order to improve the quality of justice in criminal law. Of course, the law, as well as medicine, business and science, ought to take advantage of modern technology. We now have a system called "O-Bar" from which we can do our research so far as Ohio cases and the United States Constitution are concerned. It's connected to a computer in Dayton, which responds to research requests in a matter of seconds and provides reprints as speedily, thus cutting down the time one has to look in those musty books. It is a growing thing and will soon be available to the public in all major cities of Ohio. Lawyers can use it and pay for only the time they use. As I have indicated to you, we are attempting to use videotape in every way possible, as well as audio-recording to expedite and improve the work of the courts.

Our major goal is the restoration of confidence in the judicial system in this country and in the institution of the law. When Vance Packard wrote his book, The Status Seekers, federal and state judges ranked near the top in status in America. They don't rank there today, and neither do lawyers. I don't think confidence and respect can be restored by public relations men, by gimmicks or by tricks. It has to be earned, re-earned, if you please, by the job the judges and lawyers do. I say this to the judges and lawyers as a lawyer and as a judge now with 12 years experience on the highest court in the state. I believe that the rule of law, liberty and justice under law as contrasted to the rule of might underlies everything that America stands for. One can sum up what America is all about in those last words of the Pledge of Allegiance to the flag - liberty and justice for all. The rule of law underlies that. No man's property or liberty is safe unless there is confidence in the justice of the judicial system and in the rule of law, and that, in my opinion, is the most important thing to be accomplished by the judicial reform now going on in Ohio. I believe that, as bad as Cleveland was, by next January they are going to really have the model judicial system among the large industrial cities in America. This state has a chance to have the best judicial system in the country within two years. That is our goal and with the kind of hard work we have been getting from the judges, the cooperation we have had from the Bar and the response we hope to get from the citizens, I believe that we will do it.

ENVIRONMENTAL DESIGN AND THE PREVENTION OF BEHAVIORAL
DISORDERS AND CRIMINALITY

C. R. Jeffery

Crime Control Strategies: Old Model

Present crime control strategies are based on two schools of criminological thought. One school (Classical) was derived from 18th century political and legal thought; the other (Positive) was derived from 18th century positivism, science, and biology.¹ The Classical School placed emphasis on legal responsibility, legal safeguards for the accused, and the use of punishment to deter criminals. "Let the punishment fit the crime" was the motto. Each criminal act had a corresponding criminal sanction, designed to make the pain of punishment exceed the pleasure of the crime, or, according to Hobbes, men commit crimes because of the pleasure gained, and they obey the law because of the fear of punishment.

The Positive School emphasized scientific determinism, non-legal definitions of crime, and treatment of offenders in place of punishment, and this school replaced the Classical School as the dominant orientation of American criminology.² Positivistic criminology assumes that (1) criminology must develop outside the framework of criminal law, (2) criminology must be concerned with the study of the individual offender, especially the social characteristics of the criminal, and (3) criminology must support a correctional or therapeutic approach to the problem rather than a punitive approach.

The criminal justice system - Police - Court - Corrections - was designed to implement both a punitive and a treatment concept of crime control without accomplishing either. Less than 40 per cent of the total crime figure enters the criminal justice system, 2,780,000, from which there are 160,000 arrests and 63,000 imprisonments.³ If the present model is to work, we must then increase the inflow of cases by 90 fold or more, thus increasing the crime rate by 90 (or any other figure you wish to select). At the same time that the system is unable to contact a vast majority of those committing crimes, even for those who are in the system there is no deterrence or rehabilitation, for between 60 or 80 per cent of those in the system recidivate to return to the system. At the same time, we have new offenders entering the system for the first time at a high rate. Yet, present governmental policy is to pour more resources into the police, courts, and corrections on the basis of the philosophy that "if we increase the number of arrests, the number of convictions, the number of imprisonments, and the number of recidivists, we will thereby reduce the crime rate."

It was around such issues as these that I came to the conclusion that prevention of crime must be the goal of criminology, and not

punishment or treatment.⁴ The old model (1) deals with crime after it has occurred, (2) deals with the individual criminal, and (3) use indirect controls over criminal behavior. A new model would (1) emphasize prevention before the crime is committed, (2) would focus on the environment, not on the individual offender, and (3) would use direct controls over behavior, not indirect controls.

PREVENTION - Prevention, not treatment, would be the aim of the new control model. By prevention is meant primary prevention, not secondary or tertiary prevention. This is in line with current de-emphasis of the medical model and with attention paid to community psychiatry and environmental health.⁵

ENVIRONMENT - The criminologist has focused on the individual offender and his traits and characteristics while ignoring the physical environment in which crimes are committed. In the 1920's, due to the influence of Edwin H. Sutherland, American criminology became very sociological in nature, and as a result environment came to mean social environment. Michelson has commented that in human ecology "the place of the physical environment in the eco-system has been left unexplored."⁶ It is my proposition that the physical environment is critical in understanding behavior, criminal or otherwise.

THE INDIVIDUAL OFFENDER - Since the criminologist studies the offender from a sociological point of view, there has been little room for biological or psychological materials. As one criminologist-sociologist has put it, "biological theories that have been advanced have been scientifically naive" and "psychoanalytic arguments are relatively unfashionable at present."⁷

As Wolfgang and Ferracuti have noted, "it is possible to trace the development of criminology along traditional lines of biology, psychology, and sociology without much overlapping or integration of these approaches".⁸ The biology and psychology of fifty years ago that was rejected by criminology is not a fair representation of the present state of psychology and biology, and an interdisciplinary effort to relate modern biology and modern psychology to criminology is this badly needed.

DIRECT CONTROLS - By direct controls is meant those measures which are directly related to the criminal act and not measures which are indirectly correlated with crime. Placing a guard plate over a cutting machine prevents the loss of a hand through accident; placing a machine operator in a training program does not prevent accidents. Etzioni has noted that we approach social problems by attempting to change people rather than by changing their environments.⁹ We can approach the problem of the drunk driver by (1) giving him driver education or placing him in jail, which has not worked, or (2) by designing an automobile that cannot be operated by a drunk driver. We can deal with automobile accidents by focusing on the driver, his licensing, training, and his control by a patrolmen, or we can focus on automobile design and highway design in an effort to prevent such accidents.¹⁰ Current crime prevention programs

assume that indirect controls over behavior will work, such as therapy, poverty programs, job training programs, and remedial education programs.¹¹

INTERDISCIPLINARY EFFORT - To understand criminal behavior we must focus on the interaction of organism and environment, and to do this we need an organismic or psychobiological view of behavior as advocated by Adolph Meyer and others, in which the determinants of behavior are pluralistic and interactional, with biological, psychological, and socio-cultural forces integrated in one theory of behavior.¹² James G. Miller has advocated a general systems approach to behavior, including concepts of interaction, communications, and feedback.¹³ If we are to understand behavior as adaptation by the individual to the environment, then our knowledge base must include behavioral genetics, brain physiology, neurochemistry, learning theory, urban design, environmental psychology, sociology, and criminal law. Such an effort must go beyond the collaboration stage to the stage of theoretical integration, wherein the principles of each field are made consistent with those of the other fields.¹⁴ If learning involves biochemical changes in the brain, such findings should not be contradicted by sociological statements about behavior, and if sociological data support the position that group pressures influence behavior, then psychophysiological principles must be consistent with such findings.

It must also be understood that these variables are interactive, not mutually independent or additive. Thus, it is not biology or psychology or sociology, nor is it biology plus psychology plus sociology, but it is biology interacting with psychology interacting with sociology.

Let us now turn to the elements of a man-environment approach to behavior, including criminal behavior.

The Brain and Behavior

Contemporary behavioral biology is a result of the merging of genetics, biochemistry, and microbiology, and the discovery of DNA and RNA.¹⁵ Over 90 percent of this knowledge has been gained since 1945, hence the name "the New Biology."¹⁶ It is now argued that the future of behavioral biology lies in the interaction of biology, psychology, criminology, brain physiology, and other disciplines.¹⁷ The neural sciences "must provide the basic knowledge and concepts for understanding human behavior."¹⁸

Mark and Ervin stated that the brain is the organ of behavior¹⁹, and according to these neuroscientists behavior involves: (1) the physical structure of the brain and its chemical environment, (2) the moment-to-moment information received by the brain from the environment, (3) the information stored in the brain from past experience, and (4) the associations made in the brain between past and present information.²⁰

In the past, it has been traditional in Western philosophy to discuss mind and body as dualistic entities. Today the concept "mind" has been reformulated in terms of brain physiology and biochemical properties.²¹

We not only do not regard mind and body as separate entities, but we do not regard brain and environment as separate. To quote Mark and Ervin, "Human behavior is always the product of brain-environment interaction ... Any influence the environment has on behavior is exerted exclusively by the brain ... Our past environment, once it is past, is no longer a sociological phenomenon. It is embedded in our brain and its use is dependent on the function of the cerebral tissue... Brain scientists have largely discredited the mind-body dualism, but the environment-brain dualism lives on the minds and actions of many social scientists. They see behavior as being caused only by defects in the environment."²² Because of the brain, man is able to adapt to the environment through action upon rather than reaction to the environment.²³

The interaction of organism and environment takes place within the nervous system, composed of a sensory system for input of information from the environment, and a motor system for output to the environment or response to the environment. Between sensory input and motor output is the brain which receives, stores, retrieves, and sends messages to the other organs of the body, including the muscular system. This processing and storage of information is often referred to as thought, association, memory, and volition, all of which are now coming to be understood in terms of brain physiology and biochemistry. In this regard three processes are of special interest.

1. The transmission of nerve impulses from neuron to neuron across synapses is a biochemical process. Some of the more dramatic findings involving the neural sciences and behavior relate to the role of these chemical neurotransmitters to such behavioral disorders as schizophrenia and sociopathy.
2. Nerve impulses can be either activating or inhibiting, that is, they can both increase and decrease muscular or glandular activity. Too often we think only of sensation as activating the system, but behavior also involves inhibition, which is critical to a theory of behavior control.
3. The limbic system of the brain contains pleasure and pain centers which are central to motivation and emotion. In the limbic system we find anger, aggression, and fear, as well as pleasure. The positive and negative loci of reinforcement are critical to the understanding of reinforcement and the neurological mechanisms of motivation.²⁴

This total process involves the complex interaction of many parts of the brain with each other, with other organs of the body, and with the external environment. The physical growth and development of the brain depends upon the nature of the interaction with the environment since "experience with the environment does cause growth and chemical changes in the brain, and these changes are related to behavior."²⁵ Rats reared in an enriched environment have a larger brain than rats from a deprived environment.²⁶ Malnutrition, especially protein deficiencies, result in impaired intelligence and learning as a result of faulty brain development.²⁷

Sensory deprivation results in traumatic changes in behavior and in a whole array of behavior pathologies.²⁸

Behavioral Genetics

Early attempts to explain criminality within a framework of genetics failed. For one thing, such studies did not control for environmental factors and for another they did not know the mechanisms by which heredity operates.²⁹ Such studies usually assumed either that criminal behavior was inherited or that a given physical trait was inherited which resulted in criminal behavior. For such reasons criminologists have rejected genetics as an element in the explanation of behavior. However, today we realize that "in order to study behavior we must understand genetics quite thoroughly."³⁰ "Genes influence behavior in the sense that they are the instrumentalities that lead to differences in the organization, structure, and chemistry of all systems in the body that mediate behavior."³¹

It is critical to understand that genetics and environment cannot be separated since the phenotype is a result of genetic-environmental interaction. "The genotype and the environment are equally important because they are indispensable. There is no organism without genes, and any genotype can act only in some environment...No trait can, however, arise unless the heredity of the organism makes it possible, and no heredity operates outside the environment."³² Norms of reaction must be developed for genotypes since "the same genotype can give rise to a wide array of phenotypes depending upon the environment in which it develops."³³

Rosenthal has presented evidence that a genetic influence is found in behavioral disorders, as for example schizophrenia, manic depression, neuroses, and alcoholism.³⁴ In respect to criminality he suggests six factors in which genetics plays a role, and which factors may be related to criminality.³⁵

1. EEG abnormalities
2. Intelligence levels
3. Body build or somatotype
4. XYY syndrome
5. Role of genetics in psychopathic personalities
6. Role of genetics in psychoses

The critical issue is that criminal behavior is not inherited; rather what is inherited is pathway mechanisms related to behavior. "There are no genes for any behavior or other phenotype trait. Genes exert their influence on behavior through their effects at the molecular level of organization. Enzymes, hormones, and neurons may be considered as the sequence of complex path markers between the genes and a behavioral characteristic."³⁶

THE ENVIRONMENT

The environment has an impact on behavior at two different levels, (1) The environment changes the physical structure of the organism, illustrated by the impact of environment on genotype and on the growth and development of the brain. That is, man modifies the environment, the environment modifies man. (2) The environment provides the information and experiences stored in the brain. The environment also provides the situational contingencies controlling behavior. Behavior occurs within the context of stimulus events and behavior can be studied only within the context of stimulus events.³⁷

Operant Psychology and Learning Theory

The impact of the environment on learning and behavior has been the major focus of behaviorists for the past thirty years. Within the framework of operant psychology as developed by B.F. Skinner and his associates is the basic notion that man operates on his environment via behavior so as to gain pleasure and avoid pain. The environment contingencies for behavior are classified as reinforcing, punishing, or cueing stimuli, and complex patterns of interaction of stimulus variables and response variables have been worked out in psychology laboratories.³⁸

The major step to be taken now is to relate operant psychology to physiological psychology. The behaviorists worked with an empty black box, that is S-O-R, looking only at S-R relationships while ignoring the role of biochemistry and neurophysiology in learning. Modern biochemistry and brain physiology are as much a part of learning theory as stimulus-response relationships.

Of special interest is the limbic system because of the pleasure and pain centers. Since operant conditioning is based on pleasure and pain, it ought to be possible to draw a physical connection between stimulation of this area of the brain and what we call operant behavior. Since criminal behavior is operant behavior, we should attempt to relate criminal behavior to brain functioning.

Operant psychology has resulted in a proliferation of token economies, behavioral modification programs, and contingency management projects, many of which are concerned with juvenile and adult offenders.³⁹

Human Ecology and Environmental Psychology

Since the 1920's there has been a continuing interest in human ecology and man-environment relationships. However, as Michelson has noted, "one researches the literature in vain for more than superficial reference to the brute fact that men live in a physical environment and that they employ material technology in adopting to it."⁴⁰ "The human ecologists left to other disciplines whatever understanding of social structure and consequent behavior might stem from relations with the

physical environment."⁴¹ "When speaking of environment the human ecologists have referred to social environments. Human ecology studies the relation of man to man, and never the direct relation of man to environment."⁴²

This non-physical orientation was not present in earlier years in sociology, as exemplified by a statement by Ogburn and Nimkoff that "social life is best explained, not by group activities alone or even by culture as a whole, but by the interaction of the four factors of heredity, geographical environment, the group, and culture."⁴³

In recent years, urban designers, architects, and environmental psychologists have joined forces in looking at man-environment problems.⁴⁴ Psychologists and architects have formed teams to analyze the impact of the institutional architecture of prisons and mental hospitals on human behavior. Large scale environments have not been planned from the point of view of behavior, and planning for behavior must be as much a part of planning as planning for the quality of air, water, noise, and congestion.

The Urban Environment and Behavioral Pathologies

For years it has been known that crime, delinquency, suicide, mental illness, and other behavioral pathologies have a strong relationship to urban environmental conditions. Emphasis has been placed on the decrease in intimacy, loss of primary relationships, anonymity, and alienation.⁴⁵ Radiation, lasers, pesticides, air pollution, temperature, and noise have been identified as environmental stressors.⁴⁶ Schorr and Duhl, in separate works, discuss the effect of environmental stress on physical and mental health. Duhl regards overstimulation as a major factor in biological and psychological pathologies.⁴⁷ The original animal study by Calhoun discovered sexual, reproductive, and physiological pathologies in rats who lived in a crowded, stressful environment.⁴⁸

The impact of crowding on behavior has by now been well-documented. Today it is customary to distinguish density (population per acre) from crowding (persons per room) and to note that the typical urban slum is high in both. Some disagreement exists as to the relative impact of each on human pathologies. Carey found crowding to be more damaging than density. "There is reason to believe that the effects of crowding on mental and physical health and or human behavior are substantial."⁴⁹ On the other hand, Schmitt found high density to be of more significance than crowding on behavioral pathologies.⁵⁰

Esser regards the harmful effects of crowding and density as due to stimulus overload of the central nervous system, especially the limbic part of the brain. "We may conclude, therefore, that excessive arousal of the brain is harmful to the organism and that the limbic system express the malfunction via excessive adrenal hormonal functioning and abnormal social behavior."⁵¹ Esser goes on to note that knowledge of the function of the limbic system has also become increasingly important

to the understanding of human psychopathology, and he quotes a psychiatrist to the effect that "the psychiatrist of the future will be a neurologist specializing in disorders of the limbic system."⁵²

The Urban Environment and Crime

Since the time of Shaw and McKay the ecological pattern of delinquency rates has been a part of criminology. However, such studies reflected the positivist concern for the criminal and not crime, that is, they studied where criminals lived, not where crimes (criminal behavior occurred.⁵³) Shaw and McKay found the explanation for delinquency rates in cultural variables, namely, differential systems of values. "Areas where the rates of delinquency are high are characterized by wide diversity in norms and standards of behavior."⁵⁴ Deviant values and sub-cultural groups emerged from human ecology as the explanations of crime, not the physical setting. Michelson was cited above in regard to the non-physical orientation of sociology and criminology. The work of Shaw and McKay led to Sutherland's theory of differential association and later theories of subculture delinquency.

One exception to this tradition was a study made by Sarah Boggs, in which she looked at the ecological distribution of crime rates, not criminals.⁵⁵ Boggs focused on environmental opportunities for crime, such as safes, money, automobiles, victims, stores, and other potential targets. She concluded that explanations of criminal offender rates did not explain crime occurrence rates, since the two are different. Crimes against property--business robbery, nonresidential burglary, and larceny--occur in areas other than where the criminal lives, that is, areas where criminal opportunities exist. Crimes against the person - homicide, assault, and residential burglary--occur in areas where the criminal lives and where there is a familiarity with the victim and the neighborhood. Forcible rape and nonbusiness robbery do not form a consistent pattern.

In 1961 Jane Jacobs⁵⁶ noted that crime was related to the ways in which we design and use our streets, parks, and buildings. She found that areas with little public use or multiple use were hidden from public security and control and were therefore high crime rate areas. Jeffery⁵⁷ in 1971 published a book in which he suggested that urban design to reduce the opportunities for crime could be used as a crime prevention measure. In 1972 Newman⁵⁸ published the results of a study of public housing and crime in New York City, and this study established a definite relationship between urban design and crime rates. Newman found that low-rise apartments had a high burglary rate, whereas high-rise apartments had a high robbery rate. The rate of crime in public spaces in high-rise apartments was seven times that in low-rise apartments.

A study by the Criminal Law Education and Research Center of New York University⁵⁹ tested the comparative impact of legal deterrence versus mechanical deterrence. In 1970 the City of New York lost over 11

million dollars in revenue due to the use of slugs in parking meters. The CLEAR Center project selected three experimental areas in the City. In one area a label was placed on the parking meters which read "Violation of State Law, 3 months imprisonment and \$500 fine." In another area the label read "Violation of Federal Law, 1 year imprisonment and \$1,000 fine." In none of the areas in which labels were used was there a reduction in the rate of slug usage. In another experiment a new type parking meter was installed, a meter which rejected slugs and displayed the last coin deposited in a coin view window. In the areas in which the new meters were installed there was a dramatic decrease, ranging from 25 per cent to 80 per cent, in the rate of slug usage. The project concluded that legal deterrence was most ineffective, whereas mechanical deterrence was highly effective.

In a comparative study of Toledo, Ohio and Rosario, Argentina, David and Scott⁶⁰ found that Toledo had a high offense rate for larceny, auto theft, and burglary, whereas Rosario had a high offense rate for sex assaults and assaults. In Toledo shoplifting was made easy by the physical design of supermarkets, which was not true of Rosario. Residential burglary was high in Toledo because of the ecological isolation of the houses, whereas in Rosario the design provided for a mixture of business and residential use, therefore for a much lower rate of burglary. Thefts in Rosario were primarily by servants from employers. Opportunities for sex assaults and assaults were high in Rosario because of the high amount of personal contact and crowding.

Yancey made an analysis of the Pruitt-Igoe housing development in St. Louis, a project now being razed after less than 20 years of existence.⁶¹ Pruitt-Igoe was abandoned because of a high rate of assault, rape, robbery, burglary, and vandalism. Yancey related the behavioral disorders to the lack of public defensible space wherein informal networks of social control could develop. The atomization of social interaction, the design of stairwells, the isolation of elevators, hallways, and lobbies--all were given as reasons for the high crime rate which accompanied the architectural design of Pruitt-Igoe.

These studies make clear the role of urban design in the prevention of crime, and we must not forget Buckminster Fuller's admonition to "Reform the environment, not man."⁶²

Crime control through urban design can be as direct and immediate as better locks, more closed circuit television, and more elaborate electronic alarm systems. Most stolen cars have the keys left in them, and it is possible to design cars with anti-theft devices. Most buildings are equipped with inadequate or non-existent locks, or doors and windows are not secured in any fashion. The police now respond to calls for help and do little if anything in the way of effective prevention work. James Q. Wilson stated that "In crime prevention not too much should be expected of the police."⁶³ Though the police operate on the basis of the deterrence through punishment philosophy, the 22 per cent arrest rate for major

crimes does not speak well for the application of such a philosophy of deterrence. The President's Crime Commission found that only 12 per cent of the burglaries and 2 per cent of the robberies can be detected via preventive police patrol. An individual police officer can be expected to detect a burglary once every three months and a robbery once every 14 years.⁶⁴ The police must be reoriented to make crime prevention a major function of the department, through systematic training in the application measures designed to reduce opportunities for criminal acts. Many crimes involve the behavior of victims or are victim precipitated. People who leave cars unlocked, or offices unsecured, or walk alone in deserted streets or buildings are contributing to the crime rate. The potential victim of crimes must be brought into any crime control project, and we must reduce the risk of victimization through basic safeguards to security of person or property.

It is my hope, however, that we can move to a more sophisticated level of crime control in terms of new knowledge about human behavior and environmental conditions. We must plan urban areas with the same concern for safety and security that we now show for air pollution, and other urban problems. At this stage in our history we are well aware of the problems involved in urban planning, except where behavioral pathologies are concerned. The behavioral dimension of urban design must be made a basic part of design and planning.

The use of environmental controls to alter behavioral pathologies can take several forms. (1) The impact of the environment on genotypes can be controlled if we know that given a certain genotype a certain environment will produce a given response system. (2) The impact of the environment on the biochemistry of the brain can be controlled by environmental design by increasing or decreasing protein intake. (3) The environment provides stress factors through overstimulation, understimulation, crowding, and density, all of which have an impact on the nervous system, especially the limbic system, and on behavioral disorders. (4) The environment has an impact on learning through the reinforcement or punishment contingencies available from the environment. This is especially true in the case of criminal behavior which is related to the opportunities for crime found in urban environments. (5) The urban environment provides the setting for social interaction. One of the consequences of urbanization has been anonymity, isolation, and a decline in personal contacts. It has been suggested that urban design be used to increase personal human contacts.⁶⁵

Psychobiology and Criminal Behavior

Since the study of criminal behavior and learning processes has seldom been approached from this perspective, there is little in the literature on the topic. Several studies can be mentioned, however. H.J. Eysenck⁶⁶ has argued over a period of years that individuals differ in inhibition and excitation, or in the function of the sympathetic nervous system which increases autonomic responses (excitation) and the parasympathetic system which decreases autonomic responses (inhibition).

Eysenck labels those high in excitation and low in inhibition as introverts and those low in excitation and high in inhibition as extroverts. The typical criminal is a psychopath or extrovert who is low on the excitation end of the scale and who is therefore not easily conditionable. The slower rate of conditioning for sociopaths or psychopaths has been noted by a number of psychologists, including Hare and others, who have characterized the sociopath as a person in need of stimulation and one difficult to condition.⁶⁷ Goldman and his colleagues have studied the sociopath in terms of underarousal and lack of conditionability, and related such characteristics to defects in brain chemistry, specifically to the neurotransmitters serotonin and epinephrine. The use of drug therapy with sociopaths has shown signs of success, wherein they respond to a stimulant such as amphetamine which increases the level of excitation of these individuals.⁶⁸ Corson has likewise found that amphetamine calms hyperkinetic dogs, and hyperkinetic children also respond favorably to amphetamine.⁶⁹ Evidence related to sociopathy suggests a high degree of interaction between the nervous system, brain chemistry, conditionability, environmental conditions, behavior, and therapeutic intervention.

Mandel and his associates have hypothesized that schizophrenia is a problem of brain chemistry, that is, faulty chemical adaptation in the brain wherein serotonin is converted into a hallucinogenic compound leading to schizophrenic behavior. Mandel states that "if Freud were alive today he would be looking for the loci of his theories in neurochemical systems rather than on the couch. He would perhaps conceptualize his mechanisms of defense not as repression, displacement, and such but rather feedback inhibition, changes in enzyme amount of activity, increase or decrease in receptor sensitivity, and alterations in substrata supply--all in the service of keeping our neurotransmitter system functioning to stabilize the excitability of our brain's many chemical systems."⁷⁰ Brain chemistry and the neurotransmitters will play a large role in the analysis of deviant behavior in the future.

Questions of the following types must be asked concerning criminal behavior.

1. What biochemical changes occur in the brain as a result of environmental experiences resulting in criminal behavior? If such experiences are stored biochemically in the brain, can they be altered by drugs so as to alter the chemical code and change the behavior?
2. What part or parts of the brain are involved in a criminal act? Are the pleasure and pain centers of the brain crucial to criminal behavior, or other aspects of the limbic system, and if so, in what ways?
3. Does the brain physiology and biochemistry of one type of criminal differ from that of another type, e.g., do rapists differ from murderers or robbers? Are different parts of the brain involved in different crimes?
4. How does the brain function between the time a stimulus for a

criminal act enters the sensory system and the time a message is sent by the brain to the motor system activating muscular activity or criminal behavior?

5. What environmental factors are necessary or critical for criminal behavior? Are crowding, density, street design, and social interaction of equal importance? What changes in the environment can be made that would increase or decrease the crime rate?

6. What environmental conditions are critical to sociopathy or aggressive behavior given a certain genotype such as the SYY syndrome?

Criminal behavior is the product of environment-organism interaction, and involves genetics, physiology, biochemistry, and the environment. Any behavior is the product of (1) the physical and chemical properties of the brain, (2) the information being received by the brain from the environment, (3) the information stored in the brain from past experience, and (4) the association made in the brain between present and past information.⁷¹ Criminal behavior is exhibited in those environmental situations where the reinforcement for the crime minus the threat of punishment for the act is greater than the reinforcement for obeying the law minus the punishment for obeying the law. Such behavior is either positively reinforced by the crime or is negatively reinforced by the removal of an aversive stimulus. The relationship between the stimulus event and the response can only be understood in terms of the total system as discussed herein.

I have discussed criminal behavior in terms of a general theory of behavior, that is, a theory that explains both criminal and non-criminal behavior. What then differentiates criminal behavior from non-criminal behavior, or criminology from biology, psychology, and sociology? A theory of behavior is not a theory of crime. The concept of crime involves a political system, a power structure, and the control of behavior through legal system. This would involve us in an analysis of the sociology of criminal law, legal realism, and sociological jurisprudence, or the interrelationship of law, custom, morality, social control, political power, economic power, and other social variables. From the sociology of law will emerge a theory of crime. However, the sociology of law must be anchored in a scientific study of human behavior, and the same theory of behavior used to explain the behavior of criminals must be used to explain the behavior of those making and enforcing the criminal law. We need to study the behavior of lawyers, judges, legislators, parole boards, police officials, and correctional personnel in an effort to understand the criminalization process. It would be absurd to assume that the behavior of judges, lawyers, and police can or must be explained in terms of a theory different from that used to explain the behavior of criminals. Although the discussion in this paper was limited to criminals, I would urge criminologists to extend the principles of behavior to those involved in defining behavior as criminal. A basic theoretical framework is as follows:

1. Theory of Behavior (genetics, biochemistry, neurophysiology, psychopharmacology, experimental and environmental psychology, sociology, and urban design).
 - A. Theory of Criminal Behavior (criminology in interaction with all of the above).
 - B. Theory of Crime (criminology in interaction with the above, with special interaction with criminal law, political science, economics, anthropology, and philosophy).

At this time a major research project is needed involving the collaborative efforts to an interdisciplinary team from biology, psychology, criminology, urban design, sociology, and criminal law. Such a team would call out in detail the relevance of various scientific disciplines for the prevention and control of criminal and deviant behavior. Criminology is an interdisciplinary field, and only when it is truly interdisciplinary will an adequate model of prevention be developed.

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HOUSE BILL 511, OHIO CRIMINAL LAW NOW AND NEXT YEAR

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My name is Tom Swisher and I am Chief of Legal Services for the Ohio Legislative Commission which is the non-partisan technical service arm of the General Assembly. My topic today is Ohio's new criminal code which was seven years in the making and which is not merely a recodification, but is a complete revision of the criminal law of Ohio. I will give you a little background of how this code came about. It started back in 1788 when the governors and judges of the Northwest Territory adopted law No. 3, a criminal code. It listed 20 offenses starting with treason. At that time this was a very important offense from Ohio's standpoint because there were people selling weapons to the Indians and playing footsie with the British up in Detroit. The Code ended with disobedience of children and servants, also a crime. Those 20 offenses were taken from the law of Virginia, which in turn had been taken from the common law of England. The truth of the matter is that our present criminal code has most of those 20 offenses on the books still in recognizable form. They have changed a little bit through the years but you can clearly recognize that a particular offense started, from Ohio's standpoint, back in 1788.

Since that time there have been two phenomena at work. 1) When a particularly lurid crime was committed and either the prosecutor boggled the law or else it was found that there really was not a law that covered it, the General Assembly did what General Assemblies always do; they adopted a law to cover this particular situation. Over the years this has resulted in a great deal of duplication, overlapping, etc. I don't think we can find fault with this because the legislators were meeting the need for that day. However, there is another phenomena at work here. That is a marked disinclination apparently on the part of legislators to repeal any law they do not need anymore. Consequently, we have them all on the books now: laws we do not need, laws that duplicate others, laws that overlap others, and laws that still have liability, including many of these original 20 offenses. Back in 1965 in the waning days of the 106th General Assembly, Representative Ed James, of Noble County, introduced a resolution in the House calling for a complete study of Ohio's criminal law, both substance and procedure. Normally when these resolutions are introduced, and they are introduced by the hundreds in the last days of any given General Assembly, the Legislative Service Commission (and I'm talking now not about the technical staff of which I am a member, but the Commission itself), takes a look at these resolutions and decides on a desposition. They decide what is to be studied and how it is to be studied. (Alternatives are giving this to one of the staff members for a memorandum or giving it to a team of staff members to study and come up with a report which may be printed, or giving it the full shot by appointing a legislative study committee to take testimony and then publish a report.) The last alternative was taken here. They appointed a study committee which met a few times, surveyed

the problem, and decided there is not much that could be done. The real need was a complete revision of Ohio's Criminal Code and a complete revision of Ohio's Procedural Code. With that in mind a technical committee of prominent members from the bench and bar throughout the state was appointed to "draft us a new criminal code, draft us a new set of criminal rules, rules of procedure."

This committee was originally chaired by Claude Sowle, who is now President of Ohio University. At that time he was the Dean of the University of Cincinnati Law School. The last few years of its operation it was chaired by Jim Young, who is the Executive Director of the Ohio Legal Center Institute, responsible for continuing legal education in the state. The members of it included a common pleas judge, a prosecutor, a lawyer whose main work was in defense and at that time happened to be the research counsel for the Ohio State Bar Association, a member of the parole board, legislators and I served with that committee as counsel and the legislative service committee representative.

They met over a five year period on an average of once a month. They would decide at the end of one meeting what they wanted to talk about at the next meeting and they would tell the legislative service committee to go to it. We would do the necessary research, necessary background memorandum, draft up proposed sections of the law, and submit all these to the committee members so they could hack at them during a given committee meeting. Some pretty good arguments went on because obviously these people were a microcosm of people throughout the state: capital punishment, we almost came to blows; abortion, we almost came to blows; certain sex offenses, there was a lot of shouting and waving of hands. At any rate, through this process, writing out, meeting, rewriting, re-hearing, rewriting again, etc -- we came up with the original criminal code, the original proposal.

I don't know whether all of you have seen this or not. (book) This has come to be known as the yellow book. It is the proposed Ohio Criminal Code (the original) with comments. It was published by the Ohio Legislative Service Commission and it actually is the report of the technical committee that drafted the code. It contains extensive commentary in each section. This was prepared concurrently with preparation of House Bill 511. Code sections in this book were actually printed from the same plates as 511. You can't get these anymore, except by stealing one from someone.

At any rate, the bill was introduced in March of 1971. Its chief sponsor was representative Allen Norris of Westerville who had been a member of the technical committee which drafted the code. It went through hundreds of hours of hearings, in both the House and the Senate. The House Judiciary Subcommittee, which first considered it, actually had more than 100 hours of hearings on it. That is more, incidentally than last session's budget bill got, and you know how much time that took. It had two days of floor debate in the House. Nobody remembers when

that ever happened before. The Senate heard it for almost 100 hours. It's safe to say that while this may not be perfect, because there are things in it that you are not going to want, that it has had more consideration, more concentrated study than any other bill to come before the General Assembly in living memory.

A long list of things are accomplished in this Act. It defines frequently used terms. It gives rules for the construction of criminal statutes and for the proof of criminal charges and offenses. It provides for jurisdiction, venue and limitation of prosecutions. It states the fundamental basis for criminal liability. It reduces to four and defines the culpable mental states, the guilty mind, necessary for criminal liability. They are: purpose, knowledge, recklessness and negligence. The last time I counted the number of ways now to describe this kind of thing, I was up to 33 and I gave up. Maliciously, purposely, knowingly, intentionally, have boiled down to four. These are the guts of the code. It provides rules for holding organizations criminally liable for any offense. It defines a comprehensive catalog of offenses from the most grave to the most minor. It deals with conspiracies. It provides a general attempt offense and it details the liability of accomplices, what we know today as aiding and abetting. It classifies all offenses into 11 degrees, provides uniform penalties, gives detailed criteria for imposing sentence and for modifying the sentence imposed. Flexibility in the disposition and treatment of offenders is emphasized. If I had to sum up how this penalty structure works I would say that it gives the judge and corrections people a great deal of flexibility with respect to first offenders, but it sits down pretty hard on repeaters.

Finally the Act makes numerous housekeeping changes in the entire revised code, Title one through Title sixty-one, and eliminates obsolete and overlapping laws. Obviously with an Act of this magnitude I can not really begin to give you a complete picture of what is in it. So what I propose to do is touch on a few highlights, including how it streamlines the law, how it is organized, plus the basic concepts used in drafting certain chapters and sections as well as how the new penalty scheme works.

To merely say that this Bill streamlines Ohio's criminal law falls far short of conveying a really accurate impression of the monumental extent to which it trims fat and lopes off deadwood while at the same time condensing the criminal code to manageable size. The old code is found, generally speaking, in Chapters 2901 through 2923 of the revised code. It is 12 chapters. There are approximately 440 sections in these chapters. By contrast, the new code consists of approximately 165 sections of which 130 more or less happen to be penal sections. The rest are evidential and definitional sections, etc. These 165 sections are in the same 12 chapters, plus two new chapters. They do not merely cover the same subject matter, as the old criminal code. In my opinion, they give greater, clear coverage of that same subject matter.

Although 165 sections comprised the heart of the new criminal code, an act by these measures required housekeeping changes throughout the revised code, the statute law of Ohio, which most of you know is a three foot shelf of books. Generally these changes are foretouched. First, a number of sections in the old criminal law deal with subject matter which ought to be retained, but which is of a type inconsistent with placement in the criminal code itself. These sections are reenacted elsewhere in the revised code with some more appropriate placement. In the process almost all are restyled or updated. For example, several sections in the old chapter 2923 deal with interfering with aids to navigation. These are reenacted in shorter form, but without any consistency modification in existing chapter 1547 which already contain uniform rules for the road for watercraft.

Second, many sections of the revised code either touch on the subject matter of or incorporate, by reference, sections in the old criminal code. These sections are amended to reflect the new criminal code. For example, existent chapter 2950 provides for the compulsory registration of habitual sex offenders and it contains reference to the section numbers which either will not exist at all or else will deal with something entirely different than sex. And these references are changed to reflect the appropriate section in the new code.

Third, the entire code from beginning to end, not the criminal code but the revised code, contains large numbers of offenses which duplicated or overlapped various offenses in the old criminal code and would of course duplicate subject matter and sections in the new criminal code. These are either repealed outright or else they are trimmed to eliminate the excess baggage. There were literally dozens of separate offenses prohibiting interfering with public officers in the performance of their duties. For example, maybe the worse offender in this area has been the Department of Agriculture. Everytime they enacted a new program they would enact a long list of specific offenses which are exactly the same as the offense they enacted in the last program except it dealt with a different kind of official. No person will interfere with a deputy chicken inspector in the performance of his duties, no person shall interfere with a deputy lime inspector in the performance of his duties, etc... One will do the trick, so you don't need all of these. Another example, there are now on the books no less than six aiding and abetting offenses. We have a general aiding and abetting offense now on the books. Five of these offenses are totally unnecessary now. Consequently, we have done away with them.

Fourth, while many of the oldest provisions in the criminal law still retain vitality, many have long since outlived their usefulness and they are on the books now solely as historical curiosities. For example, this gem first showed up in the law in 1805 -- "No person except for the purpose of raising the body of the person drowned shall fire a cannon on a city street". That was a perfectly good law in 1805 because then everybody believed that when you fired a cannon over the water the concussion would shake loose the body of someone who had drowned and

bring them to the surface. If you remember Tom Sawyer and Huckleberry Finn you will remember that they described exactly that practice in those two books.

Here's my favorite. "No person while in a wine room, saloon, or elsewhere shall offer a lady wine or other intoxicating liquor with intent thereby to have sexual intercourse with her." When this bill was in the Senate I had a frantic call from one of the assistant clerks. "My God, have you read this law?" I said yes. "Your're repealing that in the criminal code aren't you?" I said, "No, I thought we'd leave that on the book." He said "Oh my God!!!" If you really stop to think about it, it might really make you nervous to know that if you ever did that you risk 1 to 3 years in prison. That's a little strong it seems. Incidentally, we are repealing that law. You may wonder, how in the world could they prove that the person had seduction in mind when he offered a lady a drink. When this law was enacted I think that it was simple. Then, if a guy offered a lady a drink and he had on a top hat and an opera cape and he twirled his mustache, he had seduction in mind and everybody knew that.

In the process of enacting a new criminal code and eliminating duplicate and overlapping outworn provisions, House Bill 511 effected a substantial reduction in the overall size of the revised code. I have the balance sheet here. The Code enacted 165 new sections, that is the heart of it. In addition to that, in the bill itself there are 130 other sections amended or enacted. However, the bill either repealed outright or repealed to amend or reinact 735 sections which reduced the net length of the revised code by 440 sections. If you recall at the very beginning I started talking about this, I said that the criminal code today is 440 sections. We have actually reduced the revised code by almost the exact length of the criminal code as it stands today. If nothing else was done in this bill I would say that was a considerable accomplishment.

Many of the advantages of condensing the law to manageable size are obvious. I think perhaps one of the most important, certainly, is that the shorter code should prove far easier for law enforcement officers, lawyers, judges, corrections people, etc. to use. I think this is well because it is shorter and we have done our very best to make it as clear as possible, within the limitations of course, because of the technical problems that you have. We tried to make it so that the average person could read this and understand it, on the theory that not just law enforcement officers and lawyers and judges are supposed to be reading the law. The people who ought to be obeying it ought to know what the law is too. Therefore it is a little bit unfair to draft a law only a lawyer and maybe not even a lawyer is going to understand.

The least obvious advantage, however, in my opinion, is the most important. That is the process of revising and carrying the code down to size has brought the essentials of the criminal law into sharper focus. In 1772, Dr. Samuel Johnson talking about lawyers and the law said that as to precedents, to be sure, they will increase in course of time. But the

more precedents there are the less occasion is there for law. That is to say the less occasion is there for investigating basic principles. In the 185 years that have intervened since the governors and judges of the Northwest Territory adopted our first criminal code, the state's criminal law has become incrustated with diffuse laws. Many basic principles have consequently receded into the background. Enactment of the new criminal code has forced us to follow Dr. Johnson's advice, to investigate basic principles, to re-examine why we single out certain kinds of human conduct for punishment and take a fresh look at how we deal with offenders.

I want to talk a little bit now about the basic arrangement of the code. As a general rule the arrangement of the new code follows the fundamental rules laid down in 1953, when the old general code was replaced by the revised code. That is, it is arranged as strictly as possible according to subject matter. House Bill 511 completely emptied the first 12 chapters of Title 29, it partly refilled them with the new criminal code. In addition, it uses two new chapters. I propose now to summarize very briefly for you the basic subject matter in each of these chapters. My purpose in doing this is to kind of give you the flavor of where to find things in this new code and also to give you some idea of just what its coverage really is. Chapter 2901, General Provisions, deals with a variety of general matter applicable to the entire criminal, not simply the criminal code itself, but the criminal law found throughout the revised code, Title 1 through Title 61. Various terms are defined as they are frequently used. Offenses are classified in degrees. A number of basic criminal law concepts are covered including the abrogation of common law offenses and requirements for statutorily defining an offense. Rules for construing substantive and procedural provisions, burden and degree of proof, burden of going forward with the evidence of an affirmative defense, jurisdiction and venue are covered as well as limitations of prosecution for both felonies and misdemeanors. The rule of mens rea, that is of the guilty mind, is codified. Four degrees of guilty mind are defined in this chapter: purpose, knowledge, recklessness and negligence. The rules for holding organizations individuals accountable for organizational conduct.

The Primary thrust of chapter 2903 is dealing with offenses of actual or potential physical harm to persons, assaultive sex offenses excluded. The single capital offense in the new code, aggravated murder, includes the planned killing in cold blood, the traditional premeditated murder. This is not quite what we have today because today contemplates instantaneous premeditation. This goes back to the classic concept of the planned killing in cold blood. It also includes felony murder, which includes purposeful killing committed during kidnapping, rape, arson, robbery, burglary, or escape. On the surface you may think that that expands it over the old law which said only rape, robbery, arson, or burglary. In actual fact it does not. Because we had some capital offenses such as causing the death of another during a kidnapping, which does not exist in that form anymore. It would be a felony murder under this. We

really haven't added anything more or less to this law. We have expanded it, I think in so far as we have included crime committed during an escape because it does not necessarily mean only a prisoner in a penitentiary or jail that kills a guard or officer. It can mean an escape also during other circumstances as well.

Chapter 2905 consolidates a number of former kidnapping offenses into one section, although the conduct which constitutes kidnapping is actually expanded over the former law. We have lesser offenses of abduction and unlawful restraint, and also a child stealing offense. This section also combines former offenses of extortion and various of the laws on the books of the blackmail type.

Chapter 2907 on sex offenses deals with three main categories of crime: assaultive sex offenses and sexual displays, prostitution offenses, and offenses related to the dissemination of obscenity and matter harmful to juveniles. The principle on which the first group of offenses is founded is that sexual activity of whatever kind between consenting adults in private ought not to be a crime. But, the law ought to proscribe sexual assaults, sexual activity with the young and immature, public sexual displays and other sexually oriented conduct which carries a significant risk of harming or unreasonably offending others. Distinctions of sex between offenders and victims are generally discarded. For example, the offense of rape is defined so that it includes homosexual rape, lesbian rape, statutory rape; it really doesn't make any difference what the sexes are. The former offenses of adultery and fornication are done away with. The offense of sodomy as such is done away with. What used to constitute sodomy would now be rape of course, if it is by force. Prostitution and obscenity offenses are roughly now just as existing law.

Chapter 2909, arson and related offenses, covers those offenses of which property damage is the main thrust. The arson offenses as such are not limited to simply causing property damage by use of fire. They also include fire and explosion. Arson, incidentally, the present arson offense, is almost identical to the wording in the original arson offense on the books in 1788. We also have added to the original concept of vandalism as malicious property damage. We have added the concept of damage of the tools of ones trade necessary for a man to earn his living. We also have lesser offenses of criminal mischief and criminal damage or endangering. We have provided comprehensive rules for determining property value or the amount of damage done with respect to those offenses for which there is a breaking point at \$150.

Chapter 2911 defines robbery, burglary and trespassing offenses. Under the robbery offense we now have, armed robbery requires a deadly weapon. Under this offense in the new code that will still be aggravated robbery, but in addition to that it is aggravated robbery if the offender, even though he is not armed actually causes or attempts to cause serious physical harm to the victim. Right now, to give you an example, if the guy jumps out of the alley at an old lady and points a gun at her and

says, "give me your purse", that is armed robbery, and that is 10-25 years. However, if the same guy jumps out of the alley without a weapon on him and beats the old lady half to death and takes her purse, that's just plain robbery, and that's 1-25 years. Under the new code both would constitute aggravated robbery, a first degree felony. Also on burglary offenses we have done away with the day-night distinction which happens to be one of the oldest provisions I was able to find. Instead the distinction is based here on the actual or potential harm to persons involved and whether or not we are dealing with an occupied structure, not dwelling necessarily, but structure. The office building that has somebody in it, is occupied. We have consolidated a lot of trespass offenses. This chapter also includes safe cracking because safe cracking almost always involves an unprovable breaking and entering. We include also tampering with coin machines.

Theft and fraud affects more economies in the code than any other chapter in the new code. The one (new) section on theft alone replaces literally dozens of existing offenses dealing with larceny, conversion, embezzlement, various frauds, involving real or personal property and involving certain kind of services, such as personnel services, public utility services, etc. The concept of what constitutes grand theft is expanded. It may be theft above a certain value. We have raised that value from \$60 to \$150. It is also theft of certain property (regardless of value) weapons, blank checks, or money orders, credit cards, motor vehicles, blank auto titles, license plates or blank drivers licenses. It is also theft, grand larceny, regardless of what is stolen or its value, if the offender has a prior theft offense conviction.

I do not want to spend much time on chapter 2915, Gambling, except to say that it is aimed at the business of gambling; it is not designed to disturb gambling designed for pleasure rather than for profit. Old Judge Bell in Cincinnati, didn't like attorneys to walk in with their coats unbuttoned; it was undignified. First trial I ever had, I had Judge Bell and walked in with my coat unbuttoned and he was on me right away. He said, "Counselor, button your coat!!". At any rate, Judge Bell for a time had briefly served on the Supreme Court and he wrote this little blast which I would like to pass along to you. The Supreme Court of Ohio was called upon to decide the validity of an appointment to the Racing Commission. He could not resist firing this one off although it had nothing to do with the case. "It is most regretable in the opinion of the writer that a constitutional question should arise in connection with the appointment of a person to help supervise an activity which permits an individual to legally wager a substantial sum of money on the outcome of a horse race, when that same individual a few hours later and a few miles away would be amiss in the eyes of the law upon engaging in a penny-ante poker game in his own kitchen with his own friends." Under the new gambling chapter he can play penny-ante poker in his own kitchen with his own friends.

Chapter 2917 deals with inciting riots, disorderly conduct, failure

to disperse, all of these offenses which were traditional in the hierarchy of disturbing the kings peace. It also deals with special types of disorderly conduct, conduct in an emergency, telephone harassment, also an inducing panic section which is an expanded form of the false bomb threat section and false alarms.

Chapter 2919 brings together a number of offenses that were formerly included in scattered places in the Code. It has a bigamy offense and an abortion offense which you may ignore because it is unconstitutional. Incidentally, I think we reached a new high here. The old abortion law under the Supreme Court's recent announcement was unconstitutional for two different reasons. We set a record. The new one is unconstitutional for three different reasons. So you more or less can ignore that. We also have a child abuse and non-support in this chapter.

Chapter 2921 deals with those acts which tend to subvert the orderly process of government and the administration of government: bribery, perjury, and related events and crimes which hamper law enforcement and the administration of justice such as obstructing justice, failure to report crime, graft, etc.

Chapter 2923 covers conspiracy which is not a general conspiracy offense, but conspiracy to commit the most serious crimes that we have: kidnapping, rape, murder, etc. It does one other thing though, it leaves out some very detailed rules on what constitutes a conspiracy; when does it end; when is it complete and so on. And these rules are made applicable to all other conspiracy offenses in the code. Those offenses as such are not eliminated, the rules in this section are applicable too. I think the one that will make the most difference is in conspiracy to violate certain drug laws. We have a general attempt offense. It is possible now and would be a crime in any case to attempt to commit any crime except you can not attempt to commit a conspiracy. You either commit it or you do not. This is also true of a minor misdemeanor. If you try to commit a crime, it is going to be in itself a crime, one degree less than the crime attempted. Aiding and abetting is now called complicity. We are talking about accomplices. Essentially what this section does is codify the rules on aiding and abetting. We also have an offense based on the proposed federal code, engaging in organized crime. It is a rather long and detailed thing. I think its going to take a special task force probably to enforce it, but it might very well be a useful thing. Finally, this chapter deals with a long series of sections on weapons control which modifies the laws that were already on the book. It spells out, for example, the rules of lawfully or unlawfully carrying a firearm in a motor vehicle. This has been a source of some confusion among police and particularly among gun hobbyists as to how they can legally carry a gun in a motor vehicle. Take the case of a man who has a shotgun that has cost him several hundred dollars. He does not want to just lay it on the back seat in plain view because it can cost him money if he gets scratches on the barrel. He wants to put the gun in the case made for it. The trouble is that when he does it is concealed. We try to clarify the particular problem in this case.

Also this part deals with some fairly extensive provisions on explosives explosive devices, machine guns, heavy military weapons and other kinds of things that are classed as dangerous ordines.

Chapter 2929 deals with penalties and sentencing. This is the final part of my talk. I won't go into much detail except to say that it brings together in one place all of the things that can be done with an convicted offender.

It must be emphasized that the proceeding outline of organization that I have just given you is of the criminal code proper, the guts of it. There were other changes made in 511, but I do not want to go into those in depth. I do want you to understand that this is the guts of the criminal code.

Perhaps the most important feature of the new criminal code is its scheme of penalties, sentencing and treatment of offenders. Flexibility is the key note, particularly of the trial court level, but also the corrections level. Overall, I think, the effect of the new structure, is to encourage tailoring offenses to fit individual offenders, rather than to fit the type of crime alone. Now the new code divides all offenses into 11 degrees and these are: aggravated murder, murder, felonies of the 1st, 2nd, 3rd, and 4th degrees, misdemeanors of the 1st, 2nd, 3rd, and 4th degrees, and minor misdemeanors. Now, the actual penalties themselves are not stated in the section defining offenses. Instead, in those sections the offense is named, and then it is designated as being a felony or misdemeanor of a specific degree. For example, new section 2911.21 states in the penalty clause; "Whoever violates this section is guilty of criminal trespass, a misdemeanor of the 4th degree." Then if you turn to chapter 2929.21 this shows the penalty for a 4th degree misdemeanor to be; "imprisonment for not more than 30 days or a fine of not more than \$250 or both." Since there are only 11 degrees it won't take too long for those that use the criminal code regularly to memorize exactly what the penalties are. It should be very easy to do. Only the offense of aggravated murder which consists of premeditated murder and felony murder is a capital offense. The death penalty is accessible only under limited circumstances and the procedure for assessing it has been arranged so that it is not dependent on anybody's judgement, it is depended on a finding of fact. In the first place, if the death penalty is to be assessed, an indictment must separately specify one of seven listed aggravating circumstances. If it doesn't specify these, the penalty is life imprisonment. If it does specify one of them, the jury has to find beyond a reasonable doubt that he is guilty not only of the principle charge, but of the specification, the aggravating circumstance. If they find him guilty of the charge but not guilty of the specification the penalty is life imprisonment. If they find him guilty of the charge and of the specification, then the jury's job is done, the trial begins a second phase designed to find out if there was any mitigation involved. There are three listed mitigating circumstances which will toll the death penalty. These are: 1) was the crime induced

or provoked? 2) did the victim himself induce or aid the offense? 3) was the offense the product of mental illness or deficiency, though insufficient to establish the defense of insanity? The trial judge himself is the one that decides whether one of these mitigating circumstances has been established by a preponderance of the evidence. If so, the penalty is life imprisonment. If not, the penalty is death.

With respect to felony sentences, other than sentences for murder, the concept of indeterminate sentencing is retained, but while the maximums are fixed, the trial court chooses the minimum to be imposed within specified limits. Also, few felonies under former law carried a fine as part of the penalty, whereas the new code provides a schedule of fines which may be imposed in addition to imprisonment for any felony. Further, and very important, detailed criteria are provided to aid the trial court in choosing the penalty to be imposed in a given case.

Penalties for felony are as follows:

<u>Degree of Offense</u>	<u>Minimum Sentence</u>	<u>Maximum Sentence</u>	<u>Maximum Fine</u>
Aggravated murder	Life	Death	\$25,000
Murder	15 years	Life	\$15,000
Felony 1st	4, 5, 6, or 7 years	25 years	\$10,000
Felony 2nd	2, 3, 4, or 5 years	15 years	\$ 7,500
Felony 3rd	1, 1-1/2, 2, or 3 years	10 years	\$ 5,000
Felony 4th	1/2, 1, 1-1/2, or 2 yrs.	5 years	\$ 2,500

Suppose, for example, that three offenders are convicted of complicity in grand theft, which is a fourth degree felony. Suppose further that one has a previous record of felony theft convictions, another has a record of misdemeanor thefts but no felonies, and the third has no prior record. The trial judge may elect to treat the first offender more severely than the others, sentencing him to 2 to 5 years in prison. He may then determine that the second offender should receive a lesser sentence, say 1 to 5 years in prison. The offender with no previous record might be sentenced to 6 months to 5 years in prison. The first two offenders would be ineligible for probation, but the trial judge would have a number of options with respect to the third, including "shock" probation, "split" sentencing, and straight probation.

At this point, I should mention the amended probation provision and the new concept of "shock" parole. Amended section 2951.02 spells out detailed criteria for granting or withholding probation, and also

specifies the minimum conditions of probation. Most important, it shifts emphasis from non-probationable offenses to non-probationable offenders. Aggravated murder and murder, and all offenses committed while armed with a firearm, are non-probationable. Aside from these, all offenses are probationable, but repeat and dangerous offenders are non-probationable. The terms "repeat offender" and "dangerous offender" are both defined in the code, and, in the example just cited, offenders one and two would both be classed as repeat offenders ineligible for probation of any kind, and both would thus go to prison. Offender number one, however, would not become eligible for parole until the expiration of his minimum term less time off for good behavior, whereas offender number two might be eligible for "shock" parole. Under the "shock" parole concept, a prisoner may be released on parole in the discretion of the Parole Board at any time after serving 6 months, if: his offense was not aggravated murder or murder; he is not a dangerous offender; he has never before served time in a prison or reformatory in Ohio or elsewhere; he does not need further confinement; and is likely to be a good parole risk.

Conceptually, the misdemeanor penalty structure is much the same as that under former law, that is, definite jail terms, or a fine, or both, are provided. While comparison of penalties is difficult, overall the new code appears to provide for somewhat lower maximum jail terms for misdemeanor, but for somewhat higher maximum fines. Penalties for misdemeanor are as follows:

<u>Degree of Offense</u>	<u>Maximum Definite Term</u>	<u>Maximum Fine</u>
Misdemeanor 1st	6 months	\$1,000
Misdemeanor 2nd	90 days	\$ 750
Misdemeanor 3rd	60 days	\$ 500
Misdemeanor 4th	30 days	\$ 250
Minor Misdemeanor	None	\$ 100

It should be noted that the new code raises from \$50 to \$100 the point at which the potential penalty entitles an accused to a jury trial, and all minor misdemeanors will thus be non-jury cases.

Also, as with felony penalties, the chapter provides detailed guidelines to aid the trial judge to choose the penalty to be imposed for misdemeanor.

In addition, the chapter contains a schedule of fines applicable to organizations for all degrees of offenses. In the past, one of the bars to holding organizations liable for criminal conduct has been the lack of

a suitable penalty, this is, you cannot put a corporation in jail. Under the new code, however, an appropriate penalty is provided in every case. Thus, if the board of directors of General Motors puts out a contract on Ralph Nader, General Motors would be liable to a fine of up to \$100,000 for aggravated murder. The directors personally would be liable to the electric chair.

Further, the chapter spells out the rules for determining whether multiple sentences are to be concurrent or consecutive. In the main, these rules follow former law. A new wrinkle permits commitment to the penitentiary or reformatory of persons sentenced to consecutive misdemeanor terms totalling more than one year, when at least one of the consecutive sentences is for a 1st degree misdemeanor.

Also, the chapter lists the various ways in which a trial court may modify sentences, including straight probation, shock probation, split sentencing, weekend sentencing, installment payment of fines, and other measures. Most of these I have already mentioned.

Before leaving the subject of penalties and sentencing, I want to describe an aspect of the new scheme which you will not find articulated anywhere in the code, but which nevertheless pervades the entire code. Formerly, when the General Assembly enacted a penal law, it tacked on whatever penalty seemed right at the time, without giving much thought to the seriousness of the new offense compared with other offenses already in the law. With the new code, it was possible for the first time to take a look at the criminal code as a unit, to compare each offense with every other offense, and to designate each offense as being of a specific degree according to a logical plan, and based on its comparative seriousness. Offenses are assigned degrees according to the actual or potential harm involved in their commission. Those offenses which involve death or serious physical harm to persons are accounted the most serious. Offenses involving less serious actual or potential harm to persons are still counted as more grave than those involving or threatening serious harm to property alone, but, given an equal degree of harm to persons, an offense involving actual or potential harm to persons and property is considered more serious than offense involving harm only to persons. Also, offenses involving harm to many people or to the public are graded as more serious than offenses with a comparable degree of harm of narrower scope. Application of these criteria has resulted in a substantial re-ordering of the comparative seriousness of certain offenses.

At this point, it should be obvious that House Bill 511 is an Act of really stupendous proportions, and that if it became effective in the usual 90-day period for enactments of the legislature, the changeover would be traumatic.

Realizing this, the General Assembly provided a delayed effective date for the great bulk of the act. With eight exceptions, all provisions

in the new code will become effective on January 1, 1974.

The exceptions, which become effective March 23, are: amended section 2935.10, permitting clerks to rid their files of stale misdemeanor warrants; amended section 2935.24, permitting warrants to be sent by teletype, wire-photo, and similar means, in addition to telegraph; amended section 2937.18, permitting more flexibility in detaining material witnesses, and upping their fee from \$3 to \$25 per day; amended section 2945.39 and new section 2947.271, requiring annual review of the cases of persons committed to Lima State Hospital; amended section 2945.70, permitting the state to appeal on its merits an adverse ruling on a motion to suppress evidence; amended section 2947.20, dealing with jail time credit toward payment of a fine; and amended section 2967.191, requiring that "dead time" be credited on both the minimum and maximum sentences of a convicted felon.

When the new year draws nigh, lawyers will want to remember that the code provides that if their client is convicted or sentenced on or after January 1 for an offense committed prior to January 1, he must be sentenced under the lesser of the penalties provided in the old code for the offense charged, or in the new code for the substantially equivalent offense. If there is no substantially equivalent offense, he must be sentenced under the old law. As to the death penalty, it will not apply to crimes committed from now through December 31.

Workshop One

STRATEGIES OF ADMINISTRATIVE STYLE

Moderator: Richard P. Seiter

Panelists: Nancy J. Beran
Charles K. Eden

The workshop entitled "Strategies of Administrative Styles" was designed to encourage discussion relevant to the development of a practical style of administration on crime prevention. It was hoped that attendees would become, if not active, at least passive, participants in the workshop relating their particular jurisdictions to the discussion area.

There were several questions that should and could be discussed in a workshop of this sort. One, of course, is how important is any particular administrative style in crime prevention strategies. Another is what types of administrative styles are most effective in crime prevention. And finally, how can I relate the presentations and discussions to my own community.

To begin, two research investigators presented work done in examining administrative styles in two totally different communities. Dr. Nancy J. Beran, who has taught sociology at the university level and is currently a research associate of the Program for the Study of Crime and Delinquency at The Ohio State University, has been studying a town we shall call "Lincoln" for four years. With Dr. Simon Dinitz, Dr. Robert Pilgrim, and Mr. William Gorse, she has constructed a very comprehensive view of the criminal justice system of Lincoln.

Lincoln is located in west-central Ohio. With a population of about 11,250, it is the only city in a county of about 30,000 people. The citizens boast of Lincoln as a nice, quiet, neighborly place where everyone knows and speaks to almost everyone else.

Industry provides Lincoln a firm economic base, and most of the companies are locally-owned. Nationally-affiliated labor unions represent only a minority of local workers; industrial leaders still take a very paternalistic attitude toward their employees. A large percentage of the working population are employed in these industries making the town essentially middle class.

The bulk of the population is White, and while there are consistent reports of both subtle and blatant discrimination against the 11% Black minority, the community has rarely been disturbed by overt racial strife. Although many Blacks live in the lower-class sections of the community, there is really no "ghetto" or extremely "upper-class" section in the town.

The political structure is quite informal. Much decision-making

goes on behind the scenes, and a few key conservative leaders carry a great deal of weight in the conduct of the towns affairs. A conservative social ethic is tightly wedded to a similar political ethic.

The major participants in Lincoln's criminal justice system are the 18 policemen, the city prosecutor, the municipal judge, the county prosecutor, the common pleas court judge, and the juvenile judge. At the time of data collection (summer 1972), the 18 police officers included the Chief, three lieutenants, three sergeants, seven patrolmen, and four probationary patrolmen. One lieutenant is responsible for traffic-patrol, the second for administrative services, and the third for criminal investigation.

During 1971, there were 266 reports of index (part I) offenses, of which 225 were verified. More specifically, there were no reported murders or non-negligent manslaughters; one of the two reported rapes was verified; all four of the reported robberies and all eight of the aggravated assaults were verified; 91 or 94 reported burglaries were verified; as were 119 of 141 reported grand larcenies; and two of the 17 reported auto thefts. Only 20, or 8.8% of these 225 verified Part I offenses were cleared by arrest.

Three of these 20 cases, involving four persons charged, were dismissed. Seven of the remaining 17 persons charged were juveniles, leaving ten adults who passed through the courts. Seven of the ten entered guilty pleas, two pled not guilty, and the plea of the last could not be ascertained. Seven of the ten were found guilty as charged, one was guilty of a lesser charge, one was acquitted, and the last case is still pending. Of the guilty eight, six were placed on probation, and the other two were fined and sentenced, but with partial or complete suspension. Of the seven juveniles charged with Part I offenses, four were placed on probation. Two of the remaining three were referred to the Ohio Youth Commission, one suspended, and the last was committed to "juvenile detention", suspended. No one was committed to prison. Lincoln's criminal justice system attempts to keep their citizen offenders in the community, rather than having them put away for rehabilitation or punishment. A table of these reported crimes is presented in Table 1.

Another attempt to measure the crime problem in Lincoln was by victim interviews of households and businesses. A modified random sample of 354 households and businesses resulted in a total of 359 victimization incidents reported to the researchers as having occurred in 1971. Of these 359 victimization incidents, only 154 (42.3%) were reported to the police. The 300 households accounted for 231 (64.4%) and the 54 businesses for 128 (35.6%) of the 359 incidents. But whereas householders reported 122 (52.8%) of their victimizations to the police, business establishments reported only 30 (23.4%) of their 128 victimizations to the police, business establishments reported only 30 (23.4%) of their 128 victimizations. A breakdown of the household and business victimizations are presented as Tables 2 and 3.

When householders were asked why they did not report some of their victimizations to the police, their response was as follows: the problem was solved otherwise (32); the police couldn't or wouldn't be effective (26); it was a minor, simple incident (20); knew the offender personally and didn't want to make trouble (8); and miscellaneous (14). Seven said they didn't know why they didn't report the incident to the police.

The reasons most often given for business non-reporting were: the problem was solved otherwise; the police couldn't or wouldn't be effective; and it was a minor or simple incident.

In August, 1970, a new Chief assumed the position as head of the police department. He has had 20 years experience, moving up through the ranks of Lincoln's police department. The Chief's predecessor had a less than glowing reputation as far as his performance in the department is concerned. The present Chief gives every indication of being sincerely dedicated to upgrading the department in professionalism, efficiency, and morale. While upgrading the professionalism of the department, the somewhat informal actions as "peace officers" rather than "police officers" still seem to dominate. Citizens, even the college students, do not look upon members of the police department as enforcers or "pigs", and will still walk up to and chat with an officer on duty.

Structured interviews were also conducted with the municipal prosecutor, the municipal judge, the county prosecutor, the common pleas judge, and the juvenile judge. All five of these persons are White, have lived in Lincoln an average of 23 years, are elected officials, and have served in their present capacity an average of seven years.

When asked the major crime problem in Lincoln, burglary and larceny were most often mentioned, as well as DWI and assault and battery. To combat these crimes, they felt more parental guidance and intervention at the juvenile level was most important, followed by more precautions taken by the public and one statement that law enforcement should be stronger and tougher.

They felt the administration of justice is quicker in small towns such as Lincoln than in large cities . . . (fewer delays, backlogs and people to deal with). It was also felt that informal handling of cases (a form of plea bargaining) was used greatly. It was not uncommon for prosecutors, judges, and charged persons to sit down and talk about the problem and how to deal with it.

Summarizing the 1971 crime problems of Lincoln, we see 225 verified index offenses. Not counting the 370 reported vandalisms, there were 542 verified non-index offenses. The bulk of these incidents were petty larcenies and alcohol-related offenses . . . the latter accounted for 197 of the 337 arrests for non-index offenses.

The police cleared only 8.8% of the index crimes, a very low percentage. The seven juveniles and ten adults who passed through the courts were treated quite leniently; probation and suspended sentence were the rule. Of the 337 non-index offenses cleared by arrest, 149 were resolved by bond forfeiture. With the exception of alcohol-related offenses, non-index offenders were frequently granted partial or complete suspension of sentence.

While official data indicate that Lincoln's crime problem is not of alarming proportions, victimization studies indicate a substantial number of criminal offenses are not reported to the police. Householders reported only 52.8% of their victimizations, while businesses reported only 23.4%.

With this knowledge of the CJS in Lincoln during 1971 and 1972, we can now compare this data with 1969 and 1970 data. In 1969, there were 150 reports of index offenses in Lincoln, of which 127 were officially verified by police. This is substantially less than the 266 reported and 225 verified index offenses. To be more specific, between the two time periods, verified aggravated assault increased from one to eight, verified burglaries from 73 to 91, and verified grand larcenies from 48 to 119. There were no murders or non-negligent manslaughters reported in either year. It appears that Lincoln's index crime problem is clearly a property one, but nevertheless markedly increased over the two-year period. Furthermore, the efficiency of police in cleared by arrest dropped slightly: in 1969, a total of twelve, or 9.4% of verified index offenses were cleared by arrest compared to twenty, or 8.8% in 1971.

Court verdicts varied significantly in the two time periods. In 1969, more of the convicted were found guilty of a lesser charge (eight) than were found guilty as charged (five). But in 1971, seven were found guilty as charged and only one received a verdict of guilty of a lesser charge. While the court was obviously stricter in 1971, the latter year did boast the only acquittal granted in either year.

The 1971 court, although tougher than the 1969 court on verdicts, was more lenient than its predecessor on dispositions. In 1969, only seven of the 13 persons convicted for index offenses were either placed on probation or received at least partial suspension of fine and sentence. In 1971, however, all eight of the convicted were so treated. It must be noted, of course, that leniency was prevalent in both years.

Not counting vandalism - which while it was the most frequently reported crime in 1971, was not tabulated in the 1969 data - verified non-index offenses rose from 389 in 1969 to 542 in 1971. Verification of arrests rose in forgery and fraud, arson, destruction of property, petty larceny, threat, DWI, consumption of alcohol in a motor vehicle, drug possession and/or sale, and other sex offenses. Other than in miscellaneous offenses, the only declines were in simple assault or assault and battery, intoxication, disturbing the peace, and resisting arrest, fleeing,

or abusing a police officer. Two hundred eighty-five persons were arrested for non-index offenses in 1969; 3.5% of these were referred to juvenile court. In 1971, 337 persons were arrested for non-index offenses of which 5.9% were juvenile.

In both 1969 and 1971, most non-index offenses were settled via bond forfeitures or verdicts of guilty as charged. In 1969, only one person charged with a non-index offense entered a plea of non guilty, but 21 did so in 1971. Furthermore, twelve people entered no contest pleas in 1971, but no one did in 1969. Those found guilty as charged were most often fined or fined and sentenced in both years, but leniency was greater in 1971. A comparison of 1969 and 1971 offenses is presented in Table 4.

What all this seems to boil down to is that 1971, as contrasted with 1969, witnessed more index and non-index crimes, a less efficient police department with regard to clearing index offenses by arrest and more lenient sentencing in both municipal and common pleas courts.

In examining household and business victimization, we see about the same trend for reporting crimes in 1970 as in 1971. We have, in sum, a set of victimization reports which mesh very well with official data. As the 1969 and 1971 police records indicate, so say the householders and businessmen of Lincoln: the crime problem in the community is largely non-index and property in nature. What official data do not and cannot reveal, however, is that substantial amounts of petty "ripping off" never even gets reported to the police, though there seems to be more of a tendency for householders to report in 1971 than in 1970. There is one area of conflict between victimization reports and the official data: whereas the former suggest a slight decrease in index offenses, the latter found substantial increases. Table 5 compares crime findings of official and victimization reports from 1969 to 1971.

To summarize findings in Lincoln, it is concluded that 1) all data sources consistently indicate that Lincoln's crime problem is largely non-index and property in nature; 2) 1971 data indicate that both index and non-index crime have increased since 1969; 3) substantial upgrading of the police department since 1969 has not been matched by any increase in efficiency - clearing by arrest rates were down in 1971 and 1969; 4) police attitudes toward court dispositions are mixed (there is considerable antagonism about leniency), though slightly improved in 1971 over 1969; 5) judges and prosecutors consistently feel favorably disposed toward one another and the police; 6) courts in 1971 handed down tougher verdicts but more lenient sentences than in 1969 though leniency in disposition was the rule during both years; 7) juvenile involvement in index crime was greater in 1971 than 1969; 8) much crime consistently goes unreported to police; 9) householders are more concerned about property-non-index crime in Lincoln and personal-index crime in large cities; 10) householders believe drugs are a major problem in Lincoln, though this appears in neither official nor victimization data;

11) Lincoln's citizens advocate "toughening up" law enforcement and the administration of criminal justice in both Lincoln and large cities, but more vociferously in the latter; and 12) householders nevertheless endorse constitutional rights in both Lincoln and large cities, but more so in Lincoln.

The citizens of Lincoln, who prize the continuing viability of the folk ethic in their community, are well aware of the symptomatic threat to that ethic constituted by the rising crime rate. It is therefore not surprising that efforts are directed toward providing a more sophisticated and professional criminal justice system. While evaluators are sympathetic with the motives behind the efforts, this presents a point where theories and data begin to raise disturbing questions. The question should be asked, "Is professionalism of the criminal justice system really advisable in Lincoln?" Are the upgrading of technologies and officer competence in the police force (activities associated with greater professionalism) relevant to Lincoln and its crime problem? LEAA and large urban departments feel this double-barreled approach to crime control is applicable. This is in response to large numbers of crimes and frequent commission of violent personal crimes.

Lincoln, on the other hand, has neither large quantities of crime nor much at all in the way of violent personal crimes. While crime is on the rise in Lincoln, and while the police clearance by arrest efficiency is very low indeed, it is questionable to approach these problems via greater professionalization as defined by LEAA. This type of professionalization is accompanied by formalization and impersonalization, an outright anathema to the folk ethic. The irony is the belief that the continuing folk ethic in Lincoln is a substantial part of the reason that the town does not have a major crime problem. This does not lead to recommendation to drop all efforts to professionalize, but may suggest that the participants in the criminal justice system devote their efforts to capitalizing on the continued viability of the folk ethic toward reducing crime and dealing with deviances that do occur. Possibly, this is the basis of a crime-free social system, and without it, all the police hardware and harsh verdicts in the world will not control crime, let alone prevent it.

In this view of Lincoln, we see an administrative style attempting to professionalize the CJS in order to control crime. But this change in administrative style has been followed by increases, rather than reductions, in crime rates. This may suggest a fallacy in attempting to adapt the crime prevention philosophy of urban centers to all communities. Before making more conclusions, we shall see what effect another administrative style has had on the crime rates of a community in the deep South.

Mr. Charles K. Eden, formerly director of a criminal justice program in a 2 year community college, has joined the staff of the Program for the Study of Crime and Delinquency as a research associate. Following is a second view which Mr. Eden reported at the workshop. (For a complete paper see Appendix B).

In this study of a Southern community (population 123,000), we ask what effects the pronouncements of a municipal executive have on the crime rate. Does soft, tolerant reaction of debate and understanding lead to more offenses than an administrative style which proclaims that looters will be shot on sight? Does the personality of the Mayor become such an influential factor that it controls law enforcement reaction and forges dynamic policies of retribution? The study examines the announced rate of reported criminal activity in comparison to the selected official's term of office.

This community is a rapidly growing urban population composed of a preponderance of youthful inhabitants who are native to the state. While the employment level is lower than the nation as a whole, almost one-half of the working population is employed in white collar jobs with a median family income exceeding \$8,000. But the non-whites fall below the state average annual incomes not exceeding \$4,755.

The police department employs a staff of 200 officers, categorized in the following manner:

<u>Uniform Officers</u>		<u>Plainclothes Officers</u>	
Traffic	- 24	Detectives	- 57
Motors	- 6	Superior Officers	- 8
General Patrol	- 105		

The force has seen consistent growth in all but two of the past several years. The department is predominantly White with 190 (95%) of the 200 officers in this category. The force is well trained, and many officers have attended extra FBI or traffic offerings. In 1971, the department had a budget of 1.9 million dollars.

The department operates on a twenty-four hour basis, and receives an average of three hundred calls for assistance per day. Of these calls, 50% involve traffic problems, 10-15% involve criminal acts of a substantial nature, and 25-35% are for complaints of minor offenses.

By its very nature, the total volume of criminal activity is not known. It is assumed that the actual amount of crime is several times that reported. Crime in the community has grown and the crime rate exceeded that of both the state, the South, and the United States. Criminal activity for 1965, 1966, and 1967 are presented in Appendix B on page 98.

A review of data ranging back to 1962 also reveals an increase in the numbers of specific offenses. (Page 98, Appendix B).

A review of a more recent recording sees a similar increasing trend. (Page 99, Appendix B).

In 1967, a new mayor was elected in this community. He was also re-elected in 1971. The mayor immediately dubbed himself as "The toughest law and order man in the United States". An example of his "get tough" attitude is shown when he (running for a seat in the United States House of Representatives) stated that if elected he would offer Lieutenant Calley a position on his staff. He lost the election, however, pulling only 39.3% of the vote. He immediately claimed that substantial numbers of his community's voters wanted to keep him at the city's helm, rather than send him to Washington. He claimed people voted for him to stay as "they could sleep comfortably with me in city hall".

The mayor hit hard at "X-rated" movies and became embroiled in the Sunday-closing "blue law" controversy. However he found no violations of obscene movies, and the mayor's attempted enforcement of the Sunday-closing laws became a farce.

There is a high degree of affiliation between the mayor and the police department. In fact, at one point some members of the vice squad and the mayor were subpoenaed before the county grand jury. No specific criminal charges were ever made. However, the grand jury criticized the mayor for his "over enthusiasm in his desire to establish law and order". The mayor has his own personal radio station, and stays in direct contact with police cruisers. Sometimes, he issues orders that by-pass the police department chain of command.

Regardless of this close interaction with the police department, there is an absence of evidence that the mayor's actions have assisted in crime control. In fact, the Uniform Crime Reports reflect crime in this community has doubled from 1965 to 1971; the Governor's Crime Commission showed a steady rise in offenses in the crime rate from 1965-1967; another source reflects a steady increase in each category of offenses, 1962-1971, and a continuing rising trend in crime is reflected in the 1972 Criminal Justice Regional Profile; detailed data compiled from official records for February 1971 and 1972 compared with November 1971 and 1972 also reflect a continual increase of criminal offenses.

The only information which reflect contrary indicies to the steady increase was announced at the end of December, 1972. It was stated that this community recorded an overall decrease in crime during the first nine months of 1972. However, there was only a decrease of 60 offenses from a total of 4,416. This, although a decrease, may not be seen as a significant change.

What should be pointed out is that although the line was held on crime during the first nine months of 1972 (it is not absolutely accurate to congratulate the mayor for this), there has been shown to be a continued expansion of known criminal activity. The mayor also cannot be blamed for this, but it does not show a consistent pattern as expected for his law and order administrative style.

In this community, with a mayor whose major thrust was "getting tough law and order tactics", there is not shown to be any correlated lowering of crime rates. This study does not conclude that "shoot-to-kill" tactics are ineffective for law enforcement administration, but puts forth one situation where it did not have the desired effect.

This leads us to the question of what effect various administrative styles have on crime prevention techniques. We have seen how Lincoln was not troubled by a major crime problem. The examiners theorize that Lincoln avoids the problem because of the continuing folk ethic in the community and the informal and personal administrative style that permeates the criminal justice system. An attempt at professionalism and impersonalism has not led to a reduction in crime, but has been correlated to a rise in criminal offenses.

In the Southern town, the administrative style was concerned with law and order. The police are well equipped and trained, operating on a budget of 1.9 million dollars. However, even this combined with the concerned hardline policy of the mayor, still resulted in a rising crime rate; although during 1972, the community showed signs of holding the line on criminal activity.

Do these studies show that an informal, personal administration of justice is more effective than a "shoot to kill" police style? This is certainly not the case, and the reader should be careful not to deduce this assumption from these studies. These have only been examples of two completely different administrative styles and the correlation to crime prevention in two specific communities.

Very possibly there is no answer to the question of what administrative style is most effective in reducing crime rates. There seems to be no specific guidelines for making this determination. Discussion on the preceding studies did allow the workshop group to present some factors that carry importance for crime prevention. To plagiarize from Deputy Chief Robert L. Rabe's presentation at the workshop:

"The solution to the crime problem is both simple and complex. Simple because it is easily stated: establish reduction of crime as the first priority of government. Complex because a first priority is more easily stated than achieved". Mr. Rabe's comments indicate that possibly the initial administrative action toward preventing crime is the concentrating of attention and resources that are mandatory to win the war on crime. One positive note on the mayor of our Southern town was that he did concentrate attention and resources toward law and order. His mistake, however, may have been his overlooking the chain of command. Safety Director Bernard Chupka of Columbus, Ohio commenting on the administrative style as practiced by Mayor Tom Moody stated that a mayor who is firm, fair, concerned, and open-minded (especially when the public follows the mayor's lead) provides an effective administrative framework for members of the criminal justice system.

Another needed factor in the administrative style for preventing crime is coordination and cooperation. No single program or agency can effectively be a crime deterrent. Crime prevention is a multi-disciplined program, requiring coordination and cooperation of all agents in the criminal justice system as well as the general public. As Dr. Simon Dinitz remarked in his luncheon address, "the criminal justice system is not in actuality a system". As he then stressed, crime prevention to be generally effective must be attempted by a coordinated effort, the independent operations of various CJS components must cease.

Ultimately, one must conclude from comments and presentations that there is no specific administrative style particularly suited to crime prevention. Moreover, the administration must study the particular needs of the community, the causes of anti-social behavior, and to the shifting pattern of the criminal element; and be flexible enough to meet these challenges. The administrative style must then be adapted to that particular community situation; attempting to adapt the crime problem to the administrative style in practice is futile. Mr. Rabe commented that the city of Washington D.C. was divided into seven police districts, each acting somewhat independently and being responsible for introducing crime programs that meet the needs of the specific area.

This is a perfect example of structuring the administrative style of crime prevention to the particular situation. Indeed, the final conclusion must be based on the premise that no one administrative style is most effective in crime prevention measures. However, the administrative style is most effective in crime prevention measures. However, the administrative style must be adapted to the particular community upon which it is to concentrate.

Hopefully, this discussion of administrative styles has served as a catalyst to thought about the importance of the administration on crime prevention. A fitting ending to this discussion is the last paragraph of the presentation of Mr. Rabe:

"Washington D.C.'s crime rate has been cut in half since 1969 because we have given crime reduction the highest of priorities and attacked the problem from all possible sides. No one program alone can win the war on crime. All elements of the criminal justice system must concentrate their cooperative efforts to successfully achieve this primary goal."

TABLE I

1971 OFFICIAL CRIME PICTURE:

FROM REPORTING TO POLICE THROUGH COURT DISPOSITION

CRIME	REPORTED		EMERGENCY					PRE-COURT MANAGEMENT					PLEAS (ADULT)					COURT VERDICT (ADULT)					COURT DISPOSITION (ADULT)					JUVENILE DISPOSITION				
	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED	REPORTED	VERIFIED		
MURDER AND NON NEGLIGENT MANSLAUGHTER																																
FORCIBLE RAPE	2	1			1	1	1																									
ROBBERY	4	4			3	1	1					1																				
AGGRAVATED ASSAULT	8	8			2	4	5	1*			3																					
BURGLARY	94	91	7*	6*	9	9			4	3	1			1	2		1	1	1													
GRAND LARCENY (\$50+ OVER)	141	119	2	24	3	3			2	1																						
AUTO THEFT	17	2	12		2	2	1	1																								
FORGERY, FRAUD	18	18	1	3	9	9	4	2			1	1	1	2					1													
ARSON	1	1			1	1					1																					
THREAT	1	1			1	1		1																								
VANDALISM	37			12																												
DESTRUCTION OF PROPERTY					7	7	3				4								2		2/2											
ASSAULT AND BATTERY, SIMPLE ASSAULT					20	20	8			4	2	3	1	2	11	1			4/5		5/5											
SMALL LARCENY (UNDER \$50)	291	224	43	17	28	28	4	8	9		2	4	1	12	4				2/2		10/9						4	3	1			
OTHER SEX					4	4			2	1			1	1	1					1/1												
DRUG POSSESSION AND/OR SALE					7	6*			2	2	2			1	5				4/2	1/1												
INTOXICATION					91	91	1	3	17	3	1	55	11	32	55				32/2							1			2*			
D. W. I.					81	81	2	1	1		3	35	37	42	35				1	1		91/1										
CONSUMPTION OF ALCOHOL IN MOTOR VEHICLE					10	10	1	1				7	1	1	7							1										
DISTURBING PEACE					15	15	2				2	7	4	6	7				9/5		2/2											
CONGREGATING AT A POLLING PLACE					34	34						34		34																		
RESISTING ARREST, FLEEING, ABUSING POLICE OFFICER					7	7					3	2	2	5	2				1/1		4/2											
MISCELLANEOUS					22	22	2				6	3	3	3	5	17	3			14/4		4/4										

*-1971 "VERIFIED" IS A PROTECTED FIGURE BASED ON 1969 PERCENTAGE OF "VERIFIED" TO "REPORTED"

→ 1 B+E REDUCED TO ATTEMPTED B+E

- A - 1 CASE, 2 PEOPLE
- B - 1 PERSON CHARGED WITH TWO OFFENSES
- * - PERSON OR CASE APPEARS TWICE
- /m - SUSPENDED (PARTIAL OR COMPLETE)

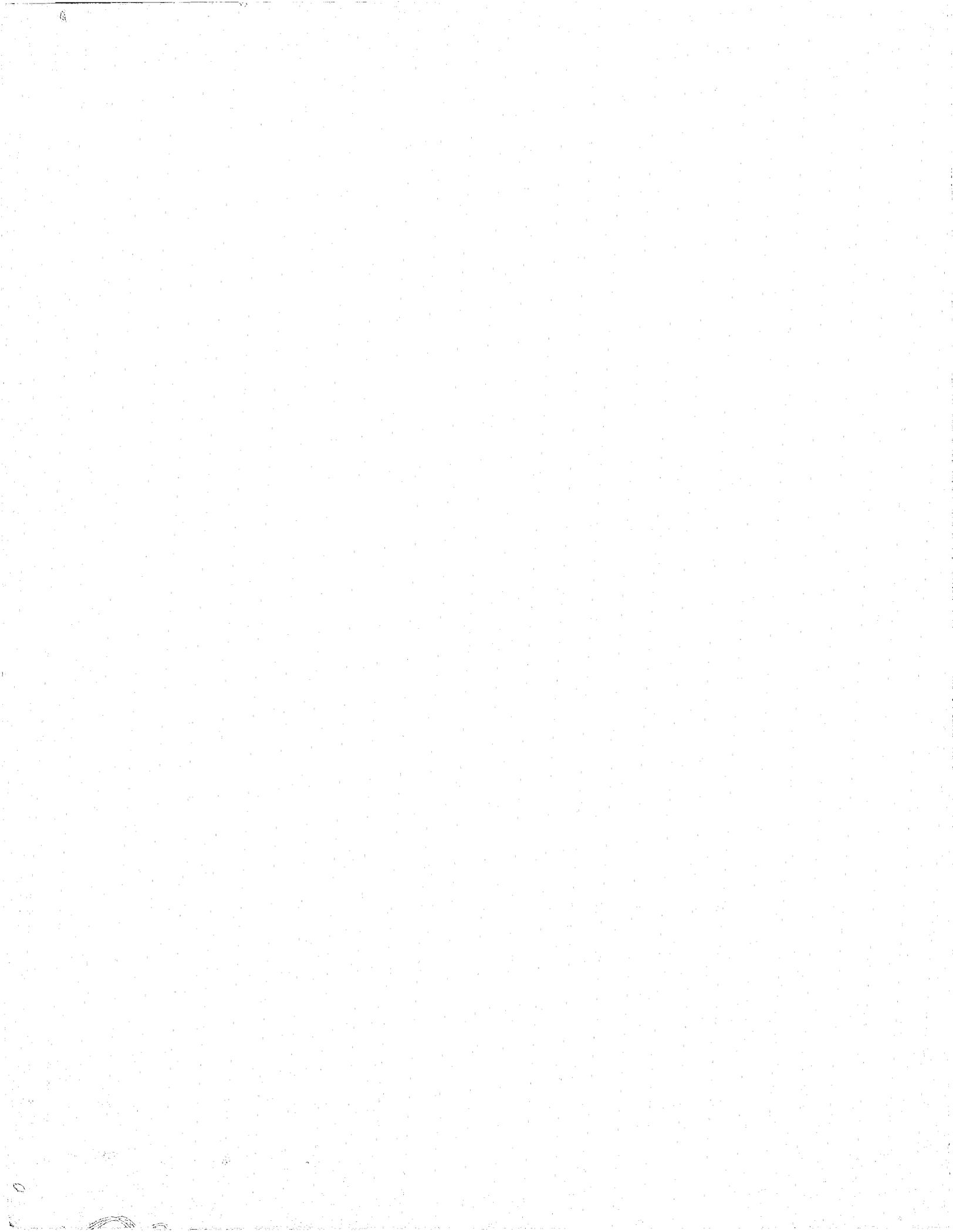


TABLE 3

1971 BUSINESS VICTIMIZATION DATA

CRIME		NUMBER OF INCIDENTS
ASSAULT - AGGRAVATED DANGEROUS WEAPON		1
ASSAULT - AGGRAVATED NO DANGEROUS WEAPON		0
ASSAULT - SIMPLE, ASSAULT AND BATTERY		2
ROBBERY		1
BURGLARY		4
COUNTERFEITING		0
EMBEZZLEMENT		1
FORGERY		3
FRAUD		75
SINGLE INCIDENT	16	
THRU THE YEAR: # ESTIMATED	51	
THRU THE YEAR: NO # ESTIMATED	8	
LARCENY		24
SINGLE INCIDENT	11	
THRU THE YEAR: NO # ESTIMATED	13	
MALICIOUS MISCHIEF		9
THRU THE YEAR: NO # ESTIMATED	1	
THREAT		7
THRU THE YEAR: NO # ESTIMATED	1	
OTHER (IMPERSONATION)		1
TOTAL INCIDENTS		128

BUSINESS PRECAUTIONS AGAINST CRIME		
TYPE	YES	NO
LOCKED ENTRANCE	54	0
BURGLAR ALARM	13	41
SECURITY PERSONNEL	12	42
PRECAUTIONS TO EMPLOYEES	33	21
OTHER PRECAUTIONS - DEVICES	29	25

Workshop Two

FUNDING AND STRATEGY, WHAT IS THE EFFECT?

Moderator: John J. Baumeister

Panelists: Richard Boylan
John Cordrey
Carl Lind

Panelists from three major Ohio cities discussed special programs directed at reducing crime specifically noting funding sources in each instance. Director Richard T. Boylan presented information on Cleveland's Impact Programs; Dr. John Cordrey, Associate, Community Research, Inc., explained the Pilot Cities Program as it is operating in Dayton and Carl Lind, Director of the Program Management Bureau of Cincinnati reviewed "team policing."

Boylan began the first presentation with the startling fact that prior to his implementation of any part of the Impact Program, Cleveland had experienced an 11.3% decrease in crime during 1972 and crime statistics for the first four months of 1973 were running 22% below the 1972 figures. These reductions could not be claimed by Impact and were a problem for Boylan in the sense that they made his goal, to reduce stranger to stranger crimes and burglaries by 5% in 2 years and 20% in 5 years, less meaningful. Nevertheless, the Impact staff is responsible for development, implementation and evaluation of a master plan to meet this goal.

Impact crimes were to be reduced by improving community conditions that cause or allow crimes to occur. These measures include: 1) strengthening family deficiencies that promote crime, 2) dealing with individual conditions linked to crime, and 3) attacking poor target/victim environmental conditions that increase criminal behavior. In addition the Impact Program will enhance the ability of the criminal justice system to prevent and control the effects of criminal behavior by strengthening police, courts and corrections processes.

Director Boylan pointed out that since the inception of the Cleveland Impact Program, goals and objectives have been altered to some degree. The Program presently focuses on the following five areas with emphasis on the "treatment type of component."

1. Police - detection, deterrence and apprehension.
2. Courts - (judicial process)
3. Vocational Education (employment programs to assist the hard-core unemployed). Probationers, parolees -- job development at community level in store fronts etc.

4. Drug treatment program - comprehensive drug treatment programs, funded at approximately 1.6 million dollars per year. Aimed at intervention of jail - street crime - jail cycle with diversion and treatment capabilities.
5. Diversion and rehabilitation programs. Focusing on youth and adults programming ranges from recreation centers extending their activity time into the "peak crime hours" and opening the centers on weekends to community-based probation that has been accomplished with the cooperation of the municipal courts, common pleas courts and the adult parole authority.

Approximately three million dollars will be invested in youth programs as analysis of Cleveland crime data revealed that a substantial portion of that city's criminal violations were committed by persons under 25 years of age. The following profile describes this youthful offender:

1. he is male - usually non-white;
2. living in a high poverty area;
3. is a school drop out with a history of truancy;
4. often has an established drug use history.

The major thrust of programs aimed at juvenile and young adult offenders focus on prevention and rehabilitation.

Given specific emphasis in Director Boylan's talk were the increased court services. Cleveland has developed a double docket system with the assistance of six visiting judges (additional prosecutors, defense attorneys, and supporting staff have been supplied). The better utilization of court rooms through double shifts has reduced the backlog of felony cases.

The final area stressed was the aspect of evaluation. It was pointed out that a good evaluation is important and a key to funding. Cleveland is making "sizable expenditures" to determine the effectiveness of their programs. It was stressed that the evaluation should provide "solid quantitative measures."

Director Boyland stressed that in the future the criminal justice system should look toward developing funding sources. (There are funds available). He emphasized a need to be crime specific and spell out goals and objectives. It was noted that 74 state guidelines were AJD funding (essentially a crime specific approach). Director Boylan indicated that unless you address yourself to the goal and evaluation component there would be limited opportunities for funding in his opinion.

The second presentation of funding strategies for crime prevention was Dr. John Cordrey's examination of the Pilot Cities Program reprinted here in its entirety.

PILOT CITIES STRATEGIES

Background

The Pilot Cities Program is funded by the Federal Law Enforcement Assistance Administration, an arm of the Justice Department. The program was created by the Safe Streets Act of 1968.

As the name indicates, the program is a pilot or demonstration effort. Only eight cities nationally are participating. The program combines elements of research, technical assistance, and funding of demonstration programs. Each Pilot City, i.e., Dayton/Montgomery County, is entitled to receive \$500,000 per year to develop, test, or demonstrate some crime prevention or crime reduction programs.

The Pilot Program was established to run for five years. The Dayton/Montgomery County Pilot Cities Program has been in operation for approximately two and a half years. The staff is made up of experts in police, courts, corrections, and research. Community Research, Inc., a local non-profit research organization, acts as the grant recipient for the program and provides supportive services.

The general purposes or objectives of the program are the following:

1. Create a research capacity in the local community that will promote a more thoughtful response to Criminal Justice System (CJS) problems.
2. Provide information, analysis, and research tools with which local criminal justice agencies can examine their own policies and practices.
3. Demonstrate the effective use of research and supportive techniques, especially in the fields of computer science, modeling, and information science, and transfer these technological methods to local agencies by the end of the project.
4. Act as a source of project ideas and information for the federal government in order to allow the Law Enforcement Assistance Administration to respond more effectively to local government.
5. Demonstrate the usefulness of research suggestions by establishing operating projects at the local level and evaluating their success.

The Pilot Cities Project has gone through two phases since its establishment in July 1970. During Phase I (the first 18 months), the project gave a heavy emphasis on identifying immediate CJS problems, planning overall CJS solutions and providing technical assistance to existing criminal justice agencies. The team's research and planning programs during Phase I were aimed at improving the efficiency of criminal justice agencies.

The Pilot Cities team assisted directly in the development of these projects, all of which were funded by Pilot City discretionary funds:

1. The Public Defender and Pre-Trial Release Program provide legal council for the indigent and an investigative program which reduces the likelihood that a person released on his own recognizance will fail to appear in court.
2. The Diagnostic and Treatment Services for the Dayton Human Rehabilitation Center provides psychological and medical testing and counseling for inmates at the Human Rehabilitation Center. The program also provides for treatment of problems uncovered by the diagnosis.
3. Concept of Information Retrieval for Crime and Law Enforcement (CIRCLE) was the design phase of a region-wide, computerized information system to serve all criminal justice agencies. The program is presently pending while appropriate equipment to make the project operational is identified.
4. The Criminal Justice Center concept broadened the Dayton Police Academy. The course material has been expanded to include courts and corrections subject matter, and the center is open to students from agencies anywhere in the county.
5. Police programs were aimed at increasing the probability of getting caught and reducing the number of crimes. To accomplish this strategy, a series of Dayton Police programs were developed. They included Team Policing, Conflict Management, Neighborhood Assistance Officers and Community Service Officers.
6. Comprehensive Addiction Services Programs aim to reduce the number of crimes related to the use of drugs by providing a program of maintenance or withdrawal and treatment to the skid-row alcoholic as a medical-social program rather than a criminal justice problem.

During Phase I, thorough evaluations of several operating projects were completed. They were: Team Policing, Conflict Management, Community Service Officers, Neighborhood Assistance officers and Drug and Alcoholic Rehabilitation Programs.

Finally, during Phase I the team began several research efforts. Base line data was collected on demographic characteristics of the population and on functions of various criminal justice agencies. However, the major research project was the development of a computerized model of the Juvenile Justice System. The model described in quantifiable terms the functions of the system. By changing certain functions or personnel measures of cost/effectiveness, these alternatives could be predicted.

Phase II of the project which began January 1, 1972, has focused mainly on research. Rather than concentrating on incremental improvements in the system -- that is, improving efficiency or operations -- the research was aimed at identifying causes of crime.

This effort required an expansion of the base line data gathered in Phase I. The data on demographic characteristics was expanded. Information on the number and types of crime committed by geographic districts, census tracts and cities, was also collected. These two sets of data, the one on community characteristics and the other on the incidence of crime collected on the basis of the same geographic districts, could then be combined to yield some indicators of the sensitivity of crime to the characteristics. In other words, we have begun to identify or associate the root causes of crime in the community.

The next step, the one in which we are now engaged, attempts to identify appropriate corrective measures for the identified causes. The corrective measures will have the effect of improving efficiency of operation, but their primary thrust will be to address the causes of crime in the community.

The next step, the one in which we are now engaged, attempts to identify appropriate corrective measures for the identified causes. The corrective measures will have the effect of improving efficiency of operation, but their primary thrust will be to address the causes of crime in the community.

A few examples of the concept currently being developed and soon to be demonstrated are:

1. Informing the public of the changes in concepts and philosophies of the law enforcement agencies, courts and corrections.
2. Ending careers of crimes through increased services beyond probation and parole.
3. Providing post arrest and pre-trial alternative treatments to adult offenders.
4. Implementing the reduction of juvenile recidivism through increased information to base diagnosis and provide alternative community based rehabilitation programs.

The brief overview of the goals and achievements of the federally funded Pilot Cities Program hopefully will serve as the background from which additional questions may be raised. Next, in keeping with the theme of this workshop, I would like to address the concept of strategy and demonstrate how the Dayton Police Department using monies from LEAA (Pilot Cities discretionary funds) was able to proceed towards the accomplishment of a specific strategy.

Strategy for Reducing Crime: The Concept

To develop a strategy to reduce crime implies that some knowledge of criminal behavior is known, and through this knowledge, certain types of actions can be taken to reduce the number of persons who will engage in criminal behavior. Economists (social behavioral scientists) have looked at the reduction of crime from two broad strategies. They argue that the number of crimes committed by members of society depends upon the cost of entering crime and the benefits derived from a career in crime. Thus, if society wishes to reduce the number of crimes, strategies should be directed toward increasing the individual's cost of entering crime or reducing the benefits from crime. This paper is not the proper place to address all the variables included in the above strategies.

One of the component parts of increasing the cost of entering crime is to increase the probability that police will make the apprehension. Conceptually, the probability of getting caught will depend upon: (a) the number of police officers, (b) the skills, training, and experience of the police officers, (c) the capital equipment per officer, and (d) the community-police relationship. The central idea pertaining to the above factors is that if these factors are increased, apprehension rates will increase, the cost of entering crime will have increased, and this should lead to a reduction in the number of crimes.

Strategy for Reducing Crime: The Programs

To test the above concept, a set of programs, using Pilot City Discretionary Funds, was developed and operationalized by the Dayton Police Department. These four programs were: Team Policing, Conflict Management, Community Service Officers and Neighborhood Assistance Officers. A brief description of these programs, stated objectives and funding values follows.

Team Policing

The Team Policing organizational concept required that individual police officers have the major responsibility of bringing police calls or complaints to a satisfactory solution. This may require (depending on the call) that the officer(s) must make the initial identification of the complaint, the follow-up investigation, the apprehension and the preparation of evidence for trial. In other words, an officer in Team

Policing is required to answer dispatch calls, investigate crimes, apprehend suspects, recover stolen property, and prepare evidence for trial.

Although experience has shown that more police officers are required using this organizational arrangement, the additional responsibility will improve the quality of police officers and, thus, contribute to the overall strategy of crime reduction. In addition, Team Policing places the officer "back in the community" thus improving the police-community relationship.

The two objectives of Team Policing were: (1) to provide an organizational concept of police services comparable to the traditional police organization and (2) to produce a community-centered police structure more responsive to and understanding of neighborhood life styles.

Measures of effectiveness used to establish the first objective were:

1. Total number of dispatch calls answered.
2. Increase in clearance of reported Part I and Part II crimes.
3. Increase in recovery of stolen property.
4. Decrease in apprehension time of Part I crimes.
5. Increase in successful prosecution of persons arrested.

Community attitude surveys were used to measure the second objective.

One of the guidelines on using Pilot City discretionary funds is that the program may be funded for one year only. A total of \$143,413 was awarded to the Team Policing experiment. This experiment has been picked up by other LEAA funds, and has been going for approximately two and a half years.

Community Service Officer

Community Service Officer (CSO) program was Dayton's strategy for increasing its minority personnel shortage, increasing the manpower within the department and increasing the rapport between the community and police. Persons with inadequate or non-existent work experience and job skills, substandard education, delinquent and/or criminal records were to be included as potential police manpower. Their tasks would include service to the community that did not involve apprehending suspected persons.

However, although a CSO was not a full-fledged police officer upon entering the program, a well defined career ladder was available so

that he could become a police officer.

Measures of effectiveness of the CSO program were: (1) their general acceptance by the regular police officers and (2) the number of tasks they perform in the community. The CSO's and police officers of Team Policing were to work together to bring about the strategy of increasing manpower, improving skills and increasing police-community relationships. The CSO program received \$279,852 of Pilot City discretionary funds.

Neighborhood Assistance Officer

Neighborhood Assistance Officer (NAO) program was another attempt to get more manpower and increase police-community relationships. The NAO program was a volunteer program. Its specific objective was to act as extra "eyes and ears in the street" for the police officers. They also answered some service type calls.

Measures of the effectiveness of the NAO program were the number of persons involved, the number of hours used in patrol and the number of service calls answered. This program received \$53,204. It has been picked up through Model Cities money.

Conflict Management

The Conflict Management (CM) program was designed to identify and reduce the factors causing community tensions. Rather than dealing with the results or symptoms of conflict and disorder, this team would approach a troubled situation with the idea of "reasoning through" the problem rather than reacting to the problem. Its specific objectives were: (a) to better police-community relations through improvement in police work, (b) to develop alternative responses to community conflict and (c) to advise the Dayton Police Department of these findings.

The measures of effectiveness of the CM program were: (a) acceptance by the police department, (b) acceptance by the community, and (c) the impact, or reduction of the number of tensions in potentially violent situations. The total Pilot City discretionary funds awarded this program was \$98,595. This program has been continuing to use other LEAA monies.

In some way, each of these four police programs were expected to influence the factors that would increase the probability that a person committing a crime would be apprehended. Particular emphasis has been placed upon community involvement and community responsibility towards crime prevention and reduction. Pilot Cities discretionary funds were used to initiate these programs.

Strategy for Reducing Crime: The Results

The final judgement on any strategy must be made in terms of its

impact on the stated objectives. However, like so many social strategies, measuring and delineating specific results are difficult. The results of this Community-Police strategy will be discussed in terms of each program's impact on the number of reported crimes, acceptance by the other police officers and the program's future plans. A general statement of performance will accompany each program.

The number of reported Part I crimes decline within the City of Dayton from 1970 to 1972 (Table 1). The total number of crimes declined nearly 3000 from 1970 to 1971 but increased by about 1500 from 1971 to 1972. In the experimental district, the number of Part I crimes also declined. The decline was approximately 200 Part I reported crimes. Percentage-wise, the proportion of Part I crimes compared to the total city-wide Part I crimes increased from 24 to 26 percent. Thus, the reported Part I crimes decline within the city and experimental districts; however, the decline within the experimental district was less than city-wide.

Table 1 Reported Part I Crimes, City of Dayton and the Experimental 5th District, 1970, 1971, 1972

Year	<u>Area</u>		Proportion of 5th District to City (percent)
	City (number)	5th District (number)	
1970	23,666	5,732	24
1971	20,826	5,537	27
1972	21,475	5,550	26

Also, members of Team Policing have not been able to maintain the same clearance rates as those obtained for the central detective squads. However, they have maintained a clearance rate that was similar to clearance rates in that area prior to the Team Policing experiment. In addition, the community-police relationship measured by community attitude towards their police was no better than the control group's acceptance of the traditional policing organization. Finally, some reluctance to changing from the traditional organization to the Team Policing organization was noted by many of the other police officers. Nevertheless, plans for decentralizing the Dayton Police Department using a modified Team Policing organization approach is currently being studied.

The Community Service Officer program which was to provide additional manpower to the Team Policing experiment was never implemented as planned. Austerity forced the city to use the funds to employ other city employees, who would have to be furloughed, as CSO's. Eventually the

funds were exhausted, the CSO's furloughed and the program died.

From the CSO evaluation, however, the acceptance of the program by the police officers was very low. In general, even if the program could have developed as planned, it is believed that the police officers would not have accepted it and thus it would very likely have failed.

The Neighborhood Assistance program, a volunteer manpower program, did become operative within the experimental district. This program showed a large number of service calls and miles patrolled. In addition, it was estimated that the program saved the city over \$50,000 dollars in direct service labor.

In general, this program has been accepted by the members of the community and police officers. The program has become a city-wide project. Currently, it is being funded from City-Wide Model Cities.

The Conflict Management program was a city-wide project, but did operate within the experimental district. Because of limited resources, the program was fully operational in only a few sections of the city. The number of disturbances and malicious destruction of property crimes was less in those areas where Conflict Management operated. Also, school disturbances and outbreaks at the Montgomery County Fair have declined because of this program.

The community at large has accepted this program. However, this program has met real resistance from many of the regular police officers. Despite this fact, the program has been funded by other LEAA sources at an increasing rate.

Thus, these four programs which made up one strategy for reducing crime within the City of Dayton must be judged with mixed conclusions. The Team Policing organizational concept has not shown an overwhelming advantage in the short run, two and one-half years, over the traditional policing organization. The Community Service Officer program was never really tried, but indications are that it would have had difficulty being accepted as part of the police department. The Neighborhood Assistance Officer program has accomplished most of its stated objectives and has gained some acceptance by both the community members and police officers. Finally, the Conflict Management program has been successful in reducing tension incidents but its philosophy has not been fully accepted by the entire police department.

Therefore, no clear cut conclusion on this strategy is warranted. The Dayton Police Department has made plans to modify the Team Policing concept and implement the modified version city-wide. Neighborhood Assistance Officers and Conflict Management will accompany the modified decentralized Team Policing concept.

The strategies and Funding Workshop concluded with the following remarks by Carl A. Lind discussing Team Policing.

The basic question to be addressed in this brief discussion is: How can a police agency organize itself to deal more effectively with its primary responsibilities in the coming years? A very common reply given in the United States today is, "Team Policing." Among the many programs called Team Policing, the common denominator seems to be the assignment of a group of officers to patrol a given area. We need to go much beyond this simplistic statement in order to determine what there is in team policing which generates some ray of hope for the future of policing. Therefore, the focus of this paper will be to analyze the mechanisms which are present in some team policing models which would enable a police agency to more effectively deal with criminal victimization.

The objectives of police agencies are often described as being:

1. Prevention of crime;
2. Protection of life and property;
3. Suppression of criminal activity;
4. Apprehension and prosecution of offenders;
5. Regulation of non-criminal conduct; and
6. Preservation of the public peace.

We have found that we are not uniformly effective in attaining these objectives; crime is still increasing despite our best efforts. The President's Commission on Crime pointed this out and also indicated that we cannot attain these objectives so long as police agencies are expected to struggle with these problems in an atmosphere lacking the assistance of the greater community.

The Commission also suggested a solution -- team policing. Team policing does not aim toward new objectives and goals (it is not just a public relations program) -- in fact, the goals and objectives of the police have stood the test of time. Team policing is designed to recognize that the attainment of these goals cannot be accomplished by the police agency alone. Instead of operating in a vacuum, the community, social and other governmental agencies, and society itself, all play a role in carrying out the police function.

The aspects of team policing which are crucial for reducing criminal victimization seem to be:

1. Consistent assignment,

2. Unification of control, responsibility,
3. Team decision-making power,
4. Development of the police officer as a generalist, and
5. Communications.

The consistent assignment of an officer to the same area allows the officer to become familiar with that area and its people to a much greater extent than is possible under a system of rotating assignments. Consistent assignment tends to breed a proprietary interest in the community on the part of the police officer once the officer recognizes that present actions may cause problems for him in the future.

By unifying the control, responsibility and supervision in an area, the actions taken by police officers can become more consistent. By developing a consistent, high level of service, a major roadblock to communication is removed. We all often find a high level of fear attached to situations with which we are unfamiliar. Certainly citizens must experience great anxiety in their contacts with police officers considering the current practices of many police agencies. Many different units, each having its own specialized function and its own line of command may operate in the same small area in the same day.

Coupling a simplified control structure with team decision-making power enables the police to develop plans on the basis of local level information which should be more in keeping with community needs. This approach allows the officer on the street more latitude in dealing with the problems he faces. The more consistent performance and greater commitment developed through such a system should create an environment in which police officers and community residents can develop an effective alliance against crime.

Another element of this plan is the development of a generalist officer. A generalist should be capable of delivering the complete spectrum of police services, thus providing more effective follow-through concerning the delivery of those services. An officer who has had adequate training and experience should be able to carry out investigations of all types as well as provide the routine services expected of patrol officers.

All of the factors should also tend to improve communications both within the agency as well as between its representatives and the community. The current structure of police agencies is a great deterrent to the effective communication of information which is of importance to the agency. By simplifying the chain of command and responsibility, the major obstacle to internal communication is removed. Furthermore, the police agency itself must take the first step in improving its relations with the community. The development of stable

lines of communications is of great importance in encouraging mutual trust, understanding and aid among the police and the community.

Providing an officer the opportunity to understand the community, allowing a group of officers to define their own problems, goals and policies, developing a generalist notion of policing and improving communications should improve the outlook of policing in the future. Perhaps none of this discussion is new to any of us, but we must begin to look for new methods of providing police services. The ever-increasing problems that face us serve as prima facie evidence that we have not yet obtained the ultimate goals of policing. The need to find new solutions is to become even more urgent as our society clamors ever more vociferously for better police service. Even if crime does not overwhelm us in the coming years, public sentiment will, unless viable methods of policing are developed. The reorganization which has been outlined in these pages is one method which hopes to achieve the vital alliance among the police and the community needed to promulgate the more effective delivery of police services.

Workshop Three

STRATEGIES OF PRIVATE/PUBLIC POLICE COOPERATION

Moderator: C.E. Simonsen

Panelists: Earl Burden
Dan Clancy
Craig Michalski

The workshop on Private/Public police cooperation was paneled by Earl Burden, Chief of Police, Columbus, Ohio; Craig Michalski, University Circle Inc, a private police agency; and Dan Clancy, Director of Law Enforcement Training, Case Western Reserve Medical-Law School.

Chief Burden discussed some of the cooperative areas and problems with private police as they relate to the Columbus police operations. He mentioned that the difference between a private investigator and private police is subtle but important. The private investigator must be licensed and engages in investigation activities. He carries only the citizen's power to arrest, however, and has no power to carry a concealed weapon. Private police, on the other hand, may or may not be licensed. Their power of arrest is determined by the Director of Public Safety. Private police have a very specific mission for a limited area, the job of the public police is to cover all areas equally.

Chief Burden indicated that more private police are needed to work in the area of bad checks and shoplifting. In shoplifting cases, the Columbus police provide transportation for the private police to get the suspects to the police station, but store representatives must file an affidavit at once to avoid civil action.

The Law Enforcement Liaison Luncheon, held once a month at the Defense Supply Agency Depot, helps public and private agencies get together. This program is informal, without speeches or particular agenda which helps foster cooperation.

One area that needs expansion in the private sector is the service of personnel clearances. This is a costly and time-consuming job for a public agency. If more of this could be accomplished by private agencies, the police could spend more time on crime. As numbers of police increase, and as security becomes a more and more apparent problem to businessmen, the competition for personnel will become acute. Columbus police are competing with private agencies which start their people at \$2000 - \$3000 a year more. This problem must be solved if cooperation can be expected to expand between private/public police agencies. They depend on each other and will continue to develop ways to supplement their separate roles.

Dan Clancy, Director of Law Enforcement Training at the Case Western Reserve Medical-Law School discussed the program and its development.

As an original concept, The Law-Medicine Center began with conversations in the Spring of 1952. Alan R. Moritz, M.D., Director, Institute of Pathology, Western Reserve University; Samuel R. Gerber, M.D., J.D., Cuyahoga County Coroner and Oliver C. Schroeder, Jr., J.D., Professor of Law, Western Reserve University were involved. The Center began discussions as Cuyahoga County was building a new Coroner's Office and Laboratory on the University campus adjacent to both the School of Law and School of Medicine. The Coroner's Office was envisaged not only as a public health and safety office but also as a teaching institution with its own amphitheatre. A major part of the county-wide election campaign for the building bond issue had emphasized this important, education function involving law and medicine, hence the Center was created to fulfill this promise to the citizens of Cuyahoga County.

On February 1, 1953, the Center was officially established by the University's Board of Trustees as a service institute of Western Reserve University comparable to the Institute of Pathology, Biological Field Station, Psychological Research Services and others.

The purposes of the Center were:

To improve justice, both its civil and criminal administration, by

Utilizing science, especially medicine, to

Provide accurate and truthful facts and to eliminate error, especially in the areas of legal medicine, forensic science, police science and crime prevention at the Local Community level.

Principles upon which the Center was founded were:

Justice is the result of applying law to facts. Only to the extent that just laws can be applied to truthful facts is the ultimate in human justice achieved.

Science, especially medicine, is a major source for obtaining truthful facts in the:

- a. Civil justice involving personal injury and death litigation, workmen's compensation claims, life, health and accident insurance contracts, social security benefits, ecological health, public health, private health.
- b. Criminal justice involving detection, apprehension, resolution and prevention of crime.

Local Community is the primary area where justice is achieved for the majority of persons in the United States. To provide for better use of science, particularly medicine, in the

administration of civil and criminal justice at this level makes a major contribution to the improvement of American justice.

The Center's budget and administration authority lines go to the Dean of the School of Law then to the President of the University. No official advisory group exists but advice has been sought from many professional persons in law, medicine, dentistry, law enforcement, and other professional groups. The University and the Board of County Commissioners have a contract by which the Center provides basic police training and specialized training for municipal police officers in the county with the county government subsidizing a portion of the tuition costs for each police officer. Annual operating expenses have averaged in recent years about \$110,000.

In an effort to achieve its goal of improving the quality of administration of civil justice, The Law-Medicine Center has offered and been involved in a number of courses offered to lawyers, doctors, law students, medical and nursing students, and the publication of various publications on medical-legal issues.

The activities of the Center in the area of criminal justice have focused primarily on the law enforcement officer and have had the goal of providing programs through which they may better fulfill their duties in the area of public safety. Programs fall into the following categories: Training; Publications; Testing; Surveys; Consulting.

Training

Since 1953, The Law-Medicine Center has conducted 246 training programs which have been attended by over 11,000 officers from 38 states, the District of Columbia and 7 foreign countries. The training programs have ranged from basic police school to very specialized in-service training programs. In 1966, the Center was approved by the Ohio Peace Officer Training Council to conduct the basic police training course required of all newly appointed police officers.

In January, 1969, the Center inaugurated its Private Police Training Program. Since then, approximately 23,000 persons have attended one of the 45 basic training programs. Advanced programs have also been offered for private security officers. Ohio was the first state to have an approved training program for private police.

Publications

Since 1954, The Law-Medicine Center has developed a number of publications for law enforcement officers:

Ohio Law Enforcement Training Bulletin. A bi-monthly four-page

publication designed to help up-to-date the law enforcement officer in law, procedures and other developments of interest. Has been published since April, 1959. More than 2500 persons subscribed during 1972-73.

Ohio Criminal Justice. A compilation of selected criminal statutes and includes an Ohio analysis of elements of crimes. Used by practitioners and students throughout Ohio.

Ohio Traffic Laws. A compilation of selected motor vehicle statutes.

Private Police Training Manual. Used as a text in Private Police Training Courses at Case Western Reserve University and other training schools throughout Ohio.

Testing

Since 1961, The Law-Medicine Center has contracted with municipalities throughout Ohio to prepare and administer police recruit and promotional examinations. In 1970, this service was expanded to include fire recruit and promotional examinations.

Surveys

The Law-Medicine Center has from time to time surveyed police departments and college security officers.

Consulting

The staff of The Law-Medicine Center has served as consultants on a number of projects, the most recent being a security project being conducted by The Fairfax Foundation on the near east side of Cleveland and a security project made up of the residents of Cuyahoga Metropolitan Housing Authority highrises.

In 1971, the Center initiated a police legal advisor program for small to medium size police departments in the Cleveland area. This program provided an attorney on a full-time basis to a number of contiguous police departments. This project was one of the first of its kind in the United States.

Mr. Craig Michalski of University Circle Incorporated discussed the program of expanding services offered by their private police agency. He particularly described the coordination of efforts required with the Cleveland Police Department in order to establish private policing of the University Circle area. They are also conducting many experiments in crime prevention, to include the use of lighting and remote TV cameras. These efforts, from preliminary analysis, have been highly

successful. One of the benefits he noted was that the University Circle operation releases a large number of Cleveland police officers for other duties throughout the city.

Most of the University Circle private police are trained in Case Western Reserve's Law-Medicine Center program. The level of pay and the level of education for the staff is higher than most other police agencies.

Workshop Four

STRATEGIES WITH OUR YOUTH

Moderator: John J. Baumeister

Panelists: W.P. Kennel
C. Buckenmyer
Nancy Giles

The workshop topic, "Strategies With Our Youth" brought together Judge W.P. Kannel of Summit County Juvenile Court; Charles Buckenmyer, Chief of Prevention, Ohio Youth Commission; and Nancy Giles, Community Relations Officer with the Westerville Police Department.

Judge Kannel began a stimulating presentation about the Juvenile Court pointing out that the juvenile court has not realized its goals in rehabilitation. He conceded that those working in the criminal justice system must realize the "rights of youth" but he was not of the opinion that the juvenile justice system would rise and fall on "due process". The key was more likely to the power to rehabilitate. Judge Kannel continued that many adult courts are presently looking at Juvenile Courts and establishing practices that closely parallel those used in juvenile judicial systems for years. Will this prove successful for them is the implied question.

In answering the question of whether the juvenile court system really works Judge Kannel stressed the fact that individuals working within the court system must be "vocal and visible" to the public if they expect to receive community support to make it work. The court is accountable to the community for its activities and should be required to deliver the services it reports it delivers. For this reason community involvement is most desirable. Judge Kannel discussed the participation of 60 labor leaders actively involved in the juvenile court system in Akron. This group, after observing the juvenile court, spent a week together evaluating the system in an attempt to make it more relevant to the youth it services in the Akron area. Judge Kannel stressed that in developing citizen participation, organizations must try to involve "key citizens". Their presence brings in others. When citizens are included you bring additional expertise to the court. For example, in Akron, Goodyear executives have been interested in the court and have lent the use of their computer to the court to improve services.

Specialized expertise from within and outside court is used in efforts to determine who is best suited to be placed on probation. Systems analysis is being used to determine what services suit what clients most effectively.

Noting the numbers his court handles, Judge Kannel pointed out that approximately 4,000 youth had been contacted in the past two years (2,000 would never come back). Approximately 900 of these youth were called to the attention of the court for being unruly children. The

delinquency problem with reference to the females in Akron has been increasing over the past several years. In an effort to cope with this and with the problem of delinquency in general the Summit County Juvenile Court is taking various innovative approaches. They have established community outreach programs that are available 7 days a week, counseling centers for family problems and individual problems, diversion centers, two "attention" homes and crisis intervention homes. Selective use of these is important. It has been determined that in some cases placing a child in a detention home is not in the child's best interests, since this may delay a work up by the court official for as long as two weeks. Providing parents with family counseling or placing the child in an detention home are two alternatives the court has as it seeks to meet the needs of the child, the family and the community.

The court in an effort to train its employees has developed a video tape center. In conjunction with the tape center is a tape library which provides an important tool for in-service training. In addition, role playing is used and numerous other techniques to bring about an "intensive in-service program.

Judge Kannel stressed the need to involve the community. Many groups have volunteered to give assistance to the juvenile court program and a plan has been proposed for opening the agencies under court jurisdiction so that the voters can evaluate for themselves the type of programming being conducted by them. For this Kannel has established a lay group of volunteers who are available to conduct tours at any time through the juvenile court facilities. Labor unions, the League of Women Voters and other organizations are involved. Another example of community cooperation is the recent YMCA merger with a model cities project. This combined effort has enabled Akron to develop a "Day Care Probation Center" for youth in difficulty. It is conceivable that if this program was not available many of the youth involved in their programming would be committed to the Ohio Youth Commission. The program is a joint effort of the YMCA, Juvenile Court and the Board of Education. It consists of a half a day of school and half day work with counseling and supportive treatment efforts, by a well trained staff.

The Judge has also developed a Citizens Advisory Board to help him plan appropriate programs and find funds for financing them. This Citizens Advisory Board has also been extremely valuable in working with the county commissioners who provide the funds for the juvenile court.

If alternatives to removal from the community are not successful the juvenile offender is placed in the custody of the Ohio Youth Commission. Mr. Charles Buckenmyer, Chief of Prevention with OYC addressed the workshop on OYC's role in keeping youth out of the institutes and also reducing recidivism.

Mr. Buckenmyer pointed out that youth in difficulty are in need of services now. The youth that OYC comes in contact with have had

numerous court contacts. In the past the primary responsibility of the OYC was the institutional care of these youngsters. Through the establishment of LEAA grants, staff has been added to the seven regional offices throughout the state so that now the commission can stress prevention, attempting to keep the youth out of the criminal justice system. However, once the youth is in the system, OYC must meet his needs. New programs are aimed at reducing recidivism. The Youth Commission is employing "detached workers", and using volunteers in recreation. There is also increasing emphasis on the need for a community based program.

Mr. Buckenmyer pointed out that there is a need to encourage strong community interests in the area of juvenile delinquency. He suggested that the regional offices of the OYC were being used as catalysts to develop and stimulate community activity. There was considerable comment on the fact that juveniles committed to state institutions will return to the community possibly to be our next door neighbors. The old adage "out of sight, out of mind" is not sufficient to cope with a juvenile delinquency problem in our community today.

Supporting one such program in Dayton the OYC is going to assist the YMCA to develop their detached workers. Numerous areas are being expanded by the Commission. The use of volunteers, group homes, crisis intervention centers, youth service centers, job training, employment services and youth advocates are areas that are presently under study or actually being developed within the state by the Commission. If alternative and diversion strategies can be developed it was felt that approximately 30% of the OYC youth could be handled in the community. This is especially true of offenders committed primarily for running away from home and unruly behavior.

As a representative of the OYC, Mr. Buckenmyer pointed out that staff members were not attempting to "sit in Columbus and try to dictate to the cities" how they might resolve the juvenile delinquency problems in their area. The present strategy of the Commission is to find "good staff" that are knowledgeable in specific cities. They plan to employ competent individuals and permit them to work actively in their local community with the local officials and the OYC to strengthen existing and to develop new programs to work with the youth of Ohio in prevention and rehabilitation.

Another important strategy for crime prevention is the use of community liaison personnel by enforcement agencies to foster cooperation between the local police department and the public it serves. Officer Nancy Giles of the Westerville Police Department discussed this activity.

Officer Giles began by stressing the need for the community relations officer to be involved actively in the community in the area of prevention and education. She pointed out that communities are in a constant state of change. In the community to which Officer Giles is presently assigned,

50% of the population is considered "new". The established or "older" community at times is unwilling to recognize both the change and the problems that have developed in the juvenile area. Officer Giles has taken a two-fold approach to her responsibilities. The first is to work with the adult community that constantly comes in contact with and has significant effect on the youth of the area. She specifically emphasized that she works very closely with adult civic organizations, the PTA, teachers groups and any organizations that come in contact with youngsters of the community or could possibly have a positive effect on this population.

Officer Giles described the above approach as working with the "external environment." Her second approach is to work intensively with the "internal environment", with the youth directly in the community. Her goal is to help the youth relate positively to their community. As an assigned responsibility, Officer Giles is the liaison with all the schools located in the Westerville area. This includes a small college.

It was specifically emphasized, and strongly stressed that in working with young people, a public relations officer must have a specific "skill or knowledge" to bring to them. One such skill of Officer Giles is that she is a Red Cross instructor. She often uses it to bridge the gap between the youth and the adult community. Officer Giles pointed out that she receives more requests from youth groups than she does from adults for speaking engagements. Although the topics she is requested to speak on vary from group to group the subject inevitably will focus in on "What Is The Area of Responsibility of the Police." In discussion, explaining and pointing out specific areas of responsibility, Officer Giles is convinced that she is assisting the youth of her community to improve their attitude toward and relationships with the police and their community at large.



CONTINUED

1 OF 2

Workshop Five

STRATEGIES IN CORRECTIONS AND REHABILITATION

Moderator: C.E. Simonsen

Panelists: W. H. Dallman
Robert White
Richard Seiter

This workshop topic brought together Mr. W.H. Dallman, Superintendent of the Lebanon Correctional Institution; Dr. Robert White, from Man-to-Man Associates; and Mr. Richard Seiter, Director of the Halfway House Evaluation Project for the State Planning Agency.

Mr. Dallman gave a description of the efforts to upgrade the quality of life within a security prison. He described the many projects within the walls that are aimed at humanization of the institution as much as possible. Superintendent Dallman outlined the different grades of security for inmates at Lebanon and ended this description with the minimum security unit located outside the walls of the institution. He described the use of local academic and vocational training centers for the education of the honor inmates. He further described how these inmates have been totally accepted, after initial skepticism, and are working out well in the community. One of the most interesting parts of Superintendent Dallman's informal discussion was his description of a project with the local hospital for severely brain damaged children. He noted that the hardened inmates who worked with these children became softer, and received as much-or-more benefit from this voluntary program as the children. He closed by noting that these programs were available in only limited amounts and that expansion, while underway, has a tendency to meet some community resistance. He is continuing to seek out as many ways as possible to face the challenges of at least a beginning of integration of activities between the security prison and the community.

Dr. Robert White, Executive Director of Man-to-Man Associates, a volunteer group, described their program.

In 1972, the Administration of Justice Division of the Department of Economic and Community Development awarded a grant to the Department of Rehabilitation and Correction to implement Man-to-Man Associates, Inc. Man-to-Man Associates is another of the developments in the increasing trend to utilize citizen participation and responsibility throughout corrections in the United States.

Man-to-Man is based on the concept that there are several hundred estranged men and women in Ohio institutions who are in need of a friend or helping hand in time of crisis. A survey of the Ohio Penitentiary in 1971 revealed that one third of the inmate population, then between 1800 and 1900, had neither mail nor visitors in a six month period. An analysis of the inmates at the London Correctional Institution in 1971

revealed that 31% of the total population, between 1400 and 1500, had no visits in a 12 month period. Of this 31%, approximately one half received fewer than six letters in the same period.

Realizing the high rate of recidivism in the state, the founders of Man-to-Man felt that providing these estranged individuals with a liaison to the outside world while incarcerated and a friend to look to after parole could make a significant difference in lowering recidivism rates by these groups. It is the assumption that by matching a concerned citizen, an M-2 associate, the man in the institution can be motivated to improve himself with the assistance of the M-2 associate.

There are two major objectives associated with the development of the M-2 program. The first involves the provision of volunteer assistance for inmates before and after release from the institution. The target population includes that group which may be considered the most disadvantaged or estranged, but is open to any inmate requesting an M-2 associate. It is hoped that the M-2 volunteer can establish a lasting and honest friendship with his matched inmate-parolee. Through this relationship he can encourage positive attitude change, help his friend find new social relationships, and aid in the crucial problems of employment and housing upon release from the institution. It is also the assumption that with the M-2 associates' relationship, a reduction in recidivism will follow this group of men. The second major objective is to bring about citizen awareness and participation in corrections, enabling them to obtain an idea of the needs and functions of the Ohio corrections. With the growth of the program and involvement by citizens, the functions and stereotypes of ex-offenders in society may be broken down. These societal prejudices are another of the major hurdles of ex-offenders.

During 1972, the M-2 Program was aimed at matching volunteers with both inmates and parolees. It was recognized that viable relationships are difficult to form while the parolee is "on the street". It is much less difficult to gain the trust of an inmate who often is in need of an outside liaison, rather than with parolees, who have finished their sentence, and may be distrustful of outsiders attempting to help. It was also more difficult to enlist volunteers for a parole match. Therefore, the parole aspect of the program was dropped to enable staff to devote full time to recruitment of volunteers with inmates.

As was stated, the program is aiming at those inmates who have little social contact either through visits or mail. The volunteer is matched with an inmate six to twelve months prior to release. The volunteer agrees to visit and correspond with his assigned "friend" at least once every month throughout his confinement. During this time, it is hoped the volunteer can break through the barriers of distrust and individualism often developed in inmate populations. The volunteer aids his friend in planning for release and re-entry into the community.

On the day of release, the volunteer meets his friend at the institution to return him to the community. The relationship continues through the friend's parole; the volunteer offering assistance and encouragement during the critical first few months in society. It is a general conclusion that those ex-offenders who will fail on parole do so during the first six months after release. The volunteer, therefore, continues maximum support during this period.

The M-2 Program is aware that institutions, by their very nature, have an almost impossible task in the area of reintegrating the inmate back to society. History has vividly portrayed the fact that prisons are returning approximately two-thirds of their graduates back to prison. M-2 is aware that the chance for successful adjustment in the community is negatively correlated to the amount of time spent in prison. It is also well known that incarceration is expensive. Costs of up to \$11,000 a year per inmate have been estimated. This includes collateral expenses such as welfare payments to the family.

With this knowledge, the M-2 Program is in concert with the Final Report of the Ohio Citizen's Task Force on Corrections in attempting to increase "community contact while the prisoner is inside, and continuing such contact outside after release. Prisoners feel rejected by society, and any contacts which lessen that feeling of rejection will have an influence for good."

Considering this statement of the Governor's Task Force and the humanitarian aspect of the M-2 project, it is necessary to conclude that the M-2 project is a positive program within the framework of adult corrections in Ohio.

Mr. Seiter, who is directing a major evaluation of halfway houses in Ohio, discussed the concept of community-based corrections.

He noted that, when one initially thinks of community-based corrections, he generally thinks of relatively new ideas to keep people in the streets rather than putting them in institutions to be punished for their crimes. This is not wholly true. We have been using community corrections for several decades in the form of parole and probation.

Many sociologists describe the commission of crime as a result of a decline in social order resulting from increased size and complexity of human groups. Individuals lose their community ties. They become isolated individuals and rebel against societal norms.

The main purpose of community-based corrections is to re-orient the individual to his community, give him a feeling of involvement, and replace individuality with responsibility. Crime prevention by the use of community based programs rests on the assumption that the roots of deviancy must be attacked in the community environment within which it was fostered. Community corrections contributes to crime prevention by attempting to lower our outrageous recidivism rates.

It has often been thought that community treatment would increase the danger to society and increase the already overflowing workload of police and parole/probation officers by allowing possible recidivists to be on the street earlier. However, the fear of incarceration has not been an effective deterrent to crime. Several studies have shown that increasing penalties of crimes has not deterred commission of the offense.

Not only has it been shown that imprisonment does not effectively rehabilitate or deter, but the corrections institution has an actively destructive potential. Conditions in which inmates live are the worse possible preparation for successful re-entry into society, and often merely re-enforce patterns of manipulation and destructiveness.

Reducing incarceration time was found to effect no significant increase in recidivism, and in some cases was associated with a decrease in future offending. Therefore, community-based corrections and community treatment do not lead to an increase in crime, and institutionalization cannot be looked at as a better crime prevention measure.

It is crucial in community-based corrections to understand that this method is not effective or successful with everyone. Efforts are presently being made to find typologies of populations with whom treatment can be most effective. These persons should then be diverted from traditional incarceration to community treatment. There will still be a need for institutions. It has been estimated that around 15% of offenders are not receptive to treatment, and with these individuals isolation from society is the only effective crime prevention technique.

Disenchantment with traditional corrections has led to varying modifications which are being called community-based treatment although not all fit a precise definition of the term. Some of the major modes of community treatment are (1) probation and parole, (2) use of halfway houses as bridges between the institution and free society, (3) community-based institutions making use of some community resources, (4) non-institutional boarding arrangements, and (5) non-residential work/group therapy programs.

These are all labeled community-correction programs, and many of these follow or include what we think of as traditional incarceration. However, if the objective is to avoid the negative affects of isolation and the severing of family ties, a total correctional alternative would seem to require no formal institutionalization.

It seems a more appropriate term than community corrections would be intensive intervention in lieu of incarceration. This is an alternative to incarceration for those individuals who seem to have a high probability for success. This is not to be an alternative to probation, however, as many of these programs turn out to be.

The key is to identify the necessary amount of supervision and

consultation needed by various types of offenders and match these with the most effective alternative. A scale would show probation as one disposition of low intervention level, the next step is intensive intervention in the community for those offenders who would otherwise be placed in an institution, and the regular institutionalization for those who are too high a risk to be placed in the community.

Let me again reiterate what I feel is needed. There must be a prescribed system of rehabilitation including everything from probation through halfway houses to incarceration. Classification and prediction theories must be developed to prescribe the most effective treatment placement for each individual, while emphasizing an effort to keep community and family ties when at all possible.

Probation and parole should continue to be used for those individuals requiring minimal supervision. Various varieties of caseload size and specialized caseloads have been under study to ascertain what size type of caseloads can be handled most effectively. One study showed rates of success with both high and low risk individuals remaining unchanged with fluctuating sizes, but middle risk cases performed distinctively better in small caseloads. But the fact remains that the size of caseloads is meaningless without systematic classification and matching of offender type and officer.

Halfway houses should also be utilized as transitional stages for offenders moving from institutions to the community. These homes provide gradual re-orientation to society in those individuals who have needed incarceration. Halfway houses can also be used as diversionary units, serving those offenders too risky for probation and keeping them from incarceration. Again, it must be watched that this is used as an alternative to incarceration, rather than an alternative to probation.

For those even more dangerous (high risk cases), alternatives to total isolation and incarceration may again be used. Small institutions located in the community and making use of community resources will allow these offenders to avoid isolation, and allow them to gradually gain privileges to visit or work outside and return at night. Ohio is developing community correctional centers for pre-release and work-furlough offenders that follow this pattern.

And finally, the institutions can and must be used for that small minority of offenders who require total isolation/incarceration.

Nationally, we presently have 1/3 of our offenders in institutions and 2/3 being supervised in the community. But with this 67% of offenders in the community, only 20% of correctional budgets and 15% of staff are allocated to service this community. More than 76% of misdemeanants and 67% of felons on parole or probation are in caseloads of 100 or more, when recommended caseloads size is 35 to permit maximum supervision and assistance. The distribution of the money must be shifted.

We have begun the move to community treatment, but still have a lot of work to do to make this an effective rehabilitative program. Traditional incarceration has proved it is not the answer.

THE EFFECT OF A STRONG MUNICIPAL EXECUTIVE ON A CITY'S CRIME RATE:
MYTH OR MAGIC

Charles K. Eden

Abstract

What is the effect of a strong municipal chief executive on the crime rate of his jurisdiction. Is his pronouncements of 'law and order' a magic deterrent or is it all a folktale myth?

In this paper the author examines the announced rate of reported criminal activities in comparison to the elected official's term of office. Examining a Standard Metropolitan Statistical Area in the Southern United States, official reports, contemporary records, personal observations, and confidential interviews are used to compile a factual representation on the changing crime rate. The geographical names of political entities in this investigative report have been replaced by the terms 'State', 'County', and 'City', etc.

Introduction

What is the function of a law enforcement agency in a democratic society? The debate between the peace keeping of status quo preservation and proponents of law and order rages as a major topic of discussion of the seventies.

Does the state have the right to extend itself into the very lives of its individual members to the degree of executing its own citizens? We need look no further than the United States Supreme Court decision of early July, 1972. But if law enforcement is to vigorously serve the law and order function, the debators say, then the death penalty must be invoked. All proper protection to the accused is provided, these voices claim, by the administration of justice: due process of the criminal proceedings, just deliberation of a jury of peers, speedy and open trials, full assistance of counsel, the soul searching of jury members for their decision, distinct sentencing actions, provisions for appeal, availability of executive review with the possibility for clemency, and the opportunity for pardon.

Even if the debate of capital punishment is to be settled what would be the propriety of an administrative agency of the executive branch to execute individual citizens. What would be the responsibility of a citizen who either allows or demands its law enforcement officials, armed with the power of half-a-god on his hip to apprehend, charge, prosecute, judge, sentence, and execute a suspected offender. This topic of expedient executions raise several general questions.

Why do we see such a variegated pattern of governmental administrative styles. How is it that Chicago's Mayor Daley's much heralded 'shoot-to-kill order' of 1968 was so widely acclaimed as the proper response. What are the social forces which encourage a twenty-eight year police veteran and former city police commissioner of Philadelphia, Mayor Frank L. Rizzo, to suggest in essence that people take the law into their own hands.¹ Are these actions taken in response to demands of the overwhelming majority, as silent as it may be, or, are these actions taken to cope with a violent criminal minority -- those who are branded creeps, addicts, muggers, rapists, and murders. Are these administrative actions a vanguard of social policy to be seen throughout the nation or will they remain deviant when compared to the totality of available administrative styles.

Vital as topics of discussion, a search for explanations may be an enigma. One additional question that can be asked, and for which an answer may be provided, is what is the effect of a law and order policy in a community. Does the pronouncements of a municipal executive effect the crime rate by reducing the number and rate of offenses? Does soft, tolerant reaction of debate and understanding provide more offenders than an administrative style which proclaims that looters will be shot on sight? Does the personality of the mayor become such an influential factor that it controls law enforcement reaction and forges dynamic policies of retribution? Is the mayor's pronouncements of law and order a magic deterrent or is it a folktale myth? In this paper we will examine the announced rate of reported criminal activity in comparison to the selected official's term of office. Examining a Standard Metropolitan Statistical Area in the Southern United States, we will utilize official reports, contemporary records, personal observations, and confidential interviews to compile a factual representation of the crime rate.

The Scene

"City", located in the geographic center of "State", has a population of 122,423 and has approximately 51 square miles of land within its corporate boundaries.² This population reflects a substantial increase from ten years ago.

Increase in Growth - "City"

Population 1960	Population 1970	Change From 1960-1970
69,764	122,423	75.5%

Source: Basic Government Data 1972, Middle State Area Planning Commission, City, (1972), p. 11, Table 1B.

The community is a rapidly growing urban population composed of a preponderance of youthful inhabitants who are native to the state.

While the employment level is lower than the nation as a whole almost one half of the working population is employed in white collar jobs with a median family income exceeding \$8,000. But the nonwhites fall below the state average with an abundance working in blue-collar and service occupations that have average annual income not exceeding \$4,755.³

Major divisions within the population are noted.

Population Divisions

Total Pop	Pop Under 18	White Under 18			Black Under 18		
		Total	Male	Female	Total	Male	Female
122,423	35,644	19,814	10,112	9,702	15,803	7,835	7,955

Source: Basic Government Data 1972, Middle State Area Planning Commission, City: (1973), p. 55, Figure 1A.

The City Charter provides for the Council-Mayor form of government but City is unique in the abnormally large size of its governing body, fifteen. With sixty-five cities in State utilizing a city or aldermanic council, eighty percent or fifty-two jurisdictions reported their bodies of 5-10 members, fifteen percent or ten jurisdictions reported 1-4 members, and in a category by itself, only one jurisdiction in State, City, reported a membership of fifteen.⁴ The aldermen must be at least twenty-one years of age; reside in that ward from which they are to be elected; a freeholder; and are all elected simultaneously for a four-year term to serve at \$2,400 per year.⁵

The City Police Department employs a staff of 200 officers, categorized in the following manner:

Uniform Officers		Plainclothes Officers	
Traffic	24	Detectives	57
Motors	6	Superior Officers	8
General Patrol	105		

Source: Feasibility Study For State-County Correctional Facility, Middle State Area Planning Commission, City, (November 1972), p. 147.

The force has seen consistent growth in all but two of the past several years.

The Department is predominantly white with 190, or 95% of the two hundred officers in this category. The Department employs nine blacks and one Mexican; less than five percent of the force is nonwhite.⁶ The Department requires that new employees have high school educations or the GED equivalent. Almost 90 percent of the force has high school diplomas, and 5 percent has some college credits.⁷

Number of Full Time Police Department Employees

Year	Total Employees	Sworn	Civilian
1971	213	200	13
1970	189	182	7
1969	174	167	7
1968	168	164	4
1967	160	157	3
1966	161	158	3
1965	166	163	3

Source: Uniform Crime Reports: 1971-p 166; 1970-p 167; 1969 p 153; 1968-p155; 1967-p 161; 1966-p 155; 1965-p 156.

Police Department Education Level

Total Officers	Less than High School	High School	College Credits
200	23*	167	10

Source: Criminal Justice Regional Profile 1972, Middle State Area Planning Commission, City: (1972), p. 28.

*Alleged to include Chief and Assistant Chief both with less than high school graduation.

The starting salary for patrolmen is \$6,024 per year; maximum salary is \$6,864. The salary range for Sergeants is \$6,528-7,440; for Lieutenants \$7,764-8,820. The highest salary category is that of Chief; \$12,024-13,725 per year. All officers are scheduled for forty hour work week; when overtime is required, employees are reimbursed at the rate of their regular hourly pay. Approximately 95% of the personnel have other jobs to supplement their incomes. The obvious reason for this moonlighting is inadequate pay.⁸

Age and Years of Service - Police Department

Age of Force				Years of Service*			
20-30 yrs old	30-40 yrs old	40-50 yrs old	50+	-1 yrs svc	1-3 yrs svc	3-10 yrs svc	10+ yrs svc
107	62	18	13	12	30	88	77

Source: Criminal Justice Regional Profile 1972, Middle State Area Planning Commission, City: (1972), p. 28, Figure 4A.

*Years of Service categories do not add to total membership of force, 200.

The force is relatively youthful in composition. Of the total personnel 78.5 percent are under thirty-five years of age. An additional fifteen percent are between thirty-five and fifty years of age. Only 6.5 percent are over fifty years of age. Two percent of the total force is over sixty years of age.⁹

Financially the Police Department is 'big business' with a 1971 annual budget of 1.9 million dollars.¹⁰ One of the very earliest recipients of federal funding, the department received \$13,000 for riot equipment in 1968, and, in addition to other awards, as late as Autumn of 1972 received funding for a Mobile Crime Laboratory.

Though the Department reports that approximately 33% of its arrestees are juveniles, and it estimates 33% of crime is juvenile caused, there is no juvenile unit or no juvenile officers.

City Police Department operates on a twenty-four hour basis and receives an average of three hundred calls for assistance per day. Of these calls, 50 percent involve traffic problems, 10-15 percent involve criminal acts of a substantial nature, and 25-35 percent are for complaints of minor offenses. In all, the Department handled approximately 27,000 cases of all types during 1971. Approximately sixty percent of the Department's personnel time is spent answering these calls. Approximately 10-15 percent of cases handled by the Department require criminal investigation.¹¹

Police Department Activity

# Calls Per Day	% Time Answering Calls	% Time Traffic*	# Traffic Cites	# Criminal Arrests
300	60%	50%	27,066	1,280

Source: Criminal Justice Regional Profile 1972, Middle State Area Planning Commission, (City: 1972), p. 4B.

*Activity of Department, as reported, exceeds the 100% level with no allowance for preventive patrolling.

By its very nature, the total volume of criminal activity is never known. We can safely assume that the actual amount of crime is several times that reported.¹² A graphic example is presented in a flow chart which shows both 'Undetected Crimes' and 'Unreported Crimes' in a nebulous relationship to those offenses known to the police. A National Opinion Research Center survey estimated the rate of personal crimes to be twice as high for crimes against property; forcible rapes were more than 3-1/2 times the reported rate, burglaries were 3 times, aggravated assaults and larcenies of \$50 and over were more than double, and robberies were 50% greater.¹³ An even larger deviation from 'known' figures was discovered in a survey by the Bureau of Social Science

Research in the District of Columbia. The survey rates for various offenses are from three to ten times greater than the reported rates.¹⁴

A review of crime statistics for City, the major jurisdiction within the City, State, Standard Metropolitan Statistical Area reveals that from 1965 through 1971 'crime' has doubled, both in absolute number, and in the rate per one hundred thousand population.

'Crime' In City, State Standard Metropolitan Statistical Area

<u>Year</u>	<u>United States</u>		<u>South</u>	
	<u>Total</u>	<u>Rate</u>	<u>Total</u>	<u>Rate</u>
1965	2,780,015	1,434	759,982	1,265
1969	4,989,747	2,741	1,316,755	2,087
1970	5,568,197	2,740	1,507,263	2,400
1971	5,995,211	2,906	1,598,290	2,500

<u>Year</u>	<u>State</u>		<u>City</u>	
	<u>Total</u>	<u>Rate</u>	<u>Total</u>	<u>Rate</u>
1965	52,271	1,199	3,357	1,718
1969	82,750	1,783	5,649	2,708
1970	101,279	2,206	7,113	3,447
1971	111,081	2,381	7,366	3,495

Source: UCR; 1965, US p 52, South p 52, State p 54, City p 80; 1969, US p 58, South p 60, City p 71; 1970, US p 66, South p 68, State p 68, City p 89; 1971, US p 62, South p 64, State p 64, City p 86.

Not only did crime in the City SMSA grow each year but each of the four reporting periods selected reveal that this SMSA exceeded the crime rate of State, it exceeded the crime rate of the South, and it exceeded the crime rate of the United States.

Perhaps it is unfair to draw conclusions from national figures, for after all, other jurisdictions are included within this SMSA. A view within the State level could be illuminating. State has no uniform crime reporting system which can give an accurate count of the number of crimes committed and the nature of offenses. In a recent (Governor's) Commission survey of State law enforcement agencies, 528 questionnaires were mailed and 194 responses received relative to submission of statistics for FBI crime reports [sic]. About 50.77 percent replied that they did not submit statistics.¹⁵ Fragmentation and lack of integration are readily recognizable in any view of the state; that a proliferation of police agencies exists in this state can't be denied. Three state agencies and 549 local agencies share the police task in the 159 counties, with one county having eleven policing agencies.¹⁶

Perhaps, then, the best level of government to pursue our study is the local, for it is here, in the municipality, that we find the majority of law enforcement agencies in State; most being relatively small with half the 378 departments having ten or fewer officers.¹⁷ The municipal police departments typically enforce state and local laws within the area limits of the municipality. Normal duties include prevention of crime, enforcement of traffic laws, and investigation of personal and property type offenses.

A review of the City municipality in three past years reveals steadily increasing criminal activity; both in real numbers and in the offense rate.

Criminal Activity

Year	Population	Offenses	Rate per 100,000
1965	121,000	2,741	2,148
1966	123,000	2,973	2,411
1967	126,000	3,193	2,520

Source: A Report of the Governor's Commission on Crime and Justice, State Planning Bureau, Capitol City, State, (1968), p. 14.

A review of data ranging as far back as ten years ago also reveals an increase in the numbers of specific offenses.

Number of Specific Offenses In City 1962-68

Year	Homocide	Robbery	Aggravated Assault	Burglary	Auto Theft	Force Rape
1962	28	72	40	1,270	332	10
1963	18	75	29	1,121	322	14
1964	20	75	447	1,609	342	22
1965	19	89	272	1,350	323	24
1966	10	125	216	1,594	369	24
1967	32	120	154	1,689	354	21
1968	32	165	166	2,108	382	22

Source: State Statistical Abstract 1970, University of State, University City, State (1970), p. 369.

A review of a more recent recording sees the similar increasing trend.

Number of Specific Offenses In City - 1971

Year	Homocide	Robbery	Aggravated Assault	Burglary	Auto Theft	Force Rape
1971	43	299	489	2,638	1,027	41

Source: Criminal Justice Regional Profile 1972, Middle State Area Planning Commission, City, State (1972), p 28.

Within the municipality, offenses other than the seven Crime Index offenses also increased in 1971. For the entire year of 1970 a total of 11 confirmed arsons occurred. During the seven day period following the end of June, some 17 confirmed arsons were committed within the city limits.¹⁸ During the first quarter of 1971 some 27 bomb threats were reported, and projected on an annual basis, an increase of 86% in bomb threats could be expected.¹⁹ City has not been immune to the alarming increase of drug-related offenses. During 1970 some 35 cases were made for drug abuse offense within the city but during the first seven months of 1971 a total of 68 cases were made: for the months of May, June, and July, 1971, there was an increase of these cases of almost 300% per month.²⁰

The most recent figures available also reflect the gross increase of offenses. The month of April was selected as it was the first month in 1972 that computerized tallies of all offenses were constructed and November was chosen to represent a bi-polar model of the year as well as being the most current figures during this investigative research.

April

	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
CASES (State Statutes)	473	256	285	388	194
CASES (City Ordinances)	3819	2967	3815	4234	5594
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
GRAND TOTAL	4292	3223	4100	4622	5788

November

	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
CASES (State Statutes)	358	231	281	390	232
CASES (City Ordinances)	2853	3427	2588	3488	4046
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
GRANT TOTAL	3211	3658	2869	3878	4278

Source: Compiled from Official Files City Police Department and Office of Recorder's Court, City.

Reported offenses within the municipality have been increasing, and increasing at a faster pace than the population rise, and thus the crime rate has been increasing, too. But who knows what is the actual offense rate in City, the 'dark shadows' of the undetected and un-reported offenses.

The Actor

The Mayor of City must be at least twenty-five years of age, a resident for two years, and a freeholder. He is elected to a term of office of four years, succeeding himself only once, at a remuneration of \$17,500 per year.²¹

The incumbent was elected to his first four year term in 1967, and re-elected in 1971. In 1968 he was selected as one of "State's Five Outstanding Young Men," possessing 'three golden threads: professional accomplishment, civic participation and religious affiliation and conviction.'²² While much can be said concerning his political activities we will examine a sampling of his behavior while in office these last several months.

At the end of May the Mayor "threatened to cancel graduation exercises at four city high schools."²³ A stirred community responded to racial slurs by ensuring graduation exercises, postponed from evening to daytime scheduling, for better 'police control,' were held. No incidents occurred.

In the middle of August, partially in response to a newspaper editorial claiming that the Mayor used the live radio broadcasts of weekly City Council meetings for his own "political purposes," he suspended broadcasts. A local furor erupted over the 'right' to broadcast and the ineptness of the Mayor in using public hearings as his own political sounding board. The whole matter cooled when, just as quickly as he turned off the radio broadcasts, his Honor turned them on again.

The Mayor's campaign for election to the United States House of Representatives gives an example of his bizarre behavior. He early caused innuendoes that he "had been offered a 'sizable sum of money' to withdraw from the congressional race," but never elucidated his claim.²⁴

Running as "The Toughest Law and Order Man In The United States,"²⁵ he failed to comply with the federal law requiring him to report campaign contributions, missing four deadlines, and not filing with the State Secretary of State.²⁶ Campaigning out of his future constituency in order to appear with an United States Senator at City in the district of a United States Representative, the Mayor landed at the airport and when the police noted all the attention given to him offered an escort downtown. The Representative's staff were "flabbergasted and miffed when the Mayor instead of the Representative stepped out of the car at the scene of the day's activities."²⁷ He frustrated his opponent,

the incumbent Congressman during an attempt to have a television debate; the Mayor claimed he could use his copy of his segments of the debate film as he saw fit in an apparent disregard for what the Representative claimed were previous agreements.²⁸

The entire campaign effort was lost however, when the total tally showed the Representative pulling 60.7 percent of the vote, or 27,779 to 14,691, or 39.3 percent, for the Mayor. In a post-election telephone interview the defeated candidate claimed that a substantial number of city voters wanted to keep him at the helm for three more years instead of sending him to Washington; he claimed people voted for him to stay in city as "they could sleep comfortable with me in City Hall."²⁹

But not all were sleeping comfortably; as a matter of fact because he was in City Hall some citizens were sleeping uncomfortably -- if sleeping at all. Some were out collecting signatures on a petition requesting that anyone elected Mayor submit to a complete physical and mental examination.³⁰ Such a petition lay dormant in Council for a year but when concerned citizens requested City Council to begin impeachment proceedings it was sent back to the City Clerk without action, even though a spokesman appeared before Council and wanted to add 400 names to the 724 already gathered.³¹ When the same group spokesman appeared before Council on 19 September asking to know why his petition of 12 September and a letter of 13 September asking for the Mayor's resignation had just been thrown in the trash can in his, and this author's presence, he was unanswered by the Mayor or by Council.

Most of this latest commotion was related to the report of 2 August that the Mayor had been admitted to a hospital for the third time since 17 June.³² The doctor reported that the Mayor was in for evaluation and the Mayor's secretary said that the purpose was to observe if he did not suffer permanent **impairment** from his recent airplane accident.³³ It was publicized that while piloting his private aircraft the plane suddenly dropped in an airpocket causing the Mayor to dash his skull against an unpadding section of the cockpit's ceiling, leading to a three-week hospitalization for mental depression.³⁴

Not wishing to become a victim of the 'Eagleton Complex', the Mayor was open about his treatment and said that ". . . no recollection of the time spent in the psychiatric institution nor of the course of treatment followed. Part of the time I was unconscious; I don't know how I was treated."³⁵ He later announced that the medical records of his recent physical and mental hospital treatments were open for public inspection,³⁶ but within a week he altered the promise to make public the medical records and said he intends to offer them for a 'fee.'³⁷ Regardless of his offer to view records for free, or fee, none were ever shown.

"X-rated" movies were the next target of the Mayor's behavior. Evidently feeling that City Council's earlier motion to ban certain

films was the public's will, the Mayor issued a statement; "I'm going to try to get all obscene movies out of town."³⁸ No violations were reported, however.

The Mayor then became embroiled in the Sunday-closing, "blue-law", controversy. Claiming "several" complaints against the manager of a convenience store's Sunday opening, the Mayor specifically instructed detectives to make the arrest.³⁹ The Mayor was careful not to conduct the city's business on Sunday himself, however, and said he would seek a legal opinion from the City Attorney the following Monday.⁴⁰ The Mayor then announced he planned to have the police make cases against all businesses found violating the state law and police detectives effected another arrest the following Sunday.⁴¹ Even though the two cases were dismissed, city detectives arrested forty in Sunday sales crackdown the following week⁴² but at the succeeding Tuesday's Council Meeting it was announced that the Mayor and Council decided not to prosecute those persons until the Governor provided equal protection in the courts for the 107 year old Sunday closing law⁴³ and wrote the Governor asking for such protection.

That letter to the Governor brought some quick reaction. First, the Governor said, "In my opinion, City is suffering from erratic leadership."⁴⁴ Secondly, the state government issued an announcement by the State Revenue Commissioner that the Mayor's request to allow the continuation of pouring of wine and mixed drinks to the January 1973 referendum authorizing such activity would not be favorably considered, and if the city didn't stop the pouring immediately the State Revenue officials could.⁴⁵ It seemed that the Mayor had raised another tumultuous outcry of the citizens for in the adjoining county where the same referendum was to be voted, the wine and mixed drinks were still flowing because their Mayor did not mention to state officials the illegality of accustomed practice. Some non-supporters of the Mayor were so unkind as to infer that the Mayor's own pastor (of one of the five largest churches in the state) was actually running city government from the pulpit.⁴⁶

Even in the waning weeks of the year the Mayor's behavior made local headlines. Though advised by letter early in 1972 the Mayor took no action for an entire year and allowed the privately own BEE Transit Company contract to expire, leaving the city with no public transportation. Even if Council favored a resolution providing a \$11,000 a month subsidy to the company to allow it to continue into January 1973, and every month thereafter, the Mayor said he would not sign it.⁴⁷ The Company, Incorporated, of Virginia studied the bus situation in their report submitted a year ago and said that if the bus service had to be halted;

"most certainly social service cost could increase. Some young people could no longer attend school, and crime may increase significantly. When mobility is stifled and

social needs are not met, widespread tension and frustration follows throughout the community. If families go hungry, angry and desperate parents could resort to theft."⁴⁸

Yet the law and order mayor allowed the busses to cease at midnight 31 December.

There is a high degree of affiliation between the Mayor and the Police Department. There has also been very close interaction between the two parties.

During the period this reporter was personally observing developments, both the Mayor and leading police department officials were subpoenaed by the County grand jury. Although an investigation into operations of the police department in general and the vice squad in particular, was the purpose of the subpoenas, the foreman of the grand jury said that because no specific criminal charges were made or no specific person was named he felt the subpoenas were in the nature of invitations.⁴⁹

The Mayor was particularly interested in awarding the police department an increase in pay. A one grade classification increase in addition to an overall salary increase given city employees was the proposal advocated by the Mayor. When the proposal was tabled by the City Council the police department began a work slow-down and sick-out for the following two days, ending their activity at the request of the Mayor.⁵⁰ When the matter came to Council's attention at the following meeting it was favorably considered amidst much applause and cheers for the Mayor by the police officers who were present en masse.

The County grand jury criticized the Mayor for his "over enthusiasm in his desire to establish law and order" in their July presentments.⁵¹ The grand jury also noted that the Mayor by-passed the chain of command in the police department.

In actuality, the police department is reluctant to act on direct orders from the Mayor. With regards to verbal orders from the Mayor which are received over the radio a key official said, "We just don't act. We notify our own chain of command and follow their instructions."⁵² Another source within the department reflects that the Mayor is merely fulfilling his public role when he makes crass public remarks over his personal radio. Others are listening, it seems a popular local treat is to tune to the police department's wave length, and the mayor's proclamations are in reality, bluffs.⁵³

The Mayor's influence and concern over the police department is quite visible. In April the Mayor's announcement that a proposed plan for consolidation of city and county governments was unacceptable to him brought bright orange "Merger Is Murder" buttons onto the dark blue police uniforms and partisan bumper stickers were observed on police vehicles.

The Overall Effect

Regardless of this close interaction with the police department there is an absence of evidence that the Mayor's actions have assisted in crime control. A brief review of the factual information which supports this view is appropriate. The Uniform Crime Reports reflect crime in the City Standard Metropolitan Statistical Area has doubled from 1965 through 1971; the Governor's Crime Commission showed a steady rise in offenses in the crime rate from 1965-1967; The State Statistical Abstract reflects a steady increase in each category of offenses, 1962-1971, and a continuing rising trend is reflected in the 1972 Criminal Justice Regional Profile; detailed datum compiled from official records from February 1971 and 1972 compared with November 1971 and 1972 also reflect a continual increase of criminal offenses.

The only information which reflect contrary indicies to the steady increase was announced at the end of December. Relating that City was one of 83 which have recorded overall decreases in crime during the first nine months of 1972, the Chief of Detectives commented that the figures were an accurate estimate of crime in City.

According to the figures, there were 2,048 burglaries in 1972, 64 more than last year and 789 auto thefts, 49 more than last year in City. Rapes increased to 33, 11 more than 1971 and robberies totaled 212, an increase of four. Assaults totaled 131 which is a decrease of 49 from last year. Fifteen murders were committed during 1972, a decrease of one. Larceny totaled 1,188, a decrease of 138.⁵⁴

Even this item reflects a change of only 60 offenses from a reported total of 4,416. To isolate any single factor which precipitates such a minuscule change is to place unsubstantiated credit on intangibles.

No clearcut correlation between the announced law and order policies of the Mayor and the continually rising crime rate can be established. Just as it is not absolutely accurate to congratulate the Mayor for holding the line on crime, for we have shown the continual expansion of known criminal activity, so, too, is it inaccurate to blame him for what is in actuality an expansion of deviant legal behavior.

Crime is, after all, a social problem and the concern of the entire community.⁵⁵ As such it must be viewed in its entirety, within the social milieu.

Footnotes

1. Capitol City Journal and Constitution, January 14, 1973, p. 6B.
2. 1972 Law Enforcement Plan. Middle State Area Planning Commission, City, State, (November 15, 1971).
3. Feasibility Study for State-County Correctional Facility, Middle State Area Planning Commission, City, State (November, 1972).
4. Basic Government Data 1972, Middle State Area Planning Commission, City, State, p. 23.
5. Ibid., p. 148.
6. Feasibility Study, op. cit., p. 147.
7. Ibid., p. 149.
8. Ibid., p. 149.
9. Ibid., p. 149.
10. Criminal Justice Regional Profile 1972, Middle State Area Planning Commission, City, State, 1972, p. 4B.
11. Feasibility Study, op. cit., pp. 149-150.
12. Challenge of Crime in a Free Society, Presidents Commission On Law Enforcement and the Administration of Justice, Washington, D.C., 1967, p. 25.
13. Biderman and Reiss. "On Exploring The Dark Figure of Crime." The Annals, No. 374, (November 1967), pp. 1-15.
14. Ibid., p. 20.
15. A Report of the Governor's Commission on Crime and Justice, Governor's Office, Capitol City, State, 1968, p. 13.
16. Feasibility Study, op. cit., p. 13.
17. Ibid., p. 14.
18. 1972 Law Enforcement Plan, op. cit., Annual Action Grant #6 paragraph 6-d, unnumbered page.
19. Ibid., paragraph 6-c, unnumbered page.
20. Ibid., Annual Action Grant #2, paragraph 6-d, unnumbered page.

21. Basic Government Data, op. cit., p. 28.
22. City Telegraph, February, 25, 1968, p. 1-A.
23. Capitol City Journal and Constitution, May 28, 1972, p. 28-C.
24. City Telegraph, September 6, 1972, p. 1-A.
25. Ibid., November 6, 1972, p. 3-B.
26. Ibid., September 30, 1972, p. 1-A.
27. Ibid., October 8, 1972, p. 3-D.
28. Ibid., October 29, 1972, p. 1-D.
29. Capitol City Journal and Constitution, November 12, 1972, p. 21-A.
30. City Telegraph, August 10, 1972, p. 3-A.
31. Ibid., August 16, 1972, p. 3-A.
32. Ibid., August 2, 1972, p. 1-A.
33. Ibid., August 2, 1972, p. 1-A.
34. Ibid., August 25, 1972, p. 3-A.
35. Ibid., September 6, 1972, p. 1-A.
36. Ibid., September 16, 1972, p. 1-A.
37. Ibid., September 21, 1972, p. 3-A.
38. Ibid., October 6, 1972, p. 3-A.
39. Ibid., November 14, 1972, p. 1-A.
40. Ibid., November 13, 1972, p. 1-A.
41. Ibid., November 22, 1972, p. 1-A.
42. Ibid., November 27, 1972, p. 1-A.
43. Ibid., November 29, 1972, p. 1-A.
44. Ibid., December 1, 1972, p. 1-A.
45. Ibid., December 2, 1972, p. 1-A.
46. Interview "G", December 6, 1972.

47. City Telegraph, December 27, 1972, p. 1-A.
48. Ibid., December 27, 1972, p. 1-A.
49. Ibid., May 14, 1972, p. 1-A.
50. Ibid., July 5, 1972, p. 3-A.
51. Ibid., July 29, 1972, p. 1-A.
52. Interview "K", November 29, 1972.
53. Interview "A", October 3, 1972.
54. City Telegraph, December 28, 1972, p. 3-A.
55. Crime In The United States, Uniform Crime Reports-1971, Department of Justice - Federal Bureau of Investigation, Washington, D.C., (August 29, 1972), p. vii.

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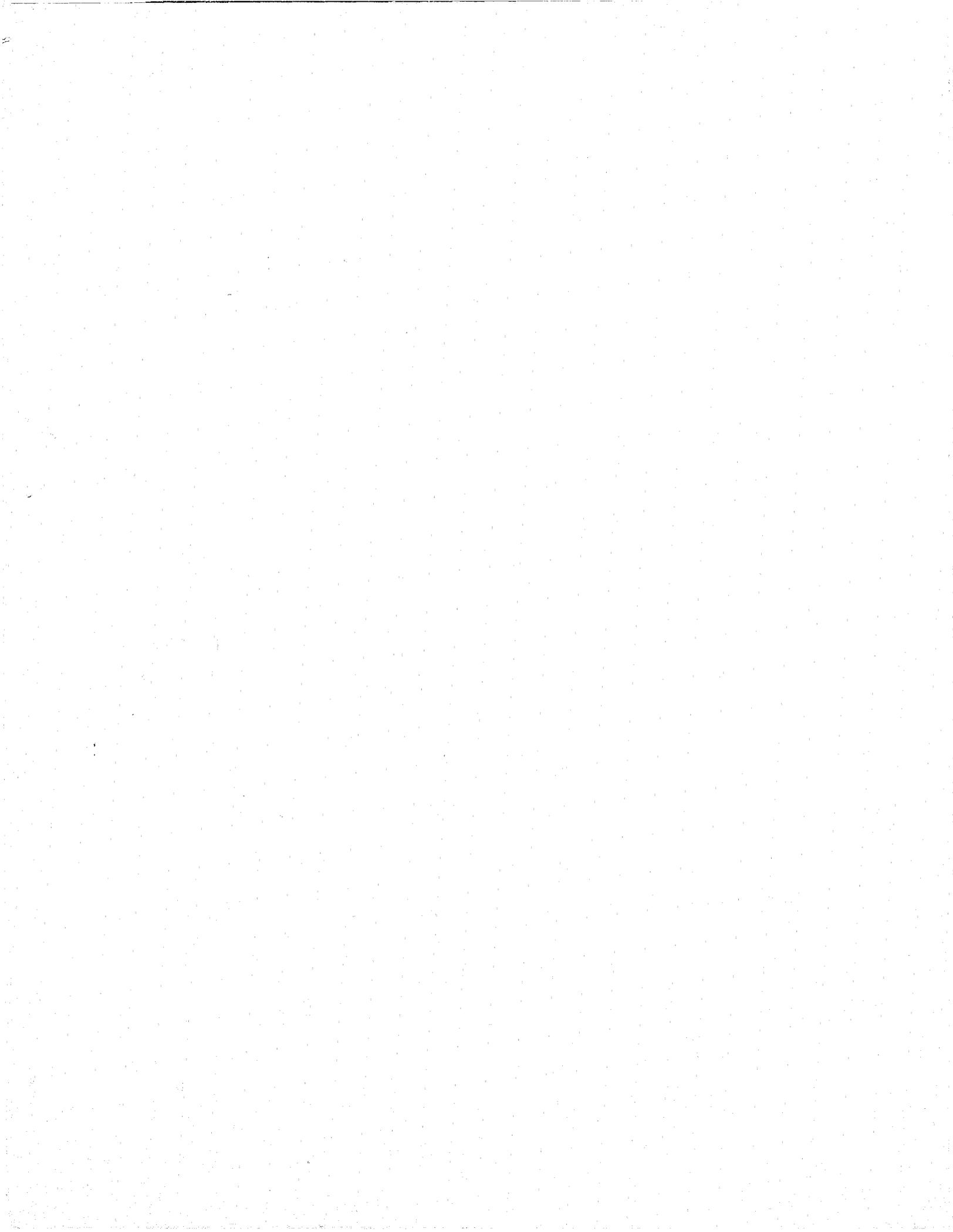
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