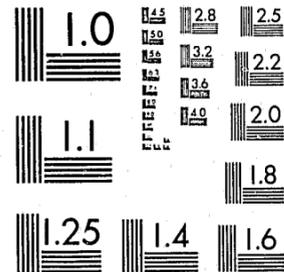


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

3-29-84

91813

INSTITUTE OF GOVERNMENTAL RESEARCH
UNIVERSITY OF CINCINNATI
3333 VINE STREET, ROOM 310
OHIO 45221

ALTERNATIVES TO INCARCERATION
OF ADULT MISDEMEANANTS
IN HAMILTON COUNTY, OHIO

a report of the
INSTITUTE OF GOVERNMENTAL RESEARCH
University of Cincinnati
to the
BOARD OF COUNTY COMMISSIONERS
Hamilton County, Ohio

REC-7
O. J. ...

November, 1970

ALTERNATIVES TO INCARCERATION
OF ADULT MISDEMEANANTS
IN HAMILTON COUNTY, OHIO

a report of the
INSTITUTE OF GOVERNMENTAL RESEARCH
University of Cincinnati
to the
BOARD OF COUNTY COMMISSIONERS
Hamilton County, Ohio

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Public Domain/Ohio Institute of
Governmental Research

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

November, 1970

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
	Foreword	1
I	Introduction	3
II	Basic Considerations: A Practical Approach to Alternatives to Incarceration	10
III	Summary of the Recommended Program	17
IV	Department of Court Services	24
V	Division of Program and Staff Development	33
VI	Rehabilitation of Offenders Detoxification Centers	37 46
VII	Probation Services Use of Volunteers Work Release Instalment Payment of Fines	61 72 78 94
VIII	Psychiatric Clinic	99
IX	Staffing and Costs	106
Appendix A	Class Specifications for Key Positions	119

NCJRS

OCT 31 1973

ACQUISITIONS

ALTERNATIVES TO INCARCERATION
OF ADULT MISDEMEANANTS
IN HAMILTON COUNTY, OHIO

F O R E W O R D

This report is a summation of a study commissioned by Hamilton County, Ohio, and conducted by the Institute of Governmental Research, University of Cincinnati.

The basic purpose of the study was to provide an estimate of the size of a correctional institution needed to replace the existing Cincinnati Workhouse, and to recommend pre-architectural plans that would change the orientation of this facility from detention to correction.

However, inasmuch as only a minority of offenders are currently incarcerated -- and there is reason to believe that even this percentage is too high -- it was necessary first to examine available alternatives to incarceration. Our rationale was simply that rehabilitation has as its basic purpose readjustment to the community, and that this readjustment is more likely to be successful if it takes place in the community.

We therefore first explored the availability of community-based correctional programs. Given sufficient community-based programs, it is reasonable to assume that there would be a corresponding reduction in the need for institutional facilities. This would save construction and operating costs, and contribute to the rehabilitation process.

This report, then, summarizes our findings on alternatives to incarceration. Inasmuch as decisions on its implementation seriously affect decisions on institutional capacity and programs, consideration of these proposals should precede our

recommendations pertaining to a new institution, which will be the subject of a separate report.

This study was conducted primarily by an interdisciplinary team of University faculty, consisting of Dr. Robert B. Mills, professor and head, Department of Law Enforcement and Corrections, College of Community Services; Dr. John A. Winget, professor of sociology; Dr. Richard W. Brush, adjunct assistant professor of psychiatry and clinical director of the Municipal Court Psychiatric Clinic; and the writer. This study team was assisted by a number of other individuals. Professor John J. Murphy, of the College of Law, provided valuable assistance on legal aspects, including pre-trial procedures. Major John Case, Superintendent of Bucks County, Pennsylvania, Prison, and James C. Reed, Director of Honor Camps, San Diego County, California, were helpful in providing valuable practical information and suggestions on the operation of various rehabilitation programs. A Planning Advisory Committee chaired by John F. Steele, provided valuable citizen input concerning our various proposals.

This study was made possible by a grant from the Law Enforcement Assistance Agency, with the local share subscribed by the Citizens Committee on Justice and Corrections.

While the University of Cincinnati, through its Institute of Governmental Research, was commissioned to make this study, it should be noted that the University as an institution takes no position regarding the contents of this report. The conclusions herein set forth represent the professional views of the study team.

W. Donald Heisel

CHAPTER I

INTRODUCTION

Why Alternatives to Incarceration?

The primary responsibility of our criminal justice system -- police, courts, jails, probation -- is the protection of society.

Crime is on the increase. The Federal Bureau of Investigation reports that crime increased 148% during the 1960s, compared to a 13% increase in national population.¹ While these figures may be distorted by a greater current tendency to report crime and by more intensive police effort to ferret it out, there can be no minimizing the fact that the crime problem is serious and getting worse.

Who are the persons committing these crimes? No studies are available which provide definitive answers, but one point is clear: many crimes are committed by a relatively small group. According to some estimates, as many as 95% of the persons in state penal institutions had prior records as misdemeanants, and many as juveniles. While records are not kept, information available at the Cincinnati Workhouse indicates that as many as half of the inmate population on a given day has been incarcerated there previously. The majority of persons paroled from the Workhouse went directly to other institutions that had holds on them.

The FBI has recently released startling data on the recidivism of a group of 18,567 offenders released from the federal criminal justice system in 1963. Within six years, 65% of this group had been re-arrested.² It is worthy of note that a smaller percentage of those who had been placed on probation returned to the criminal justice system than those who completed a prison

¹ Crime in the United States, 1969 report of the FBI, Washington Government Printing Office, 1970, page 2.

² Ibid., page 37.

term, indicating, as a minimum, that prison sentences do not fulfill the objective of protecting society.

The FBI also has studied recidivism of a larger group of 240,322 offenders in the period 1960-69. These were persons re-arrested one or more times. These data show that, of this group, the average offender was re-arrested almost three times during this period. Interestingly, some 40% of the re-arrests occurred in states other than the original arrest.³ While this study dealt primarily with felons, it is reasonable to assume that these figures are reasonably typical of what would be found in a comparable study of misdemeanants.

Recidivism, then, is a major problem in crime prevention. The fact that recidivism is so high -- even though exact figures are not available -- indicates that our present system fails to correct behavior, and therefore fails to protect society.

This is no criticism of any official, local or national. Indeed, the problem is world-wide. Recognition of its scope resulted in President Nixon's appointing a Task Force on Prisoner Rehabilitation on October 16, 1969. This Task Force report of April, 1970,⁴ began as follows:

Of the several things America can and should do to reduce the incidence of crime, one with a particularly great potential for reducing it significantly and soon is improving the ways in which the nation's jails and prisons, its juvenile detention homes and training schools, its probation and parole services induce or help or enable criminals and delinquents to become law-abiding men, women and children.

The Task Force concluded that no "system" was currently in existence in the U. S., and that the failure of rehabilitation was a major cause of the increase in crime.

³ Ibid., page 35.

⁴ Report of the President's Task Force on Prisoner Rehabilitation, 1970. Washington, Government Printing Office, page 5.

If as the Task Force suggests, massive improvement is necessary, we suggest that emphasis be placed on community-based corrections for two important though elementary reasons:

1. Cost: An effective probation service can supervise ten to fifteen probationers, for the \$1,500 a year it would cost to incarcerate each.
2. Effectiveness: The very nature of an institution produces an attitude of dependency which is in conflict with the needs of a normal adjustment to community life.

Correction or Retribution?

In the past, the prevailing thinking was that swift and sure punishment was an adequate deterrent to crime. At various times, criminals were tortured on a rack, locked into stocks, executed for minor thefts. More recently, the "cruel and unusual punishments" were abandoned in favor of incarceration, the length of which was intended to be crudely related to the seriousness of the crime. More accurately, we believe, it could be said to be related to the mood of the legislative body at the time it considered the penalty for any given crime.⁵

The theoretical purpose of incarceration has been to change behavior through punishment. If a parent locks a child in his room because he was "bad," the assumption is made that he will not offend again if he does not want to be locked up again.

But, while the theory may be to achieve changed behavior, we cannot overlook the fact that society too often seeks retribution. "An eye for an eye" philosophy underlies our thinking, particularly with regard to an especially heinous crime, just as a mother's anger, rather than the child's offense, frequently is the real cause of his punishment.

⁵ -----
Beyond the scope of this study, there is a need for thorough review of state laws and local ordinances setting penalties. Even if punishment is the objective, these laws are now something less than rational. For example, attempted larceny in Ohio carries a heavier penalty than its successful commission; the law apparently punishes failure than crime.

We would not quarrel with this human reaction, except for one pragmatic reason: it doesn't work. The very increase in crime rates, particularly by recidivists, proves that society is only cutting off its nose to spite its face. Rather than correct behavior, incarceration in human warehouses tends to increase prisoners' hostility to society, which is a major cause of deviant behavior in the first place. Incarceration and its after-effects establish in the minds of many prisoners that they are rejected by the very society that says it wants to assimilate them. Because one criminal is accepted most readily by another, jails become schools teaching how to be more successful in crime.

The Local Picture

Misdemeanants in Cincinnati and Hamilton County generally come before the Hamilton County Municipal Court. This Court is operated by the City of Cincinnati, but has county-wide jurisdiction. Nine Judges are elected on a county-wide basis. They rotate through the various courtroom assignments, criminal and civil. The established pattern provides for one Judge in Traffic Court, one in Criminal Court, two in the outlying area courts conducted in various county locations, and the remainder handling civil cases and jury-demand cases. In recent months, the increasing criminal burden has caused the Judges to schedule certain additional criminal cases to other courtrooms, to take the load off the Criminal Court. The Judges have also worked out an arraignment system which has been effective in expediting the criminal court load.

The staff which serves the Court is small. In addition to the clerical work, which is under the jurisdiction of the Clerk of Courts, the Judges have an administrator-referee who handles small claims adjudication in addition to performing some administrative work. A small stenographic unit meets the clerical needs of the Judges. A Probation Department, consisting of a Chief Probation Officer, a Supervising Psychiatric Caseworker, and eight Probation Officers, with clerical help, administers the probation function for some 2,500 probationers.

A Psychiatric Clinic, operated for the Court by the Cincinnati Board of Health, evaluates offenders referred by the Judges, usually prior to sentencing. No other resources are available to the Court to handle offenders except through incarceration in Cincinnati's Workhouse. This facility normally handles 400-500 offenders. Treatment programs are confined to weekly meetings of Alcoholics Anonymous and a small branch of Opportunities Industrialization Center, a training program aimed at job readiness. The general acceptance of the inadequacy of Workhouse facilities was the primary motivation leading to support for this study.

Although the Cincinnati Police Division has an excellent Records Bureau, statistics on offenders, as contrasted with offenses, are minimal. No system exists through which it is possible to determine the number of individuals committing offenses in this area. Likewise, Workhouse statistics do not reveal how many of the present Workhouse population are repeaters. The absence of statistics on offenders has been a serious handicap to this study. However, it should be noted that the Regional Computer Center is developing a criminal justice information system which will produce such information.

Although data on recidivism are lacking locally, we do know that crime is increasing. Index crime for Cincinnati rose from 4,349 in 1960 to 13,154 in 1969, according to FBI reports, an increase of 200% in nine years.

Methodology of the Study

The specific objective of this portion of the study was to bring to the attention of officials and the general public the means whereby crime could be reduced, and the public thus safeguarded, by the reduction of recidivism. While local statistics on recidivism are lacking, the observations of police and court officials confirms that a large number of offenders are seen repeatedly. This is true of various types of offenders, but particularly alcoholics.

This problem is not confined to Cincinnati. It is nationwide. For this reason, there is much activity in progressive courts throughout the country. We therefore determined that the subject of alternatives to incarceration could best be handled by investigating developments elsewhere. This was done through literature, attendance at conferences, correspondence, personal conversations, and field trips. Each alternative was evaluated from the standpoint of its probable effectiveness within the Hamilton County situation.

Following the gathering of information and an evaluation by the University committee, each alternative to incarceration was described in a memorandum sent to the Planning Advisory Committee appointed by the Board of County Commissioners. In some instances revisions were made on the basis of Committee inputs. Revised versions of these memoranda form the basis for this report (Chapters IV through VIII).

This procedure was followed in order to permit early consideration of the various alternatives to incarceration. This early consideration became necessary when Hamilton County requested the University to speed up the study. The original plan called for a full year on this phase. But with construction funds for a new Corrections Center becoming available, the County felt that any means of compressing the time schedule should be followed.

The Planning Advisory Committee was appointed primarily to advise the County Commissioners, not the Institute staff. However, its willingness to make suggestions and to constructively criticize the various memoranda submitted by the Institute is appreciated. Its primary role begins with this final report. It will evaluate the report as a whole, consider its financial implications, make recommendations to the County Commissioners and to other officials concerning priorities, assist the Commissioners in interpreting the problems of prisoner correction and detention to the community, and advise on the planning of a new Corrections Center. The membership of the Committee

makes it particularly qualified to perform these functions, as it is representative of official circles, concerned groups, and the general public. Its membership, and the agencies they represent, includes the following:

- Judge Lyle Castle - Common Pleas Court
- Judge George W. Bunyan, Jr. - Municipal Court
- Melvin G. Rueger - County Prosecuting Attorney
- Dan Tehan - County Sheriff
- Ernest Taylor - County Probation Department
- Walter Veail - City Probation Department
- Henry Sandman - Division of Safety -
City of Cincinnati
- William Brown - M. A. R. C. C.
- Mrs. Woodward Garber - Citizen's Committee on
Justice and Correction
- John Steele - Citizen's Police Committee
- Robert Gordon - Chamber of Commerce
- William Fellerhoff - Cincinnati Bar Association
- Simon Lazarus - Cincinnati Bar Association

Conclusion

We emphasize that we have been pragmatic in our approach. The goal has been to find ways of reducing crime by recidivists. There are some who believe that a "tough" approach is necessary in the interests of the victims of crime. While this thinking is understandable, it ignores two facts: (1) that the victims of some 55-60% of misdemeanors are the perpetrators themselves, not others; and (2) that the interests of crime victims are best served by preventing crime rather than by obtaining retribution from perpetrators. The public intoxicant, the vagrant, the petty gambler are not hurting others; they hurt themselves, and the society which must support them. How to lessen this burden is the subject of this report.

CHAPTER II

BASIC PRINCIPLES OF CORRECTION: A PRACTICAL APPROACH

Because of the many facets of correctional work, it is considered desirable to bring together in one section of this report the principles on which these recommendations are based. These principles are widely accepted among specialists in correctional work. Acceptance of these principles forms a basis for accepting the recommendations for action in Hamilton County. It is therefore the purpose of this chapter to present them succinctly.

1. Treatment and rehabilitation are among the recognized methods in the field of corrections for preventing and controlling crime and delinquency. The early detection and effective deterrence of crime and delinquency through strengthening of correctional methods should therefore be a primary concern of the community.

2. For correctional programs to be effective, they must be based on the offender rather than on the offense. The needs of the offender vary, but not necessarily by the type of crime committed. Correctional programs should be available which meet the needs of offenders with the purpose in mind of getting him out of the criminal justice system and keeping him out.

3. The fundamental purpose of correctional programs should be the re-integration of the offender into the community. If he can take his rightful, lawful place in the community, the goal of keeping him out of the criminal justice system can be attained.

4. It follows, then, that as much of the correction work as possible be based within the community to which the offender is expected to readjust. His removal to the artificial environment of an institution makes this readjustment even more difficult. This is not to suggest that there is no place for incarceration; the temporary removal of an offender from the community may be necessary for the protection of society. When the offender is removed, however, it must be realized

that his readjustment is made more difficult, and special effort will be necessary to accomplish his readjustment.

5. In community-based correction, the heart of the correctional program must be the probation system. Probation is not only a means of exercising legal control over the offender, but is also the way to provide supervision and guidance during the correctional process.

6. To make correctional programs work, the length of the sentence must take into account the needs of the particular offender. Maximum flexibility should be allowed the Court in determining the length of sentence, including the length of probation, so that supervision continues as long as it is needed.

7. Correctional programs should be welded into an integrated system, whether community-based or institutionally-based. A variety of programs, to meet the needs of many different offenders, should be available. These programs can be provided most efficiently and effectively if existing, private resources of the community are used. Attention should also be given to the basic needs of many offenders for improved educational and job-related skills.

8. The accomplishment of successful programs requires a professional staff of high quality. Staffing a correctional program with the necessary personnel requires a personnel system based on the principle of merit, including under the merit system the selection, promotion, and tenure of each employee.

9. The accomplishment of a successful program also requires public support, as evidenced not only by its willingness to provide the funds, but also by its involvement in volunteer programs, in lessening job discrimination against persons with criminal records, and in general in accepting the rehabilitated offender back into the community.

10. Finally, correctional programs should be based on evidence obtained through adequate research. Implementation of this principle requires continuing effort on the part of correctional officers, working with universities and other research associations, and the accumulation of data through properly-designed records systems.

The above statement of principles received recent support from the American Correctional Association. Meeting in Cincinnati recently, the Association celebrated its Centennial by adopting a "Declaration of Principles," which is repeated here to emphasize both the need for fundamental considerations and the pragmatism inherent in this approach:

DECLARATION OF PRINCIPLES
adopted by the
AMERICAN CORRECTIONAL ASSOCIATION
1970

Preamble. The Centennial Congress of Correction, to reaffirm the ideals and aspirations of its membership, to encourage a more enlightened criminal justice in our society, to promote improved practices in the treatment of adult and juvenile offenders, and to rededicate its membership to the high purposes stated by its founding leaders in 1870, does adopt this Centennial Declaration of Principles.

Principle I. The prevention and control of crime and delinquency are urgent challenges to society. The growing body of scientific knowledge, especially in the behavioral sciences, coupled with the practical wisdom and skill of those professionally engaged in society's struggle with the problem of crime, provides the soundest basis for effective action.

Principle II. The forces for the prevention and control of crime and delinquency ultimately must find their strength in the constructive qualities of the society itself. Properly functioning basic institutions -- the family, the school and the church, as well as the economic and political institutions -- and a society united in the pursuit of worthwhile goals are the best guarantees against crime and delinquency.

Principle III. Correction and punishment are the presently recognized methods of preventing and controlling crime and delinquency. The strengthening and expansion of the correctional methods should generally be the accepted goal.

Principle IV. In a democracy the success of any public agency, including that of corrections, depends in the final analysis on popular acceptance and support. An adequate financial base, emphasis on the adequacy of personnel, and insistence on an alert and progressive administration is the responsibility of the public and a function of its enlightened concern about crime and delinquency problems. This places on corrections the all-important burden of preparing and disseminating objective information needed for public policy decisions at all jurisdictional levels.

Principle V. The length of the punitive sentence should properly be commensurate with the seriousness of the offense and the extent of the offender's participation. Inequality of sentences for the same or similar crimes is always interpreted as an injustice both by the offender and the society. On the other hand, the length of the correctional treatment given the offender for purposes of rehabilitation depends on the circumstances and characteristics of the particular offender and may have little relationship to the seriousness of the crime committed. In a correctionally oriented system of crime control, statutes providing maximum flexibility in the determination of the appropriate release date can assure the optimal benefits of correctional treatment.

Principle VI. No law, procedure or system of correction should deprive any offender of the hope and possibility of his ultimate return to full, responsible membership in society.

Principle VII. The correctional process has as its aim the reintegration of the offender into society as a law-abiding citizen. In the course of non-institutional treatment the offender continues as a member of the conventional community contacts should be encouraged and maintained. The success of the correctional process in all its stages can be greatly enhanced by energetic, resourceful and organized citizen participation.

Principle VIII. Corrections, comprising both institutional and community-based programs, should be planned and organized as an integrated system responsible for guiding, controlling, unifying and vitalizing the correctional process.

Principle IX. The variety of treatment methods corresponding to the varying needs of the offenders suggests a diversification of correctional effort, resulting in a system of specialized agencies, institutions and programs. These should be so planned and organized as to meet the differential needs of the offender. The spirit of continued experimentation with new types of programs which show promise of more effective results should be encouraged and supported.

Principle X. The organization and administration of correctional agencies and institutions is a complex area of public administration and management, which deals with one of the most involved of social problems. It is essential that the administration of the correctional agencies meet the highest standards of public service, and that all employees be selected in accordance with the best criteria and serve on the basis of merit and tenure systems.

Principle XI. The special and complex problems in understanding and dealing with criminal and delinquent behavior imply the need for personnel possessing suitable personality traits and specialized skills and hence the need for special professional education and training of a high standard, including pre-service and continued in-service training of a high standard, including pre-service and continued in-service training at all levels. The potential contributions of ex-offenders as correctional workers should be recognized.

Principle XII. The collection and publication of criminal statistics designed to provide information on the extent and nature of criminality and juvenile delinquency and on the various phases of the correctional process is indispensable for the understanding of crime and for the planning and evaluation of correctional and preventative measures.

Such statistics are necessary and should be developed on national, state and local levels and should consist of statistics of the offenses known to the police, arrest statistics, judicial statistics, probation, institutional and parole statistics, as well as criminal career records.

Principle XIII. Research and the scientific study of the problems of criminal behavior and of the methods of dealing with it are essential prerequisites for progress. Through its educational and research institutions, society should sponsor, finance and carry out both basic and applied research in this area. The law enforcement and correctional agencies and institutions should lend their support, take initiative and engage in appropriate research as an indispensable part of their effort to improve their performance.

Principle XIV. Correctional agencies and institutions can best achieve their objectives by providing resources for the complete study and evaluation of the offender. Decisions determining the treatment design for the offender should be based on a full investigation of the social and personality factors. These investigations may be made at different levels, so long as the essential information is available at the proper step in the decision-making process.

Principle XV. To assure the eventual restoration of the offender as an economically self-sustaining member of the community, the correctional program must make available to each inmate every opportunity to raise his educational level, improve his vocational competence and skills, and provide him with meaningful knowledge about the world and the society in which he must live.

Principle XVI. Well-organized correctional programs will actively seek opportunities to collaborate with other public and private agencies to assure that the offender has access to a wide range of services which will contribute to his stability in the community.

Principle XVII. The criminal justice system should, insofar as possible, be relieved of responsibility for the care or treatment of persons who are charged with offenses which have their origins in the abuse of alcohol or drugs. Such persons are more appropriately the concern of community health and mental health services.

Principle XVIII. Community-based correctional programs are essential elements in the continuum of services required to assure the reintegration of the offender into the society. Probation, parole, residential, treatment centers and other forms of conditional freedom such as work and study furlough programs provide important and necessary alternatives to imprisonment.

Principle XIX. Probation is the most efficient and economical method of treatment for a great number of offenders. To enhance the achievement of the full potentialities of probation, mandatory exceptions to the use of probation with respect to specific crimes or to types of offenders should be eliminated from the statutes.

Principle XX. All offenders should be released from correctional institutions under parole supervision, and parole should be granted at the earliest date consistent with public safety and the needs of the individual. Parole decisions should be made by a professionally competent board. The type and degree of supervision should fit the needs of the individual offender.

Principle XXI. Community-based correctional facilities, such as community treatment centers and half-way houses, provide important alternatives to more formally organized institutions and facilitate access to supportive community services.

Principle XXII. The transition of the offender from institutional life into the community should be facilitated wherever feasible by measures which permit his participation in normal community activities such as work and study furlough programs. Participants should be carefully selected and supervised and their economic exploitation scrupulously avoided.

Principle XXIII. The principles of humanity and human dignity as well as the purposes of rehabilitation require that the offender, while under the jurisdiction of the law enforcement and correctional agencies, be accorded acceptable standards of decent living and human dignity.

Principle XXIV. The architecture and construction of penal and correctional institutions should be functionally related to program designs. The variety of existing programs, to be further expanded in the future, indicates the need for similar variety and flexibility of architectural design and construction. The building standards and technological advances of the day should be reflected in these structures. The failure of large institutions indicates the desirability of institutions of moderate size, lending themselves better to fulfillment of the objectives of a good correctional program.

Principle XXV. New correctional institutions should be located with ready access to community agencies which provide services, such as mental health centers, and educational training institutions -- of which provide support to correctional programs and contribute to continuing staff development.

Principle XXVI. Except in most unusual circumstances, provision should be made for the separate housing of persons charged with crime and detained for court action and convicted prisoners who are under sentence.

Principle XXVII. Every effort should be made to establish, maintain, and develop local correctional facilities and programs which are designed to meet the needs of short-term offenders or offenders who are soon to be released from long-term imprisonment. Such facilities should work closely with and use the resources of local human service agencies, both public and private.

Principle XXVIII. Some criminal law violators who are found by the courts to be criminally responsible, but who, from the point of view of modern psychiatry and psychology are abnormal, need psychotherapy. Diagnostic and treatment facilities for such offenders should be provided at appropriate stages of the correctional process.

Principle XXIX. Control and management of offenders should be by sound scientific methods, stressing moral values and organized persuasion, rather than primarily dependence upon physical force.

Principle XXX. All employable offenders in correctional institutions should be given the opportunity to engage in productive work, without in any way exploiting the labor of prisoners for financial gain, or unduly interfering with free enterprise. It is imperative that all governmental jurisdictions, industry and labor, give full cooperation to the establishment of productive work programs with a view to imparting acceptable skills, work habits, and attitudes conducive to later gainful employment.

Principle XXXI. Religion represents a rich resource for moral and spiritual regeneration. Specially trained chaplains, organized religious instruction and counseling, together with adequate facilities for group worship of the inmate's own choice, are essential elements in the program of a correctional institution.

CHAPTER III

ALTERNATIVES TO INCARCERATION -- A SUMMARY OF THE RECOMMENDED PROGRAM

The chapter is intended to provide a brief summary of those alternatives to incarceration that the study team believes to be usable in the setting of the Hamilton County Municipal Court. If these alternatives were available, the Judges would be in a position of being able to use their discretion effectively; that is, to have the confidence that their intent could be carried out with regard to each offender.

This point is important. Currently, the Judges are in an unenviable position. They have wide discretion legally; none of the recommendations contained in this report would lessen this latitude. But as a practical matter, their discretion is limited. For example, the absence of an effective probation service means that a Judge cannot put an offender on probation with any confidence that it will be helpful. The case load is so high, and the resources so low, that the effectiveness of probation is extremely limited.

This report, then, is aimed at providing meaningful alternatives to incarceration, so that the Judge can have confidence that his decision will be effectively implemented.

Administration

No program is self-administering. It is no criticism of the nine Judges of the Municipal Court to point out that day-to-day administration cannot be handled by a panel of nine persons, each of whom is occupied in a separate room during his work-day. While monthly meetings of the Joint Session are useful in determining Court policy, they are no substitute for full-time administration.

We therefore regard it as essential that a Court Administrative Officer be named as a fulltime court executive. He would provide administrative supervision and coordination over the personnel employed in all phases of correctional work, in addition to the present court administrative functions. Details concerning this recommendation will be found in Chapter IV.

Administration of any public function needs support, which can be enhanced if the public's right to know is facilitated. One of the best ways of involving the public is through the formation of an advisory committee. We recommend a Corrections Advisory Committee that would be appointed by the Joint Session and would work with the Court Administrative Officer. Its areas of involvement would include the following:

1. General advice on policy.
2. Assistance in involving other citizens in a program for the use of volunteers in the court setting, particularly as volunteer probation officers.
3. Assistance in recruiting staff, and advising on policies that would help to utilize staff most effectively, thus helping to retain the type of workers needed for a meaningful correctional program.
4. Assistance in interpreting the mission of corrections to the community. This point is very important; such a citizen group could help to dispel some of the current prejudices which make it so difficult for an offender to get back into the mainstream of social and economic life.

Composition of such a committee should be broadly representative of the community, and include various social agencies, religious groups, business groups, and civic organizations in all parts of the county.

Probation

The present Probation Department of the Hamilton County Municipal Court is inadequate. Its case load is excessive, in terms of numbers of cases per worker (over 300) and in terms of inadequate liaison with community resources. Probation "supervision" consists largely of reporting; guidance is the exception. If recidivism is to be lowered, we recommend the following:

1. Increase in the number of Probation Officers engaged in offender supervision, so that time for meaningful guidance is available.
2. Adding to the function of the Probation Department task of supervising a work release program for incarcerated offenders who qualify.
3. Providing personnel to effectively carry out the provisions of Ohio law which permit offenders to pay fines on the instalment plan.
4. Establishing an intake and pre-sentence unit within the Probation Department whose function would be to interview all new probationers and assist in directing them to rehabilitation programs that offered reasonable chance of removing them from the criminal justice system. In addition, this unit would take care of making pre-sentence investigations as required by the Judges, and would also interview discharges from the Detoxification Centers. More pre-sentence investigations would assist the Judges in carrying out their responsibilities in sentencing prisoners.
5. Increasing the qualifications of members of the Probation staff through in-service and continuing education, and providing incentive for improvement through the establishment of a rank of Assistant Chief Probation Officer to assist in supervising small squads of officers.
6. Establishing a volunteer program that would provide probation supervision on a one-to-one basis, as has been effectively done in a number of other courts.

7. Providing for increased use of parole by providing for the supervising of parolees by the Probation Department.

The details of these and related recommendations are found in Chapter V. However, it should be borne in mind that one of the principal inadequacies of the present probation system -- the lack of systematic availability of community resources -- is an integral part of the probation recommendations. It is discussed briefly in a subsequent section of this chapter and in detail in Chapter VII.

Program and Staff Development

The present probation system lacks direction. The only supervisor is the Chief Probation Officer, who takes a partial case load because of the inadequacy of his staff.

We propose, in Chapter VI, that the continuing responsibility for program development be assigned to one top-ranking and highly qualified Director of Program and Staff Development. This official would conceive and refine programs of rehabilitation, train the probation staff in their execution, and evaluate the results, so that each continuing program would be serving the purpose for which it is intended. It is, in short, a staff position to the Court Administrative Officer, designed to insure that planning and program development would not get lost in the hustle and bustle of daily work.

Rehabilitation

Thus far we have summarized two of the three principal needs -- an effective field force of Probation Officers to contact probationers, and a program development unit to devise programs that would help to make such contacts meaningful. The third need is for rehabilitation facilities that would provide the Probation Officer with the means of carrying out the programs. This is the function of the Rehabilitation Division.

A top-level employee should be given the responsibilities of (1) marshalling existing community resources that could then be used by probation officers for helping probationers; and (2) when a need exists that cannot be met through existing community resources, developing the necessary resource within the Division of Rehabilitation. The latter should be minimal; at this time we can see only the need for a court-developed halfway house (Adult Opportunity Center) and detoxification centers.

Use of existing community resources would be more economical than creating parallel agencies, assuming existing agencies are willing and able to work with probationers. We believe most would. We also point out that once a probationer establishes a relationship with an appropriate agency, periodic reporting to the probation department should be no longer required. This would save probation officers much time.

An "Adult Opportunity Center" the halfway house concept, is needed for some probationers. In some instances this need is entirely physical; the probationer may simply need shelter until he gets a steady job. In other instances, the psychological support of a group may be essential to his readjustment.

We suggest that some of the unused space in Drake Hospital would be appropriately used for this purpose in order to reduce initial costs.

Alcoholic Detoxification

Alcohol is the biggest single cause of illegal behavior. One-third of misdemeanor convictions are for public intoxication. In addition, alcoholics commit other crimes while under the influence. For this reason, special attention must be paid to this problem.

We recommend the construction of two detoxification centers, each of 60-bed capacity, one in the West End and one in Over-the-Rhine, Mt. Auburn or Avondale. The purpose of the detoxification centers would be solely to sober up intoxicants

brought in by police or through other referrals. Typical stay would be five to seven days. Medical and nursing supervision would be provided.

We further recommend that in the cases of public intoxicants brought in by the police, a citation system be devised whereby an intoxicant is cited to the center; if he stays until medically released, the citation would be voided. This would keep such persons out of the courts, and save substantial police time.

Upon discharge, we recommend that each person be interviewed by a social worker of the Probation Department's proposed Intake and Pre-Sentence unit, so that an effort would be made to encourage treatment of the problem which has led to excessive consumption of alcohol. Only in this way can the cycle be broken. Some of the alcoholics would need the support which could be obtained in the Adult Opportunity Center during their therapy.

Creation of detoxification centers would have the greatest impact on the size of a new Corrections Center to replace the Workhouse. We estimate that completion of the detoxification centers would permit a reduction of 70 in the capacity of the Correction Center.

Psychiatric Clinic

The Psychiatric Clinic is a major aid to the Judges in determining the sentence to be imposed on many offenders. Currently, the Clinic is handicapped in providing service because of its small size. Expansion is in order.

Currently the Clinic can evaluate 500-600 cases a year. Its reports to Judges are delayed unreasonably by a backlog of referrals. Doubling its capacity is necessary to keep current. In addition, experience indicates that a large number, estimated at 35%, could be treated within the Clinic if staff time were available. Other cases would continue to be referred to other community resources. However, provision should be made in the staffing to permit the Clinic to follow up on such referrals.

The Clinic currently operates under the Board of Health, as a part of its Division of Mental Health. We recommend continuation of this relationship as a means of preserving a close identity with the medical community. However, the budget for the Clinic should be provided through the Courts, instead of by direct appropriation to the Health Department. This would give the Courts greater control over the level of service.

Staffing

Increasing the services necessary to provide viable alternatives to incarceration will require a substantial staff increase. The above recommendations can be carried out only if sufficient numbers of qualified people are employed.

We recommend that appointments be made under the principle of merit. We are aware that the Court is exempt from the state civil service law. This exemption, however, does not prevent the Court from establishing its own system for obtaining the best possible candidates. We recommend that the Corrections Advisory Committee, previously referred to, be given an advisory role in staff selection and retention.

CHAPTER IV

DEPARTMENT OF COURT SERVICES

Introduction

Perhaps the most dramatic area of governmental operations to those interested in crime is the disparity and disintegration of operations in the legal system. There is little, if any, liaison or coordination throughout the country between the major branches of the system of justice. The law enforcement agencies, occupied with apprehending, have very little association with the courts; indeed, in recent years, they have been critical of, and angry at, court decisions. Similarly, the courts have little if any consistent communication and involvement with the correctional process, despite the fact that they make the decision about sending individuals to penal institutions. All too often judges have never seen the jails or penitentiaries to which they sentence the offenders who come before them. The correctional systems, burdened by inadequate tax support and public attitudes of retribution and punishment, are woefully inadequate to meet the task presented to them as are the probation and parole personnel serving as extensions of the courts.¹

It is axiomatic that any program needs competent administration. The present structure of the Municipal Court does not lend itself to good administration, as there is no top-level administrator provided in its organization structure. Administrative decisions are made at the monthly Joint Session of the nine Judges. The Presiding Judge carries some leadership functions; but his primary role is as a Judge, working in a courtroom. Time is not available for full-time administration.

¹ Menninger, Dr. W. Walter, "Violence and the Urban Crisis," National Council of Crime and Delinquency, Vol. 16, no. 3, July, 1970, page 235.

Therefore, this chapter's primary purpose is to recommend the creation of a Department of Court Services, headed by a full-time administrator.

Functions of Department

The purposed Department of Court Services would include the following functions:

1. Probation, including pre-sentence investigation, intake interviewing, and supervision of probationers, by both a paid professional staff and by volunteers.
2. Rehabilitation, the supplying of resources which the probation staff can use, either by establishing liaison with existing community resources or by developing them under court auspices, the latter to include detoxification centers and the Adult Opportunity Center.
3. Psychiatric Clinic (liaison only; line direction to be under the Board of Health of the City of Cincinnati).
4. Institutional treatment, including line supervision of the county jail and the proposed new corrections center to replace the existing Cincinnati Workhouse.²
5. Program and staff development, the conception of new treatment programs, training of staff in their use, and evaluation of results.

These functions are outlined in the proposed organization chart of the Department, shown on page 31. All alternatives to incarceration are further described in separate chapters of this report.

² The inclusion of institutional treatment under Court direction is not mandatory. Institutions could be placed under the Board of County Commissioners. We suggest inclusion in the Department of Court Services in order to provide the best possible relationship between community-based treatment programs and institutionally-based treatment, and in order to emphasize the Court's responsibility for the persons who are convicted of crimes. However, we realize that successful programs are being operated elsewhere when the administration of institutions is a responsibility of the County Commissioners. This decision need not be made at this time; it should await legislation that would transfer the Hamilton County Municipal Court from city to county operation.

Importance of Administration

The above listing of functions indicates that the total range of court-supporting services will be extensive, if substantially all of the recommendations of this report are ultimately implemented.

Competent coordination and administration are important if the anticipated results are to be realized. The coordination function is particularly important. The probation unit, for example, will be dependent on the rehabilitation unit for supplying resources, and on the program and staff development unit for new programs and staff development in their use. Information obtained by the Psychiatric Clinic must be available to probation officers and in some instances to the staff of the Corrections Center. These are but a few examples of the need for close coordination and good communication among the various divisions of this Department.

Such coordination does not just happen in any organization. One of the roles of the administrator is to develop the climate which makes good coordination come effortlessly. When it is developed, an effective and efficient work force results.

Another major problem that can be anticipated is the setting of standards of work accomplished. Correctional work is nebulous; it is not like factory production work, where the units are standardized and can be counted. If the community is to be asked to invest more heavily in correctional programs, it deserves some assurance that the additional funds will be well spent. Top level administration is the only way to develop confidence in the effectiveness of the program, in the absence of concrete measurement tools.

As indicated earlier, the Joint Session of nine Judges is not and cannot be expected to be a management device. Judges work individually in courtrooms. They cannot be expected to provide guidance to a large staff of correctional employees.

Their role must be limited to setting policy, then hiring one person to see that it is carried out.

This is not a local phenomenon. Large court systems throughout the nation have begun to realize the need for competent court administration. An Institute for Court Management began operation in the summer of 1970 under a Ford Foundation grant, training persons in court administration in connection with the University of Colorado. Although the chief emphasis in this program is in the area of court administration rather than in correctional programs, it does illustrate the administrative problems being faced by courts generally.

Duties of the Court Administrative Officer

The principal function of the Court Administrative Officer would be to take full responsibility for the operation of all court-related services as shown on the organization chart, page

We anticipate that, in common with other public officials of similar status, most of his time would be occupied with contacts other than with his subordinates. The most significant of these contacts would be with the Joint Session, and in some instances with individual Judges. As policy would be set by the Joint Session, he would be required to meet with them regularly, and to submit proposals for policies for their consideration and adoption. He would also channel all reports from the staff to the Joint Session, with his recommendations. All complaints or special requests would also come through his office from the Judges.

He would also be the planner, proposing the annual budget and defending his proposals first to the Joint Session and then to the Finance Committee of City Council (or to the Board of County Commissioners).

We also recommend that he be authorized to hire and fire employees, and to recommend, for Joint Session approval, a set of personnel regulations that would provide systematic personnel management based on the principle of merit.

He should also be delegated the responsibility for such matters as purchasing and record-keeping and other routine operational decisions which now are handled by the Joint Session, leaving the Joint Session available for important policy matters.

In addition to his contacts with the Judges and legislative bodies, we would anticipate many community contacts. He would, for example, be intimately involved with the negotiations with private social agencies which might be used as part of the rehabilitation process. He would be involved with the proposed advisory committee (see below). If the Court develops such facilities as halfway houses and detoxification centers, he would be concerned with their financing and construction, and work with architects on design.

We assume that these outside contacts would consume the greater part of the Administrative Officer's time, and possibly all of it.

Assistant Court Administrative Officer

The importance of coordination has already been emphasized. While the responsibility for coordination would be in the office of the Court Administrative Officer, we doubt that he would have the time to carry it out personally. We therefore suggest that he be authorized an assistant, to whom he would delegate this responsibility.

The Assistant's role could be properly described, in military terms, as executive officer of the Department. He would be the day-to-day supervisor, making sure that each division was functioning in accordance with policy.

He would immediately supervise the heads of the principal divisions, probation, institutions, and rehabilitation. He would coordinate the activities of the Psychiatric Clinic with the divisions of the Department using its services needed by the Court on programs other than corrections. This includes the stenographic services to the Judges, the personnel and financial records for all court activities and the other routine housekeeping chores. He would, of course, delegate some of these duties to subordinate employees, but would retain responsibility for their performance.

Advisory Committee

We recommend appointment by the Judges of an advisory committee to work primarily with the Court Administrative Officer and his staff. The purpose of this committee would be to provide citizen inputs regarding the correctional process.

Many elements of the community could be included on this committee. The business community should be involved as a means of improving coordination regarding job opportunities for probationers and released offenders. The social work community could be used for advice and for coordination of the use of existing community resources. Citizens groups, such as the Citizens Committee for Justice and Corrections, would be useful in helping to recruit volunteers. The Council on Alcoholism has long been interested in problems of the alcoholic, a substantial proportion of the court load. Educational institutions which train corrections officers could be brought in so that training programs are most relevant to the needs of the Department. The Bar Association has an obvious interest in all matters relating to the administration of justice.

In addition to their individual contributions, the committee as a whole would be useful in interpreting the role of the Court in the correctional process. As indicated in Chapter I, a key decision is the determination of whether society wants merely to punish offenders, or whether it wants to avoid recidivism when possible. While in theory we may gain consid-

erable support for the position advocated in this report, that correction is far preferable to punishment, we recognize that community attitudes in favor of this position ebb and flow, sometimes because of increases in the types of criminal behavior which have an emotional impact on the public. We see the advisory committee as a possible stabilizing influence, helping the community to take a long-range look at the benefits of a correctional program.

Staffing

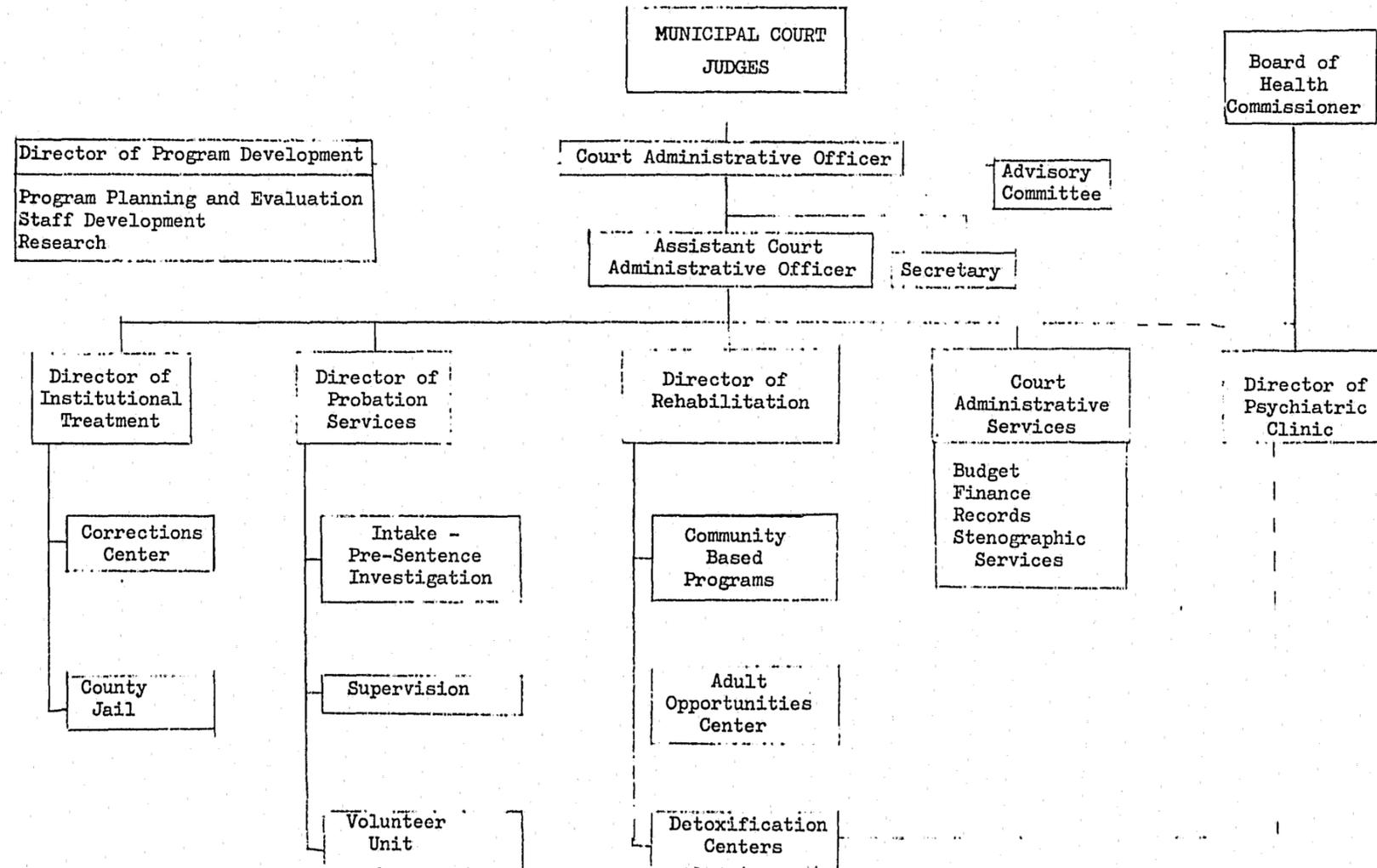
The management of the Department of Court Services would require one Court Administrative Officer, one Assistant, and one Stenographic Secretary.

This report will summarize costs of each element in Chapter IX.

Summary

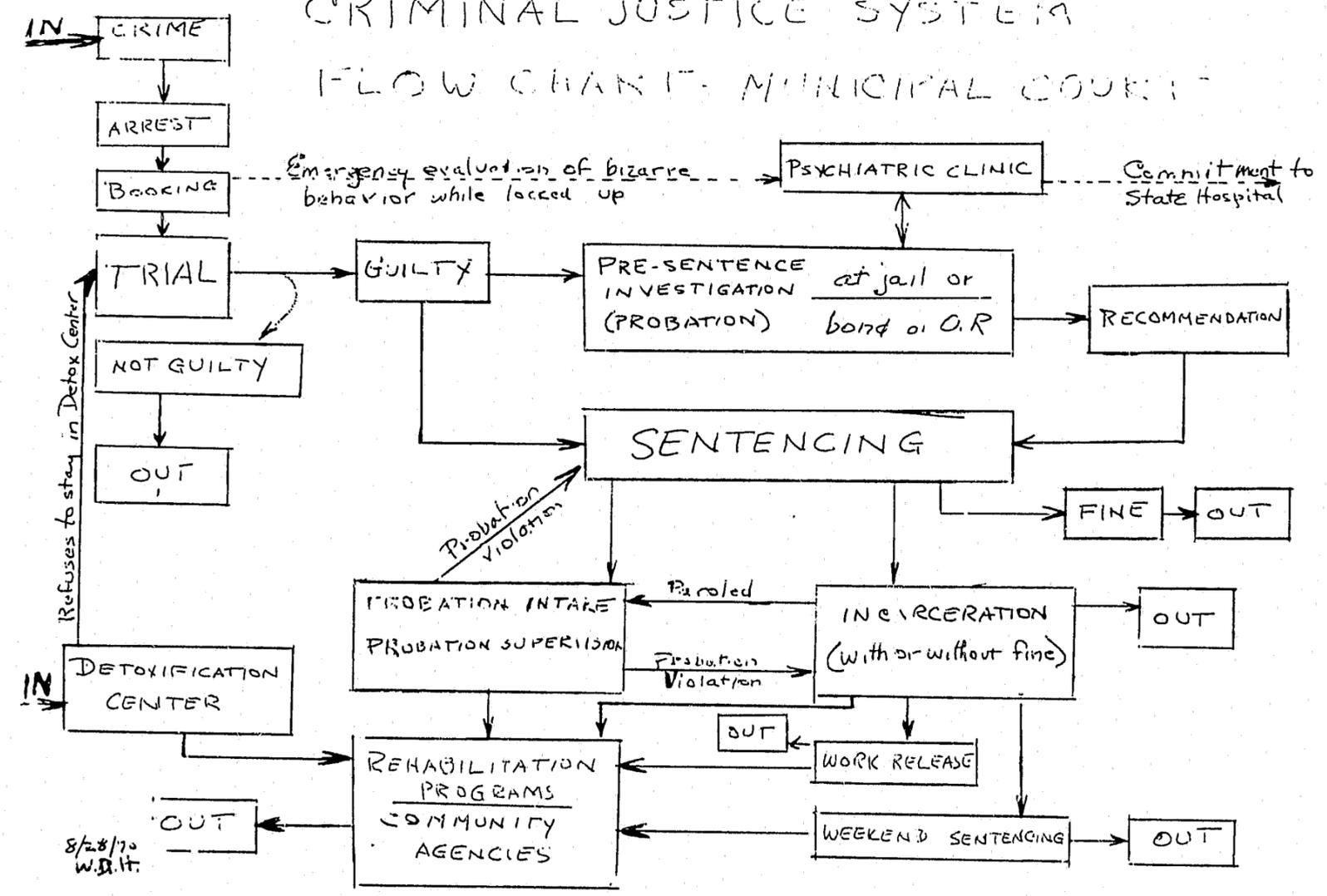
The purpose of this chapter has been to recommend competent top management for the expanded correctional program recommended in this report. Good liaison with the court and with the community and close coordination of interrelated correctional functions require good management. We are convinced that it would save money in the long run.

Proposed Organization Chart
Hamilton County Municipal
Court



CRIMINAL JUSTICE SYSTEM

FLOW CHART - MUNICIPAL COURT



8/28/70
W.D.H.

CHAPTER V

DIVISION OF PROGRAM AND STAFF DEVELOPMENT

Introduction

Throughout the entire study, but particularly in dealing with the subject of rehabilitation, the absence of good, hard research data was a continuing handicap. Seldom could we find actual figures on such routine matters as the number of separate individuals involved in the criminal justice system, as compared with the number of offenses; sociological data on the prisoners incarcerated in the Workhouse, such as employment status, marital status, and the like; or data on offenders brought into courts. In the field of rehabilitation, we find few studies of success of any given program, throughout the nation.

Responsibilities of the Division

We therefore propose that, within the Department of Court Services, there be created a Division of Program and Staff Development, whose responsibilities would include the following:

1. It would have important inputs concerning the record-keeping systems throughout the court process, particularly including the rehabilitation efforts. Complete records should be kept on every person in the rehabilitation process, which should be made a part of the criminal justice information system currently being planned at the Regional Computer Center. If adequate records are kept, they will form the basis of research which can determine cost in relation to benefits, and non-productive programs can be identified and dropped.
2. Based on this information, this Division would recommend and plan new programs and changes in existing programs, subject to approval of the Director of Court Services and the Joint Session.

3. This Division would also train staff, particularly probation officers, in the application of new and revised programs. This is a particularly important function, in that each probation officer must be familiar with every tool available to him if he is to effectively counsel his probationers and the volunteer probation officers working with him.
4. The Division would also keep informed on the availability of federal support for various programs, and what is necessary to qualify for federal financial assistance.
5. The Division Director should also maintain close liaison with the local universities, two of which have programs in corrections work. The universities could be of value to the Courts, and vice versa. Small research tasks might be undertaken as class projects. Master's theses might emanate from analyses of court records. Faculty may be interested in research. Student assistants might be employed on research projects on an as-needed basis. The possibilities are almost unlimited, if someone specifically is in charge of liaison.
6. The Division Director would probably want to establish an unpaid research committee, representative of the universities and other interested elements of the community, to suggest projects and to assist in coordinating studies.
7. Finally, the Division Director, as well as other key officials of the Department of Court Services, should participate, at public expense, in activities of national organizations, such as the National Council on Crime and Delinquency. Hamilton County is not the only municipal court with problems; some other courts are attempting innovations of which the local court should be aware. Each helps the other, through the exchange of information made possible by cooperation with national organizations.

In short, this would be a small staff agency, responsible to the Director of Court Services, to develop program and the staff to carry it out. While this is a limited staff responsibility, it is so important that it should be assigned to someone full-time, rather than get buried in the hurly-burly of other daily routine.

The division of labor, then, would be for the probation staff to carry out all programs, the program and staff development division to conceive them; and the rehabilitation division to provide the tools or to arrange for the use of available community resources. The support of the latter two divisions would make it possible for the probation staff to concentrate its efforts on offenders, with no responsibility for developing programs or resources.

Staffing

This Division's staff would be small. The Director, a competent researcher, together with a stenographer, need be the only fulltime staff.

Individual research projects would require employment of research assistants on a project basis. Alternatively, special projects could be contracted out to universities or other similar institutions. For research conducted within the Division, student research assistants could be employed on a project basis at a comparatively small cost, particularly if the research contributed to their education.

It should be borne in mind that much of the research that should be performed would qualify for federal or foundation financial assistance.

Benefits to be Achieved

The study team considers this a key recommendation. Every agency needs some unit that is removed from the hustle and bustle of daily pressures to consider new ideas and to

evaluate progress objectively. This is difficult for line officials to stand off and coldly view their own work.

This is important in many organizations, and especially so for rehabilitation efforts. Much of what is proposed for offender rehabilitation is new, and needs assessment more than well-established public programs. We need to know if experimental programs are effective. We also need someone who is in a position to keep up with new knowledge. The rapid increase in crime has caused many courts to review their work, and to attempt innovation. We are at the threshold of change in handling prisoners, and must be in a position to profit from the successes and failures elsewhere. A competent person, in touch with national events, detached from the daily pressures yet close enough to evaluate what is going on, can make a contribution of inestimable value to the criminal justice system.

CHAPTER VI

REHABILITATION OF OFFENDERS

Introduction

"Community-based corrections" is no visionary slogan but a hard contemporary fact. We support whole-heartedly the proposition that the community is the appropriate place in which to prepare offenders for useful participation in community life.¹

The President's Task Force on Prisoner Rehabilitation, in this statement, is echoing the thinking of many other concerned officials. Chief Justice Warren Burger has become one of the most outspoken advocates of rehabilitation:

In part the terrible price we pay in crime is because we tend, once the drama of the trial is over, to regard all criminals as human rubbish. It would make more sense, from a coldly logical viewpoint, to put all this "rubbish" into a vast incinerator instead of storing it in warehouses for a time only to have most of the subjects come out of prison and return to their old ways. The experience of other countries suggests ... (that) the comprehensive study of each human being involved, including extensive rehabilitation, education, and training, may be the way.²

This report is based on the premise that the greatest protection to society will come from changing the behavior of offenders so that they voluntarily avoid lives of crime. Rehabilitation is the process of producing this change in behavior.

¹ Report of the President's Task Force on Prisoner Rehabilitation, appointed by President Nixon. Washington, Government Printing Office, April, 1970, page 7.

² Interview in Life Magazine, August 7, 1970, page 26.

Research is lacking on exactly why some elements of a person's environment cause him to turn to crime. The causes of crime are many and varied. Because human beings are complex organisms, it is difficult to generalize on the causes of their behavior. We know, for example, that there are many reasons why some persons drink alcohol as an escape from reality. Rehabilitation involves looking at each individual and attempting to find his particular reason. Similarly, the person who gets into serious fights must be studied to find how he can learn to cope with the feelings of hostility which cause this mode of behavior.

Rehabilitation is the process of studying each offender and determining, with him, what can be done to produce a change in his behavior that will satisfy society. Given the complexity of human beings and the relatively primitive state of the rehabilitation art, we cannot expect success in all cases. Nevertheless, protection of society requires that every attempt be made to prevent the cycle of arrest-penalty-rearrest.

This chapter, then, will be devoted to suggestions as to how the community might best respond to reduce recidivism. We accept a limited role in this task. We must, as a practical matter, confine our efforts to those plans and programs which are aimed directly at persons in the criminal justice system. We acknowledge that some causes of anti-social behavior are outside this limited scope. Some experts, for example, believe that poor housing contributes to anti-social behavior; we believe that recommending a housing program is beyond our role. Likewise, we have no intention of getting into such important matters as the school system or employer's policies with regard to discrimination, even though in some instances they may be adverse influences.

We believe that once a person has been identified as deviating from acceptable, normal behavior, there are some programs which can be initiated which will change such persons' behavior into acceptable channels.

Considerable reference will be made in this chapter to the alcoholic. We know that the alcoholic makes up about one-third of the criminal court load at present, and that perhaps another third of the load arises in cases where alcohol abuse at least contributed to the behavior leading to arrest. While statistics are lacking, it has been estimated that from 50% to 70% of the persons in the Workhouse at any given time have an alcoholism problem, whether or not they were arrested on such a charge. Support for this statement comes from a study of Psychiatric Clinic referrals, which showed that alcohol abuse was present in 51% of cases referred following arrest for disorderly conduct, 50% of cases referred on assault and battery, and 63% of cases referred on abuse of family.

In a separate section, we recommend a system of detoxification centers, to take care of the alcoholic during the period of his recovery. We also suggested that, as a last step in the detoxification process, each person be interviewed by a competent social worker, and counselled into accepting such help as the community has available. We pointed out that detoxification was completely separate from rehabilitation, and that rehabilitation could not start without recovery from the period of acute intoxication. So far as the alcoholic is concerned, therefore, this report picks him up as he leaves the detoxification center, sober.

Rehabilitation Programs

Unless Cincinnati's experience is unique -- and we have no reason for such a belief -- the interviewer at the detoxification center will find that a wide variety of conditions led the problem drinker to the bottle. In many instances, he will be unable to find any specific cause -- not because it does not exist, but simply because the state of the art does not always permit a successful and accurate diagnosis. Nevertheless, a skilled exit interviewer should be able to point at least some people directly toward appropriate programs, and

in other instances to narrow the range of possibilities.

This suggests that there must be a number of different weapons in the community's arsenal to attack the problem of rehabilitation, particularly of alcoholics. This has been the experience of a program for alcoholics in the Roxbury section of Boston, which refers its clients to community organizations performing a wide range of social and medical services. Similarly, Milwaukee's Inner City Council on Alcoholism works almost entirely through other agencies, and, in fact, uses the facilities of a local community action organization as its own headquarters.

The range of programs used in Milwaukee may well be a guide to Cincinnati's effort. These include:

1. Counselling, primarily to prepare the alcoholic to accept his problem and to accept the social services which can be made available to him.
2. Alcoholics Anonymous
3. Group Counselling
4. Medical care
5. Psychological evaluation
6. Legal Aid
7. Work training and placement
8. Housing services
9. Social Security services
10. Welfare services

Application to Cincinnati and Hamilton County

We recommend that the Municipal Court, through its Department of Court Services, be assigned responsibility for a comprehensive program of rehabilitation of offenders, with emphasis on the rehabilitation of the alcoholic. It is recognized that some persons may enter the rehabilitation process who are not offenders, but the likelihood at this time is that the vast majority will enter via that route.

Even if public intoxication ultimately is considered to be a disease and not a crime, the odds are that many alcoholics will be involved in the criminal justice system. As pointed out previously, many persons charged with other minor crimes have a history of alcohol abuse. Furthermore, experience in such cities as Atlanta, which have ceased making arrests on public intoxication charges, find that arrests for other charges increase when public intoxication is no longer a basis for arrest. Therefore we can anticipate, for the indefinite future, court involvement of persons in need of rehabilitation.

Placement of this responsibility under the Department of Court Services would provide the closest possible relationship with the Probation Department. It would also provide the Judges with a maximum amount of control over the rehabilitation program, thereby giving them the confidence to use it in appropriate cases. If the responsibility were elsewhere, then a breakdown in any program might cause the Judges to lose confidence in it, with a corresponding decrease in the use of such services.

We further recommend the creation of a position of Director of Rehabilitation under the Director of Court Services, with appropriate secretarial help. The primary role of the Director of Rehabilitation would be to act as a catalyst in bringing together the various existing resources of the community for use by the Probation Division in a concerted attack on the problems of offenders which lead to their anti-social behavior.

We recommend that, except in case of necessity, the Court not attempt to create treatment facilities, but rather use existing community agencies. This area has many agencies whose programs are related to rehabilitation. It would be cheaper and at least equally effective to refer persons to established agencies rather than create new agencies. Following is a list of the types of existing agencies which might become involved:

I HOUSING

- A. Prospect House-Food, Shelter, Alcoholics Anonymous, Orientation, Spiritual Guidance, 20 Beds
- B. City Gospel Mission-Food, Shelter, Spiritual Emphasis, 24 Beds
- C. Mt. Airy Center-Food Shelter, Work for Board, 200 Beds
- D. Fenwick Club-(potential resource) Shelter, Recreational Facilities, Spiritual Guidance, Counselling, 140 Beds
- E. Y.M.C.A.-(potential resource) Shelter, Spiritual and Social Programs
- F. Friar Club-(potential resource) Food, Shelter, Recreational, 79 Beds
- G. Cincinnati Workhouse

II RESIDENTIAL REHABILITATION

- A. Center for Comprehensive Alcoholism Treatment-(developing) HALFWAY HOUSE - Food, Shelter, Alcoholics Anonymous, Therapeutic Milieu, Group Therapy, Vocational Counselling and Job Placement, Family Counselling, Financial Counselling, Linkage to Health Clinic, 25 Beds
- B. Salvation Army Men's Social Service Center-Food, Shelter, Clothing, Work Therapy, Spiritual Guidance and Counselling, Recreational Program, Cultural Program, 162 Beds
- C. Volunteers of America-Food, Shelter, Work Therapy, Recreation, Spiritual Program, 45 Beds
- D. Droege House-(developing) Food, Shelter, Alcoholics Anonymous, Spiritual Counselling, Linkage to Therapy Resource at Comprehensive Care Center. Northern Kentucky, 20 Beds
- E. Talbert House-Comprehensive Program for Ex-offender and Drug Addict

III INPATIENT HOSPITAL/INSTITUTION

- A. Longview-Alcoholism ward for 30 males, Comprehensive Treatment Program
- B. Rollman Psychiatric Institute-Group Therapy, Alcoholics Anonymous, Night Hospital

- C. Veterans Administration Hospital-Group and Individual Therapy, Alcoholics Anonymous
- D. Psychiatric Wards-
 - 1. Emerson A. North
 - 2. Jewish
 - 3. Good Samaritan
 - 4. Christ
 - 5. Cincinnati General
 - 6. St. Elizabeth - Northern Kentucky
 - 7. Booth Memorial - Northern Kentucky

IV OUTPATIENT

- A. Municipal Court Psychiatric Clinic-Diagnosis and Referral
- B. Alcoholism Clinic-Psychotherapy, Family and Group Casework, Diagnostic Services
- C. Alcoholic Anonymous-Self Help Program
- D. Al-Anon Family Groups-Self Help for Family of Alcoholic
- E. Family Service of the Cincinnati Area-Casework for Alcoholic and Family, Alcoholism Protect
- F. Jewish Family Service-Casework for Alcoholic and Family
- G. Catholic Charities-Casework for Alcoholic and Family
- H. Cincinnati Health Department Clinics
- I. 12th Street Health Clinic-Outpatient Medical Care
- J. Cincinnati Free Clinic
- K. West End Health Clinic-(developing)
- L. Mt. Auburn Health Clinic-(developing)
- M. East End Health Clinic
- N. Central Psychiatric Clinic
- O. Rollman's Psychiatric Institute
 - Day Care Hospital
- P. Longview State Hospital
 - Day Care Hospital
- Q. Goodwill Industries Rehabilitation Center
- R. Talents Inc.

V RELATED AIDS

- A. Cincinnati Council on Alcoholism-Coordination
- B. Job Assistance

- 1. Bureau of Vocational Rehabilitation
- 2. Bureau of Employment Services
- 3. Jewish Vocational Service
- 4. Opportunities Industrial Commission
- 5. Concentrated Employment Program
- C. Hamilton County Welfare Department
- D. Legal Aid Society
- E. Visiting Nurses Association
- F. Neighborhood Community Centers and Contact Centers
- G. Probation and Parole Departments
- H. Public Health Nurses
- I. Developing Community Mental Health Center Program
- J. Model Cities Programs
- K. Community Action Commission Programs
- L. Churches

It should be noted that none of these agencies have been contacted concerning their willingness to become involved. Some might legitimately refuse. Some might need to make special financial arrangements in order to expand the level of their services. Even if the court had to pay some share of the cost of private agency operation, it would probably be cheaper than creating an entirely new department. Moreover, some of the offenders may already be known to existing social agencies. This plan would reduce the amount of duplication. In some instances, there may be a problem of the confidentiality of the client - worker relationship. Inasmuch as the persons referred by the Court are obviously already known to the Court, this problem should be minimal.

The only known needs at this time that could not be furnished to the Court by private agencies are detoxification facilities, described below, and a live-in center for persons, particularly alcoholics, who need a roof over their heads during rehabilitation. This type of program is not only necessary from a standpoint of their physical welfare, but also can be quite supportive of the rehabilitation programs in which they participate. It is suggested that a portion of

Drake Hospital could be used for this purpose, with no major capital investment.³ Furthermore, food service and building maintenance would be automatically cared for, although some billing charge would probably be required, there would be no net cost to the county, as an expenditure for such services by the court would be revenue for Drake. The Director of Rehabilitation would be in charge of this program, but would need around-the-clock personnel (Rehabilitation Counsellors) on the scene.

This center's staffing should also include three coordinators, who would work with the residents in getting them to treatment centers, as well as following up their therapy.

A principal role of the Director of Rehabilitation would be to make definite arrangements with any of the agencies whose participation in this program would be helpful, and to monitor costs. He would also coordinate the activities of these agencies with the Probation Department.

DETOXIFICATION PROGRAM

The most significant needed facility, and certainly the most costly, is provision for the detoxification of alcoholics. This facility, we suggest, should come under the direction of the Division of Rehabilitation. Because of its novelty to this community and its importance to a correctional program, we will deal with this problem at length in this chapter.

³ We recognize that Drake's location is less desirable than many inner-city locations. If other uses could be found for Drake, and if sufficient capital funds were to become available, halfway houses for rehabilitation should be located in the inner city, or more convenient than Drake.

Background

In 1968, according to the Uniform Crime Reports⁴ of the Federal Bureau of Investigation, more than 5.5 million criminal arrests were made by some 4,812 reporting police agencies. Of these, 25.6% were for public intoxication.

Cities over 250,000 population include an estimated 40,522,000 of the nation's population. In 1968, over 2 million arrests were made in these 50 cities, with public intoxication accounting for 25.3% of arrests.

Moreover, many arrests for other crimes have involved the use of alcohol, even though the specific arrests did not always reflect this fact. The following table shows 1968 statistics for selected crimes in the 50 largest cities, all over 250,000 population:

<u>Offense</u>	<u>Total Arrests</u>	<u>Rate per 100,000</u>
Drunkenness	530,633	1309.5
Driving while drunk	96,255	237.5
Liquor law violations	34,085	84.1
Offenses against family and children	12,186	30.1
Disorderly conduct	270,832	668.4
Vagrancy	51,161	126.3

⁴ Crime in the United States, Washington, U. S. Government Printing Office, 1969, p. 111.

While these statistics illustrate the scope of the problem of alcoholism, care must be used in applying the figures of any one city. Police policy, particularly with regard to alcoholics, varies. Some departments arrest large numbers for this offense, others tend to minimize alcoholism, preferring to charge offenders under another charge or to ignore them altogether. A comparative study in 1965 showed, for example, that Atlanta police in that year made arrests for public intoxication at the rate of 8,850 per 100,000 while St. Louis arrested only at the rate of 350 per 100,000. No one would reasonably claim that Atlantans drank 25 times as much as St. Louis residents. Moreover, in spite of this low rate, St. Louis was among the first cities to establish a detoxification center.

Cincinnati has generally been below the national averages with regard to total crime. Public intoxication follows this same lower trend. However, as a proportion of all arrests, public intoxication in Cincinnati is comparable to that of the nation as a whole. In 1965, for example, public intoxication accounted for 25.6% of all arrests in Cincinnati. The rate was 1,250 per 100,000 population. Subsequently, this rate dropped to 942 per 100,000 population in 1967, and again in 1969. The number of arrests dropped from 6,200 in 1965 to 4,700 in 1969. As indicated above, however, this 25% decrease does not necessarily indicate a proportionate decrease in drinking. It means that the police arrested fewer on this charge.

Of the 4,501 convictions for public intoxication in 1969, the Court disposed as follows:

<u>Penalty</u>	<u>No.</u>	<u>%</u>
Jail sentence and fine	1,024	22.8
Fine and costs	731	16.2
Costs only	367	8.2
Costs remitted	2,324	51.6
Probation	55	1.2

Thus over half suffered no penalty whatsoever. Almost one-fourth were sentenced to jail. Only one percent were put on probation to receive whatever help that overworked staff might provide.

Records are not available to indicate how many different individuals are included in this group of 4,501 convictions. Subjectively, it is known that many are repeaters. The criminal justice information system, currently being installed, will ultimately furnish such information. Pending the availability of this system, the actual number of separate offenders can be estimated between 2,000 and 3,000.

Alternative Approaches

With public intoxication such an important segment of criminal activity, an examination of alternative approaches to the problem is necessary. The following possibilities exist:

1. Do nothing. We could continue, as a community, to follow the existing procedure of arresting drunks, bringing them into the criminal justice system, incarcerating some, or letting them go, at the discretion of the Judge, and having them return again and again. In the meantime, the community frequently supports their families through the welfare system, the public intoxicants⁵ themselves are seldom economically productive. We believe this option should be rejected. We further believe that the community as a whole is against the present system; those intimately familiar with the problem, such as police, court officials, and welfare workers, are definitely opposed to doing nothing.

⁵ -----
 This report used the term "public intoxicant" to define a person arrested for the crime of being drunk in public. An "alcoholic" is a person chronically using alcohol to excess, but not necessarily in public; nor is he likely to be arrested. Both the public intoxicant and other alcoholics should be welcomed in detoxification facilities and encouraged to face their problems which lead to their excessive drinking. However, except in the case of the public intoxicant, rehabilitation is likely to be at the expense of the alcoholic himself, or of his family, rather than as the expense of the taxpayer.

2. Abolition of public intoxication as a crime. It is possible to do as Washington, D. C., did several years ago: abolish the crime of public drunkenness. Washington reduced its "crime rate" on paper by over 40,000 arrests when it ceased to arrest drunks. Obviously, the behavior of people did not change; the reduction was entirely artificial.

There is some solid support for this alternative. In a 1968 decision (Powell v. Texas), the United States Supreme Court, by a 5-4 majority, upheld the conviction of a public intoxicant. But one of the five-Justice majority distinguished this case, in which the offender had a home to which he could have confined his drinking, from other instances in which the alcoholic is homeless, and therefore had no private place available. The four-member minority would have gone further, stating that no alcoholic, whether or not homeless should be convicted for public intoxication. Thus it is expected that the Court will, in the next few years, take another look at whether drunkenness is a disease rather than a crime.

Repeal of criminal laws against public intoxication would remove this problem from the criminal justice system. But the intoxicant would continue to be the same social and economic liability that he is now, and the community would be faced with a public health crisis because of the lack of treatment facilities. We therefore believe that at present it is in the public interest to continue the enforcement of laws against public drunkenness, provided that the process of enforcement includes a system for assisting the inebriants to resolve their problems.

3. Assistance to the public intoxicant: The third alternative, which we recommend, would provide for assistance to public intoxicants so that they are able to get back into the mainstream of life. While it is theoretically possible that this assistance be provided without the use of the criminal justice system, we believe that the

retention of criminal law may, in at least some instances, serve as a stimulus to the inebriate and certainly to the community to provide the kind of services necessary to accomplish the goal. Equally important, if this approach is adopted, the community will be prepared with a program if public intoxication is removed from criminal statutes in the future. It is this alternative that will be described in the next section of this report.

Detoxification and Rehabilitation

A rounded program of detoxification and rehabilitation should include the following fundamental elements:

1. Detoxification facilities under medical supervision.
2. Relief to the criminal justice system through a procedure of citation rather than arrest.
3. Programs of rehabilitation aimed at the specific causes of alcoholism, which differ from one individual to another.

Detoxification

A detoxification center is most simply explained as being a "sobering up station." The intoxicated person is registered by a clerk at the time he is brought into the center by police, citizens, family, or voluntarily on his own initiative. He is undressed, examined by a physician or other medically-trained staff member, given necessary medication, showered, and put to bed for from eight to 24 hours. The detoxification center's purpose is solely to treat acute alcoholic intoxication and to detect early cases of chronic alcoholism. Because of the possible effects of alcoholism, the center must be under medical supervision, and be open 24 hours a day, seven days a week.

During the first 8-24 hours, he is in an acute care area, where medical attention is directed primarily toward avoiding complications of alcohol withdrawal. After this initial period

he is transferred to a self care area for from three to six days. During this period, patients who were admitted voluntarily may leave if they so desire. All patients who stay would be ambulatory, and would help with housekeeping chores and with the care of more acutely ill patients. In addition, they would be introduced to Alcoholics Anonymous and-or to other rehabilitative programs. A limited recreation program should also be available -- TV, reading, games.

All patients would need a diet especially suitable for alcoholics. It has been found that a high protein diet, with vitamin and mineral supplements, prepared under the direction of a competent nutritionists, is essential for alcoholics. While this is more expensive than more routine diets, the cost could be held down by having some of the ambulatory patients assist in kitchen work and in serving the non-ambulatory patients.

All discharges from the detoxification center should be handled by a skilled social worker, whose principal function would be to encourage involvement in a suitable rehabilitation program. While voluntary patients would not be required to stay until final medical discharge, public intoxicants would be so required. As described in the next section of this report, the social worker interviewer would be authorized to cancel the citation of those who cooperated at the detoxification center.

Details concerning the detoxification facility itself will be presented later in this report.

Citation as a Substitute for Arrest

Previously, mention was made of the recent Powell opinion of the U. S. Supreme Court, in which the Court was critical of the absence of adequate treatment programs. Yet, without the impetus of law enforcement, it is possible that many alcoholics would not voluntarily seek out the rehabilitation assistance they need.

Therefore we propose that drunkenness continue to be included in the criminal statutes. But this does not constitute a reason to clutter the courtrooms with alcoholics. Overtime parking is likewise a crime, but overtime parkers seldom appear in Traffic Court. Many motorists forget to have their vehicles inspected, and are therefore cited, but they rarely go to court; they need merely to get their cars inspected, present the citation tag at the inspection lane, and the tag is voided.

We suggest a similar system for alcoholics. If a police officer finds a drunk on a public street, he would bring him to the detoxification center rather than Central Station, and write out a citation tag charging him with the proper offense (this assumes, of course, that no other crime was involved). If he would stay in the detoxification center until properly released, the citation tag would be cancelled. If, however, he were to walk out, he would violate the conditions of the tag and would be subject to arrest on warrant. To encourage rehabilitation, we suggest further that if a person is cited frequently for public intoxication and uses the detoxification center but refuses to participate in rehabilitation efforts, the center would not void citations. We suggest that such action be deferred until the sixth arrest within any one-year period.

This procedure would relieve the court system of a large number of cases. In 1969, 4,700 arrests were made on public intoxication. All went to court; a large, but unknown, percentage, spent a night in a police cell. Obviously, some of the persons would walk out of the detoxification center; no program will be 100% effective. But it is reasonable to assume that the reduction in court load will be noticeable.

The effect of this reduction will not be particularly noticeable on court revenues. Alcoholics seldom pay fines. In 1969, only one-fourth of the persons brought before the court on the charge of public intoxication, were assessed fines or costs with-

out jail sentences. Of these, an unknown number worked out their fines at the Workhouse.

On the other hand, the savings in police and court costs would be significant. A 1969 study by the Battelle Memorial Institute determined that the cost of arresting and prosecuting a single drunk in Cincinnati totalled \$65, and the aggregate cost of the 9,300 cases in Hamilton County totalled \$600,000.⁶ Increases in salaries and other costs since that time would boost the cost per arrest to about \$80.

This study also indicated that \$427,550 of this cost was spent on court adjudication and incarceration of public intoxicants. Cost increases in the past three years would push this figure to about \$500,000. A citation system would eliminate substantially all of this sum. However, we are not suggesting that actual expenditures would be reduced by this amount. The savings to the Court would be absorbed in the form of providing more time for other cases on the docket, and would lessen pressures for more judges ultimately. The Workhouse would save food costs, but its staff is so small that it could not possibly be reduced.

There would, however, be a direct saving in terms of permitting construction of smaller facilities to replace the existing Workhouse. (Cost estimates on construction will be deferred until a later stage of this study.)

The court system would also benefit, although, again, we repeat that expenses would not decrease. Now, the Judge in Criminal Court faces about 100 offenders a day. Of these, at least one-fifth are in court only because of alcoholism. If this number were removed from the docket, the Judge in Criminal Court would have more time to devote to the remaining cases.

⁶ Battelle Memorial Institute, p. 18.

Rehabilitation Programs

As indicated earlier, a detoxification center is a sobering-up station; its function is medical, not rehabilitation.

However, rehabilitation programs should be available to all alcoholics upon completion of detoxification. While this is not a function of the detoxification center, the center can be useful in the rehabilitation process by providing a terminal interview in which the intoxicant is encouraged to seek help. The nature of the rehabilitation programs has already been described.

Organization for Treatment

The detoxification center is both a medical facility and a court-related facility. Logically, it could be placed under the supervision of either the Board of Health or the proposed Department of Court Services.

Placement under the Board of Health would provide the advantage of having all publicly-owned medical facilities under one administrative head. Supervision by medically-trained administrators would prevent the otherwise-possible rift between lay administration and medical needs.

On the other hand, the detoxification facility would have to work in close coordination with the Department of Court Services, which coordination might be closer if it were a part of the same department. This department will handle the rehabilitation programs into which alcoholics will be referred. From the standpoint of the budget, it would be preferable to have the Department of Court Services responsible for financing all court-related facilities.

We believe that either administrative system will work, and have no strong preference. If, however, the Board of Health were chosen as the instrument of control, we suggest that the Division of Rehabilitation be billed periodically for the cost of services, so that the Board of Health would not be responsible for budgeting for a court-related expense.

The Detoxification Facility

It is difficult to determine the size of the facilities needed when there is no precedent within this community. Washington, D. C., with a population of approximately twice that of Hamilton County, expects 12,000 admissions this year. Their 60-bed facility is so overcrowded that patients are moved out prematurely.

We estimate the Hamilton County detoxification facility should be adequately established for 6,000 admissions a year. This estimate is based on the arrest of 4,700 public intoxicants in Cincinnati alone in 1969. Admission of county residents, plus voluntary admissions, would increase this total. In addition, it can be assumed that Cincinnati police might cite more public intoxicants to a detoxification center than they now arrest. Police are discouraged by the present process, which many police consider meaningless. A real detoxification program might well cause them to be more vigorous in this area.

If 6,000 men are admitted annually for an average stay of seven days, 115 beds would be continuously occupied, assuming that the admissions were on a level curve. Fluctuation in admissions would overtax a facility planned for only an average intake.

Our recommendation is the construction of two facilities, each with 60 beds, and capable of expansion to 75 beds if needed. Two facilities are preferred rather than one larger institution. Two facilities could be better located in relation to the sources

of most police citation of drunks. We suggest that both be in the inner city, one in the West End or western part of Over-the-Rhine, and the second in Avondale or Mt. Auburn. Reduction of police travel time in taking drunks to a nearby center will help to return officers to their beats faster.

Another advantage of the smaller institution lies in the ability to develop a more personal relationship between staff and patient that would encourage rehabilitation.

Neither facility would be equipped to care for females. Over 90% of arrested public intoxicants are male. It would be more economical for the county to contract with one or more hospitals to provide a detoxification service for the small number of females likely to be served, inasmuch as we estimate that on an average, only eight to ten women would be patients of a detoxification center at any given time.

The above estimate presupposes that male public intoxicants who are arrested on other charges (disorderly conduct, resisting arrest, etc.) while intoxicated would be taken to jail rather than to a detoxification center. The detoxification center would be a Health Department or Court facility, not a jail. Security measures would inhibit the rehabilitation function. For those cases where security would be a problem because of the need for detention for

other arrests, the preferred plan would provide for their detoxification while incarcerated. The Workhouse being the only incarceration facility with hospital facilities, it is suggested that arrangements be made in the new institution for detoxification, even though such offenders have not yet been convicted. A program of training police officers in handling drunks during detoxification would help to fill the gap in the program.

The detoxification centers would need other facilities than beds:

1. A kitchen and dining area suitable to the preparation of sufficient food. The dining area might double as a day-room for the recreation of ambulatory patients.
2. Offices, examination and treatment rooms for use of the physicians in charge; also a small laboratory.
3. Offices and interview rooms for social workers.

Staffing

As a medical facility, the detoxification program would be under medical direction. However, it is anticipated that only part-time direction would be needed.

The principal professional staffing would be in the nursing area, with a supervisor and round-the-clock floor nursing, assisted by orderlies. One admitting clerk, to relieve nurses of clerical work, would be on each shift. A nutritionist would be retained in order to provide supervision over food preparation so that the special nutritional needs of alcoholics would be met.

The general business administration of the center would be under an administrative assistant. One cook and a helper would be able to provide the meals, assisted by ambulatory patients.

Benefits to be Achieved

Provision of adequate detoxification facilities is the cornerstone for the possible rehabilitation of alcoholics.

The principal benefit would be the recognition of alcoholism as a disease rather than a crime. This is the first step toward doing something to reduce its incidence.

From the standpoint of the alcoholic, it would provide the first step, detoxification, on the road to eventual rehabilitation. Without medical supervision over this process, it is fraught with danger. While a detoxification center is not a rehabilitation program, it is an essential first step.

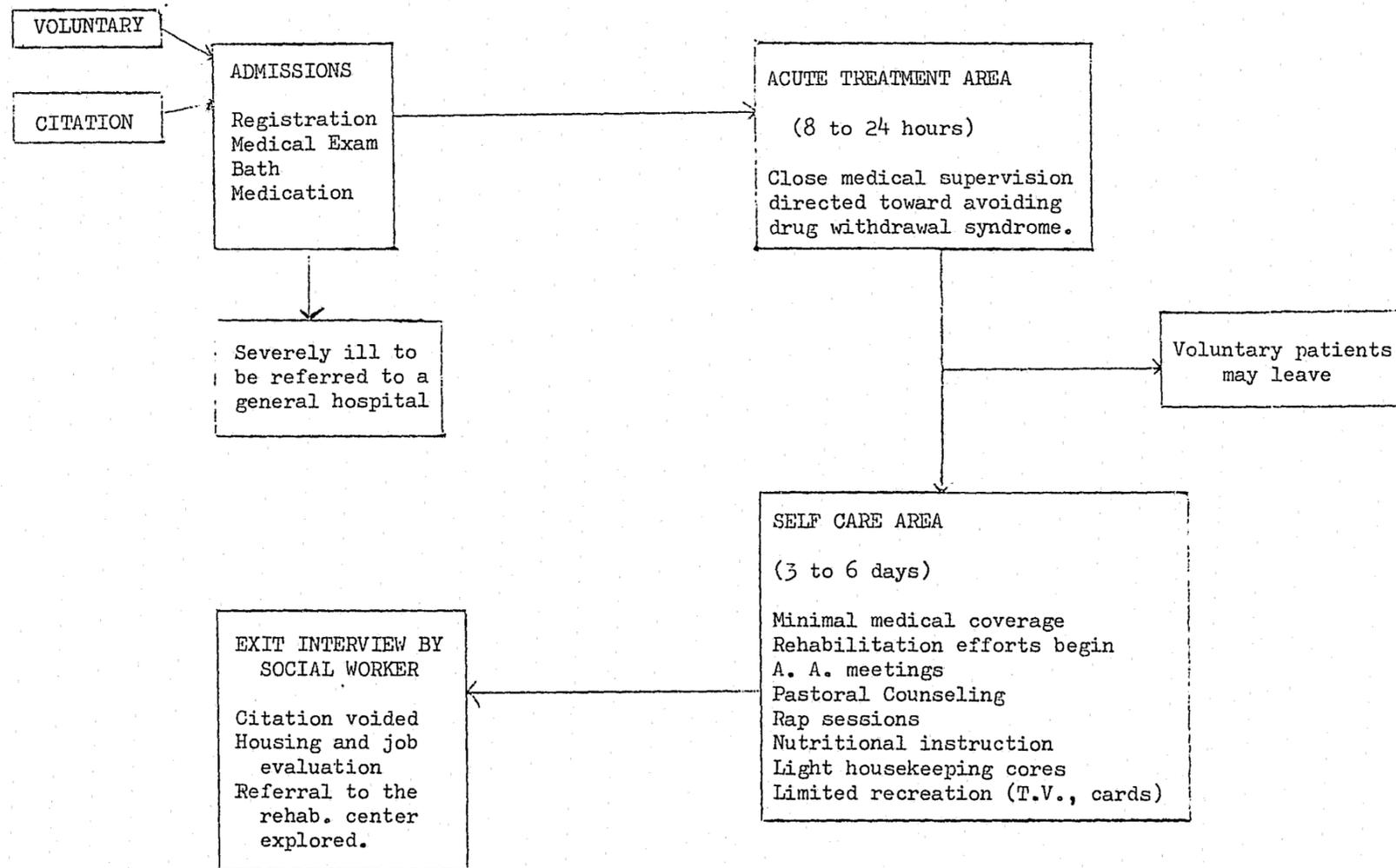
From the standpoint of the police, this program would conserve police time through making it much simpler to cite a public intoxicant to a detoxification center without the requirement of going through the entire court process. While the saving in police time would not be reflected in lower police costs, it would tend to keep police officers on the street for the performance of their primary role, crime suppression.

Workhouse population would also be decreased 15-20% with some savings in food costs. However, as with police, the workhouse is not adequately staffed, and therefore there would be no opportunity, solely because of this program, to reduce the guard force, which is the most expensive component of the workhouse budget. In terms of design and construction of a new institution, direct savings would result, as it could be built for 15% fewer prisoners.

This proposal would also permit the community to phase in one construction program at a time, spreading construction costs over a period of time. Staffing patterns would be built up gradually on the basis of experience. The alternative, one large jail facility, would require a huge single financial commitment.

We should also point out that alcoholism has been found to be a contributing cause in about half of the 50,000 highway fatalities experienced in the United States each year. An attack on this problem hopefully will have some impact on highway deaths.

The experience in St. Louis indicates that the money spent on detoxification is well spent. Its detoxification program, without all of the recommended rehabilitation treatment program, resulted in 19% of the patients remaining abstinent, according to a sample study of 1968. An additional 49% showed marked improvement in drinking patterns and in their general health. The study also showed that 18% were able to achieve marked improvement in their housing, income and employment status following treatment. From the standpoint of law enforcement, St. Louis noted a 50% reduction in the time of arresting officers devoted to handling intoxicants, and a 39% reduction in the number of intoxicants incarcerated. Public intoxication was reduced by 35%. If these figures could be achieved in Cincinnati, a substantial expenditure would be justified.



DETOXIFICATION CENTER
 PATIENT FLOW CHART

CHAPTER 7

PROBATION SERVICES

Current Situation:

Probation is the release of a convicted offender to the community under supervision. Other alternatives to incarceration can be applied -- a fine, payment of court costs, or a suspended sentence. None of these provides for supervision (although a person placed on probation may also have to pay a fine). The basic requirement for probation is a staff of court officers whose task is to provide supervision for a stated period of time.

The Probation Department is currently staffed with one Chief Probation Officer, eight Probation Officers, five clerical employees, and a Supervising Psychiatric Social Worker who divides his time between probation and the Psychiatric Clinic. It has a budget of \$132,580 for 1970.

The case load has been rising. As of July 1, 1970, 2,512 cases were assigned to probation. This averages 314 cases per worker, assuming the Chief Probation Officer directs the staff (actually, because of the number of cases and the illness of one worker, he takes a partial load himself). National standards of the National Council on Crime and Delinquency recommend a case load of from 35 to 50 cases in order to do a thorough supervisory job.

Of the 902 offenders granted probation in the first six months of 1970, their offenses can be grouped as follows:

<u>Offense</u>	<u>No.</u>	<u>%</u>
Family and child neglect	268	29.7
Larceny, all types	190	21.1
Assaults, all types	125	13.9
Disorderly, resisting arrest	108	12.0

Alcoholism	61	6.8
Traffic offenses	52	5.8
Sex offenses, all types	31	3.4
Carrying concealed weapons	17	1.9
Miscellaneous	50	5.5

In addition to the above caseload, the Court has developed what is known as "informal probation." This is a device by which offenders are released on probation, but without any requirement to report. In effect, informal probation is comparable to a suspended sentence. If they stay out of further involvement with police, they are released from informal probation. If they get into trouble, they can be handled as regular probation violators. This device is used frequently when the offender is merely required to make support payments through the Welfare Department. As of July 1, 1970, the informal probationers totalled 453.

A review of the qualifications of Municipal Court appointees shows that they are not well trained upon his appointment. A survey a year ago showed that only the Supervising Psychiatric Case Worker had the degree of M.S.W. Four Probation Officers had the baccalaureate degree, but none in fields closely related to correctional work. Five had casework or welfare experience. However, several are currently enrolled, on their own initiative, in Xavier's program leading to a master's degree in corrections. There is no employer-sponsored on-going training program, supervision is limited; the chief probation officer spends a substantial part of his time on his own case load rather than overseeing his subordinates.

Part of the problem is the political nature of the appointment process. Court employees are exempt from civil service laws. The Judges are free to appoint anyone they wish. This has led to wide variation in the background of appointees.

The salary rate for Probation Officers is reasonably satisfactory. A survey of salaries in 26 local jurisdictions throughout the country showed an unweighted average entry rate of \$678 and an average maximum rate of \$830 a month. This compares with Cincinnati's entrance rate of \$752 and maximum of \$869 a month. Cincinnati pays a Probation Officer the same rate as it pays a Psychiatric Case Worker, whereas in other cities the rate is generally lower. Psychiatric Case Workers, in a survey of 26 other jurisdictions heavily skewed by high California rates, averaged \$981 a month, unweighted maximum rates, compared to Cincinnati's \$869. In short, Cincinnati has not mistreated its Probation staff financially. However, further evaluation of salary rates is in order if the quality of performance improves in accordance with the purpose and resources recommended in this report.

The caseload is unreasonably heavy, considering the lack of supporting resources. On the average, a probation officer can devote less than eight minutes a week to a case, including time for necessary case records. Meaningful consultation with a probation officer is the exception. Referrals to social agencies are sporadic and poorly followed up. Probationer reporting is frequently to a clerical worker rather than the probation officer, rendering advice and assistance almost impossible.

Pre-sentence investigations are the exception rather than the rule. In the first six months of 1970, the Probation Department reported 157 investigations, an average of 26 a month. This is about 3% of the persons convicted. Some authorities believe that pre-sentence investigations should be made on all convicted persons. Whether or not this extreme is necessary, it is apparent that more investigations are in order than are being made. In the same six months, the Probation Department signed 279 warrants for probation violation. This would indicate that either (1) many are put on probation who should be treated otherwise; or (2) the amount of supervision is insufficient. Perhaps some of both are involved.

The Court is, of course, aware of the overload. It has requested additional positions in budget hearings. It developed the concept of "informal" probation in order to keep down the number reporting regularly.

The Court's problem is very real. The alternatives available to the Court are all of dubious value. The Court has in effect already determined that sentencing prisoners to the Workhouse is a waste of time and taxpayer's money. While it costs some \$1,500 a year to keep a prisoner in the Workhouse (plus, in many instances, the cost of supporting his family on welfare), the average cost on probation is only about \$53. Faced with only these two alternatives (plus, of course, fining the offender or turning him free) the Judges have been choosing the cheaper course.¹ In 1960, the judges placed a total of 533 on probation; in 1969, the number was up to 1,759, while for the first half of 1970 the number was 902.

Conversely, the population of the Workhouse has been decreasing. In recent years, an average daily count of 500 or more was common. Now, the average hovers a little under 400. While this decrease represents little saving to the taxpayer -- the basic costs of custodial care continue, as the same number of security posts must be maintained -- there is some saving in food costs, and less pressure to expand the guard force.

1 We do not wish to overstress economic benefits of probation in comparison to incarceration, as the human values should be paramount. However, in view of the substantial cost of our total recommendations, it should be pointed out that the extensive use of probation has been proved to save money. According to the John Howard Association, the State of California has put state dollars into county probation, and computed that by investing \$10 million in probation, the state saved \$50 million in institutional costs, a saving of \$5 for every \$1 invested. A demonstration project in Saginaw, Michigan, established that with the use of qualified probation officers, the number of offenders incarcerated was reduced by half in comparison with a prior base period, and that failures on probation were also reduced by half. Other studies in Illinois and Wisconsin bear out such savings. We should point out that these proposals will increase probation costs to about \$100, still a substantial saving from costs of incarceration.

In short, we believe that the Judges have recognized the futility of the present system -- and with ample justification. Effective correctional programs simply do not exist for adult misdemeanants.

Basic Concepts:

We believe that probation, serving as it does as an intake control for the use of alternatives to incarceration, must be the heart of a correctional program. Probation is the legal mechanism for maintaining control and supervision over an offender who is not incarcerated. It serves the dual purpose of providing for the protection of society on the one hand, and the rehabilitation of the offender, on the other.

We believe further that adjustment to life in the community can be facilitated by keeping the offender in the community to which you want him to adjust. Removing him to an institution is seldom the answer to a correctional problem. Incarceration's value lies in protecting society momentarily from the offender, and not in teaching the offender to adjust to society. Consequently, since the person committed to an institution eventually returns to the community, the respite afforded the community is only temporary and may serve to further complicate his re-integration into the community. We believe that most offenders can be helped to make this satisfactory adjustment to the community, but that positive steps are necessary to provide this help.

We believe that the process of adjustment is a community problem that cannot be dumped into the laps of eight overburdened and underequipped people, and then forgotten. Community-wide problems require community-wide efforts. Broad supportive programs are essential. These include such resources as social agencies, job training and placement agencies, halfway houses for those in need of shelter and support during rehabilitation, and a program of volunteer probation supervisors.

Finally, we believe that treatment must be based on the nature of the offender rather than solely on the nature of the offense. It is of relatively minor significance what offense a misdemeanant has committed; the next offense may be different, but he is the same troubled person. Treatment based on his problems must help him to solve them, if he is to get out of the crime cycle.

This suggests the need for more attention to pre-sentence investigation as a diagnostic tool to classify offenders. While many offenders are capable of ready adjustment to society, some represent, at the time of sentencing, a danger to the community. An investigation could provide the basis for consultation with the sentencing Judge; if the decision is probation, the information gathered would help to evaluate the offender's rehabilitation potential, and to plan a program of treatment that would have the greatest possibility of success.

Suggested Changes and New Programs

1. We propose that the Division of Probation Services of the Department of Court Services be the field force of the Court system in its treatment programs. Other divisions -- the Psychiatric Clinic, Rehabilitation, and Program and Staff Development -- and other private and public agencies should be available as resources and support services. But the contact with probationers should be in the hands of the Probation Services Division. The existence of the other divisions would permit the probation staff to concentrate exclusively on dealing with individual probationers, knowing that they had all of the resources at hand that the community was willing and able to provide.
2. We propose that when an offender is sentenced to the Corrections Center, some provision be made for his supervision after release. Persons judged in need of incarceration probably need more help in adjusting to society than those who are judged not to need incarceration. They also have the additional problem of

adjustment following incarceration: finding a job, re-establishing their family relationships, etc. The point is that temporary incarceration does not solve any problem, other than temporarily securing society from the offender. The long-range security of the community requires either permanent incarceration or effective re-adjustment, with Court help. At present, when an offender leaves the Workhouse, he is on his own. We believe his adjustment would be facilitated by supervision of the same type provided probationers, and therefore could be handled by the same personnel, provided, of course, ample staff were available. About 3,000 persons are released from the Workhouse to the community each year. A program of after-care would not need to include all 3,000, as some would not be suitable subjects for rehabilitation. As a minimum, a trial project should be undertaken for some of this group, with preparation for after-care beginning while the offender is still confined. Then, on the basis of this experience, the staffing pattern could be more objectively determined.

3. It is proposed that probation officers be encouraged to report promptly to the Court recommendations for termination from supervision those probationers who need no further supervision or assistance. It is better to assign a person to a long period of probation and release him early, rather than to provide inadequate time for him to receive the help he requires. We realize that such reports can be made now; the difference we are suggesting is in the encouragement from the Judges.
4. We propose that the Probation Supervision unit take on the added function of supervising parolees. Currently, parole of misdemeanants from the Workhouse is almost non-existent. In 1969, only 46 were paroled. Most of these (the exact number is not recorded) were turned over to other authorities who had holds on them, so they merely went from one institution to another. We do not expect large numbers ever to be

paroled from a short-term institution. But when they are paroled, they should be given the same help as probationers. Because post-institutional problems may require special handling, we suggest that all parolees be concentrated in the case load of one Probation Officer.

5. We propose that a substantial enlargement of the professional probation staff be authorized. A proposed table of organization, together with its costs, is outlined in Chapter 9.
6. In addition, we propose that a system be established for the use of volunteers in the probation function, as described in Appendix A of this chapter. We believe that the volunteer concept would not only extend the capability of the probation staff, but would also provide a new and necessary ingredient of community involvement which would assist the Court in obtaining cooperation in such areas as jobs for probationers.
7. We propose that extensive in-service training be provided for both the paid professional staff and the volunteers. We have suggested, in a separate section, a Division of Program and Staff Development which would have among its purpose the training of personnel.
8. We propose that the work of the Division of Probation Services be divided into two definite areas. One, the supervision of probationers, is a traditional function of probation; this would continue, with the primary change being in the availability of resources to which probationers could be referred. We also suggest greater emphasis on counselling the probationer and, where appropriate, his family. The second function would be the screening of all new probationers by an intake unit of trained case analysts, whose primary responsibility would be to suggest appropriate rehabilitation resources and programs for each new enrollee. The purpose of this interview would be to determine each offender's readiness for rehabilitation, to suggest appropriate programs, and to introduce the probationer to his probation officer in a manner that would facilitate correction.

This unit would handle pre-sentence investigation whenever required by the Court. It is anticipated that the number of such investigations, now small, would increase if personnel were available for this function. When persons are put on probation who had been the subjects of pre-sentence investigation, the investigation report would be very useful in planning and implementing rehabilitation.

The intake unit would have to handle about 1,800 probationers a year. In addition, to the extent that an after-care program for persons released from incarceration is established, either as a condition of pre-release or on a voluntary basis, there would be an additional load. This number is difficult to estimate, but should probably be small at the start. This staff would also interview discharges from the Detoxification Centers; this load is also difficult to predict but would probably be in the range of 1,800-2,000. We believe that initial staffing should be provided that is capable of handling a minimum of 5,000 cases a year. We therefore recommend a staff of five case analysts, with two stenographers and a unit supervisor. This would permit an average load of four interviews each working day, plus pre-sentence investigations. One interviewer would be assigned to each Detoxification Center, one to the Workhouse, and the remaining two to the main office.

We suggest that a different type of employee from the usual probation officer be employed for this assignment. It is essentially social work interviewing, and should be performed by a person with social work rather than probation background. They would not have to be psychiatric social workers, although such background could be useful, particularly at the Detoxification Center assignments.

This proposal offers two important advantages. First, it would provide greater expertise in interviewing and diagnosing problems than the probation officers could be expected to have. Second, it would permit the probation officers as case managers to spend full time on supervision, including working with volunteers. We cannot overemphasize

the fact that repeated expression of interest and concern in the probationer is essential if successful adjustment is to be achieved.

9. We suggest reconsideration of the concept of informal probation. It is really a contradiction of terms. Probation implies supervision; yet none is available for this group. If the offender needs supervision, it should be available; if he does not need supervision, the Probation Department should have no responsibility for him. He could be freed, fined, or given a suspended sentence. The caseload of the Probation Department is too high to justify the added paper work generated by this group.
10. We suggest consideration of the possibility of diverting some offenders elsewhere. The family neglect cases might be referred to Juvenile Court if a juvenile is involved; this Court has better facilities and more staff to cope with non-support cases. Also, the availability of a detoxification program would divert some alcoholics from the probation system.
11. We suggest that a merit system be established for court appointees. This need not be identical with the established civil service system, but could be set up by agreement of the Judges with the assistance of the proposed Advisory Committee. The adoption of minimum standards for appointment, the assurance of retention during satisfactory performance, the freedom from political assessments, and selection for promotion based on ability -- all are necessary if the professional staff is to be truly professional.
12. We recommend that more pre-sentence investigation be the rule. As an aid to the Judge in effective sentencing procedures, we believe that calling for investigation more often would reduce the number of probation violations. The need for more pre-sentence investigations

is among the reasons we recommend a separate unit to handle pre-sentence investigations, along with intake into the Probation Department. The John Howard Association suggests that, in working with the misdemeanant offender, a "short form" investigation form could be utilized.

We must point out that an arrest and conviction represents a crisis in the life of a defendant. The significance of that crisis can be heightened for the defendant; he has important decisions to make about his errant behavior. A humdrum, detached handling of his personal crisis robs it of significance, and builds resentment in him. Serious individualized attention of the pre-sentence investigator in consultation with the Judge dignifies the Court, and may also arouse some hope in the defendant that he can utilize his current crisis to operate more effectively in the future. At the time of sentencing, the pre-sentence investigation offers him some assurance that his particular situation has been given serious attention, and that the punishment is properly imposed on him; this recognition is often a necessary step toward rehabilitation.

APPENDIX A

USE OF VOLUNTEER PROBATION
COUNSELORS IN HAMILTON COUNTY MUNICIPAL COURT

The use of community volunteers in carrying out various functions within the structure of the Hamilton County Municipal Court holds some promising possibilities. Volunteers have not been used by this Court, except for a brief period in the early 1960s, when the Psychiatric Clinic utilized Junior League volunteers for research and record-keeping.

Similarly, use of volunteers in U. S. Courts was almost non-existent until 1960. At that time Judge Keith Leenhouts initiated a massive volunteer probation counselor program in the Municipal Court of Royal Oak, Michigan. Leenhouts' program was started because he lacked funds to obtain the probation officers he wanted in his Court, and his pioneering work in describing that program has led to a dramatic proliferation of volunteer services across the country.

It has been reported that in 1969 some 300-400 courts in the U. S. were using an estimated 20,000-30,000 volunteers in various capacities. (Volunteer Programs in Courts, U. S. Department of Health, Education, and Welfare, 1969) While at least 20 types of functions have been identified in which volunteer help has been used, the majority of volunteers are used as probation officers under the supervision of professional staff. Juvenile courts have been most receptive to community volunteers, but several noteworthy programs exist using volunteers with misdemeanant and felon offenders.

The most typical situation is that of a carefully screened and briefed volunteer who is matched with a suitable offender for a period of one year of probation supervision and counseling, under the tutelage of a professional corrections officer. There

is usually a minimum commitment of one hour each week of contact with the offender during that year, during which the reality problems of the probationer are discussed. However, volunteers with special skills have also handled small discussion groups or tutoring groups.

No courts have reported any shortage of qualified volunteers willing to undertake the responsibility of being a "friend of the court" for such case supervision. A large number of professional persons and business executives have volunteered, and their special skills can be well-utilized. Retired persons are also prominent as volunteers. Housewives, particularly those who have finished raising families, are frequently assigned to female probationers.

College students have also been heavily utilized as volunteers, particularly students of the social sciences. Students in criminology, police science, and corrections have often been assigned as volunteer probation counselors as a field experience under supervision. As a result, some courts have reported that a number of students have opted for professional training in corrections. Recent research in the Denver County Court, which uses 1,000 volunteers, suggests that probationer outcomes are somewhat more successful when the age and social class differential between volunteer and probationer is not too large (The Use of Volunteer Probation Counselors for Misdemeanants, The County Court, Denver, Colorado, 1968). The Student Community Involvement Program (SCIP) at the University of Cincinnati may well serve as a vehicle for student participation.

The advantages of using volunteers can be summarized as follows:

1) A volunteer probation officer program can increase the number and intensity of contacts with probationers with only a modest increase in the court budget. The Municipal Court Probation Department, with caseloads of 300 or more per officer, has passed the point where meaningful counseling can be attempted with probationers, and contacts must be of a minimal and pro-forma type.

A properly supervised volunteer, with a "caseload of one," is a means of producing a corrective emotional experience for the probationer which was intended for him. Use of volunteers can introduce fresh energies and initiatives which could reinvigorate probation services, as well as distributing the caseloads in a more reasonable manner.

2) The volunteer can serve as a behavior model for the probationer. The example of a successful and socially competent citizen willing to share his time and efforts in behalf of a probationer is a potent persuader for the offender, an example he is inclined to emulate. The motivation of the volunteer is also more acceptable to the probationer, since he knows that the volunteer is working not for money, but from a real desire to help the offender. Finally, some probationers are inclined to trust the volunteer more readily, since he does not convey the heavy aura of authority with which the probation officer is endowed; he sees the volunteer as more of a helping agent, rather than a punishing agent.

3) Courts report a high public relations payoff as an indirect result of volunteer programs. Certainly there is an effect in the community from having hundreds of prominent citizens participating as volunteers in the operation of the court. Courts also report that this broad participation results in a climate of innovation; traditional methods fall under scrutiny. Citizen involvement might also open doors for employment of offenders which hitherto have been closed.

4) Perhaps the most crucial question in introducing volunteers into a court system is their coordination with the professional corrections officers. Some officers will perceive the volunteer as a threat to their professional status, and resent "amateur meddling" with what they regard as a serious responsibility which should only be undertaken by professionally trained officers. In fact, many volunteer operations were started where no professional

The salary rate for Probation Officers is reasonably satisfactory. A survey of salaries in 26 local jurisdictions throughout the country showed an unweighted average entry rate of \$678 and an average maximum rate of \$830 a month. This compares with Cincinnati's entrance rate of \$752 and maximum of \$869 a month. Cincinnati pays a Probation Officer the same rate as it pays a Psychiatric Case Worker, whereas in other cities the rate is generally lower. Psychiatric Case Workers, in a survey of 26 other jurisdictions heavily skewed by high California rates, averaged \$981 a month, unweighted maximum rates, compared to Cincinnati's \$869. In short, Cincinnati has not mistreated its Probation staff financially. However, further evaluation of salary rates is in order if the quality of performance improves in accordance with the purpose and resources recommended in this report.

The caseload is unreasonably heavy, considering the lack of supporting resources. On the average, a probation officer can devote less than eight minutes a week to a case, including time for necessary case records. Meaningful consultation with a probation officer is the exception. Referrals to social agencies are sporadic and poorly followed up. Probationer reporting is frequently to a clerical worker rather than the probation officer, rendering advice and assistance almost impossible.

Pre-sentence investigations are the exception rather than the rule. In the first six months of 1970, the Probation Department reported 157 investigations, an average of 26 a month. This is about 3% of the persons convicted. Some authorities believe that pre-sentence investigations should be made on all convicted persons. Whether or not this extreme is necessary, it is apparent that more investigations are in order than are being made. In the same six months, the Probation Department signed 279 warrants for probation violation. This would indicate that either (1) many are put on probation who should be treated otherwise; or (2) the amount of supervision is insufficient. Perhaps some of both are involved.

The Court is, of course, aware of the overload. It has requested additional positions in budget hearings. It developed the concept of "informal" probation in order to keep down the number reporting regularly.

The Court's problem is very real. The alternatives available to the Court are all of dubious value. The Court has in effect already determined that sentencing prisoners to the Workhouse is a waste of time and taxpayer's money. While it costs some \$1,500 a year to keep a prisoner in the Workhouse (plus, in many instances, the cost of supporting his family on welfare), the average cost on probation is only about \$53. Faced with only these two alternatives (plus, of course, fining the offender or turning him free) the Judges have been choosing the cheaper course.¹ In 1960, the judges placed a total of 533 on probation; in 1969, the number was up to 1,759, while for the first half of 1970 the number was 902.

Conversely, the population of the Workhouse has been decreasing. In recent years, an average daily count of 500 or more was common. Now, the average hovers a little under 400. While this decrease represents little saving to the taxpayer -- the basic costs of custodial care continue, as the same number of security posts must be maintained -- there is some saving in food costs, and less pressure to expand the guard force.

1

We do not wish to overstress economic benefits of probation in comparison to incarceration, as the human values should be paramount. However, in view of the substantial cost of our total recommendations, it should be pointed out that the extensive use of probation has been proved to save money. According to the John Howard Association, the State of California has put state dollars into county probation, and computed that by investing \$10 million in probation, the state saved \$50 million in institutional costs, a saving of \$5 for every \$1 invested. A demonstration project in Saginaw, Michigan, established that with the use of qualified probation officers, the number of offenders incarcerated was reduced by half in comparison with a prior base period, and that failures on probation were also reduced by half. Other studies in Illinois and Wisconsin bear out such savings. We should point out that these proposals will increase probation costs to about \$100, still a substantial saving from costs of incarceration.

In short, we believe that the Judges have recognized the futility of the present system -- and with ample justification. Effective correctional programs simply do not exist for adult misdemeanants.

Basic Concepts:

We believe that probation, serving as it does as an intake control for the use of alternatives to incarceration, must be the heart of a correctional program. Probation is the legal mechanism for maintaining control and supervision over an offender who is not incarcerated. It serves the dual purpose of providing for the protection of society on the one hand, and the rehabilitation of the offender, on the other.

We believe further that adjustment to life in the community can be facilitated by keeping the offender in the community to which you want him to adjust. Removing him to an institution is seldom the answer to a correctional problem. Incarceration's value lies in protecting society momentarily from the offender, and not in teaching the offender to adjust to society. Consequently, since the person committed to an institution eventually returns to the community, the respite afforded the community is only temporary and may serve to further complicate his re-integration into the community. We believe that most offenders can be helped to make this satisfactory adjustment to the community, but that positive steps are necessary to provide this help.

We believe that the process of adjustment is a community problem that cannot be dumped into the laps of eight overburdened and underequipped people, and then forgotten. Community-wide problems require community-wide efforts. Broad supportive programs are essential. These include such resources as social agencies, job training and placement agencies, halfway houses for those in need of shelter and support during rehabilitation, and a program of volunteer probation supervisors.

Finally, we believe that treatment must be based on the nature of the offender rather than solely on the nature of the offense. It is of relatively minor significance what offense a misdemeanant has committed; the next offense may be different, but he is the same troubled person. Treatment based on his problems must help him to solve them, if he is to get out of the crime cycle.

This suggests the need for more attention to pre-sentence investigation as a diagnostic tool to classify offenders. While many offenders are capable of ready adjustment to society, some represent, at the time of sentencing, a danger to the community. An investigation could provide the basis for consultation with the sentencing Judge; if the decision is probation, the information gathered would help to evaluate the offender's rehabilitation potential, and to plan a program of treatment that would have the greatest possibility of success.

Suggested Changes and New Programs

1. We propose that the Division of Probation Services of the Department of Court Services be the field force of the Court system in its treatment programs. Other divisions -- the Psychiatric Clinic, Rehabilitation, and Program and Staff Development -- and other private and public agencies should be available as resources and support services. But the contact with probationers should be in the hands of the Probation Services Division. The existence of the other divisions would permit the probation staff to concentrate exclusively on dealing with individual probationers, knowing that they had all of the resources at hand that the community was willing and able to provide.
2. We propose that when an offender is sentenced to the Corrections Center, some provision be made for his supervision after release. Persons judged in need of incarceration probably need more help in adjusting to society than those who are judged not to need incarceration. They also have the additional problem of

adjustment following incarceration: finding a job, re-establishing their family relationships, etc. The point is that temporary incarceration does not solve any problem, other than temporarily securing society from the offender. The long-range security of the community requires either permanent incarceration or effective re-adjustment, with Court help. At present, when an offender leaves the Workhouse, he is on his own. We believe his adjustment would be facilitated by supervision of the same type provided probationers, and therefore could be handled by the same personnel, provided, of course, ample staff were available. About 3,000 persons are released from the Workhouse to the community each year. A program of after-care would not need to include all 3,000, as some would not be suitable subjects for rehabilitation. As a minimum, a trial project should be undertaken for some of this group, with preparation for after-care beginning while the offender is still confined. Then, on the basis of this experience, the staffing pattern could be more objectively determined.

3. It is proposed that probation officers be encouraged to report promptly to the Court recommendations for termination from supervision those probationers who need no further supervision or assistance. It is better to assign a person to a long period of probation and release him early, rather than to provide inadequate time for him to receive the help he requires. We realize that such reports can be made now; the difference we are suggesting is in the encouragement from the Judges.
4. We propose that the Probation Supervision unit take on the added function of supervising parolees. Currently, parole of misdemeanants from the Workhouse is almost non-existent. In 1969, only 46 were paroled. Most of these (the exact number is not recorded) were turned over to other authorities who had holds on them, so they merely went from one institution to another. We do not expect large numbers ever to be

paroled from a short-term institution. But when they are paroled, they should be given the same help as probationers. Because post-institutional problems may require special handling, we suggest that all parolees be concentrated in the case load of one Probation Officer.

5. We propose that a substantial enlargement of the professional probation staff be authorized. A proposed table of organization, together with its costs, is outlined in Chapter 9.
6. In addition, we propose that a system be established for the use of volunteers in the probation function, as described in Appendix A of this chapter. We believe that the volunteer concept would not only extend the capability of the probation staff, but would also provide a new and necessary ingredient of community involvement which would assist the Court in obtaining cooperation in such areas as jobs for probationers.
7. We propose that extensive in-service training be provided for both the paid professional staff and the volunteers. We have suggested, in a separate section, a Division of Program and Staff Development which would have among its purpose the training of personnel.
8. We propose that the work of the Division of Probation Services be divided into two definite areas. One, the supervision of probationers, is a traditional function of probation; this would continue, with the primary change being in the availability of resources to which probationers could be referred. We also suggest greater emphasis on counselling the probationer and, where appropriate, his family. The second function would be the screening of all new probationers by an intake unit of trained case analysts, whose primary responsibility would be to suggest appropriate rehabilitation resources and programs for each new enrollee. The purpose of this interview would be to determine each offender's readiness for rehabilitation, to suggest appropriate programs, and to introduce the probationer to his probation officer in a manner that would facilitate correction.

This unit would handle pre-sentence investigation whenever required by the Court. It is anticipated that the number of such investigations, now small, would increase if personnel were available for this function. When persons are put on probation who had been the subjects of pre-sentence investigation, the investigation report would be very useful in planning and implementing rehabilitation.

The intake unit would have to handle about 1,800 probationers a year. In addition, to the extent that an after-care program for persons released from incarceration is established, either as a condition of pre-release or on a voluntary basis, there would be an additional load. This number is difficult to estimate, but should probably be small at the start. This staff would also interview discharges from the Detoxification Centers; this load is also difficult to predict but would probably be in the range of 1,800-2,000. We believe that initial staffing should be provided that is capable of handling a minimum of 5,000 cases a year. We therefore recommend a staff of five case analysts, with two stenographers and a unit supervisor. This would permit an average load of four interviews each working day, plus pre-sentence investigations. One interviewer would be assigned to each Detoxification Center, one to the Workhouse, and the remaining two to the main office.

We suggest that a different type of employee from the usual probation officer be employed for this assignment. It is essentially social work interviewing, and should be performed by a person with social work rather than probation background. They would not have to be psychiatric social workers, although such background could be useful, particularly at the Detoxification Center assignments.

This proposal offers two important advantages. First, it would provide greater expertise in interviewing and diagnosing problems than the probation officers could be expected to have. Second, it would permit the probation officers as case managers to spend full time on supervision, including working with volunteers. We cannot overemphasize

the fact that repeated expression of interest and concern in the probationer is essential if successful adjustment is to be achieved.

9. We suggest reconsideration of the concept of informal probation. It is really a contradiction of terms. Probation implies supervision; yet none is available for this group. If the offender needs supervision, it should be available; if he does not need supervision, the Probation Department should have no responsibility for him. He could be freed, fined, or given a suspended sentence. The caseload of the Probation Department is too high to justify the added paper work generated by this group.
10. We suggest consideration of the possibility of diverting some offenders elsewhere. The family neglect cases might be referred to Juvenile Court if a juvenile is involved; this Court has better facilities and more staff to cope with non-support cases. Also, the availability of a detoxification program would divert some alcoholics from the probation system.
11. We suggest that a merit system be established for court appointees. This need not be identical with the established civil service system, but could be set up by agreement of the Judges with the assistance of the proposed Advisory Committee. The adoption of minimum standards for appointment, the assurance of retention during satisfactory performance, the freedom from political assessments, and selection for promotion based on ability -- all are necessary if the professional staff is to be truly professional.
12. We recommend that more pre-sentence investigation be the rule. As an aid to the Judge in effective sentencing procedures, we believe that calling for investigation more often would reduce the number of probation violations. The need for more pre-sentence investigations

is among the reasons we recommend a separate unit to handle pre-sentence investigations, along with intake into the Probation Department. The John Howard Association suggests that, in working with the misdemeanor offender, a "short form" investigation form could be utilized.

We must point out that an arrest and conviction represents a crisis in the life of a defendant. The significance of that crisis can be heightened for the defendant; he has important decisions to make about his errant behavior. A humdrum, detached handling of his personal crisis robs it of significance, and builds resentment in him. Serious individualized attention of the pre-sentence investigator in consultation with the Judge dignifies the Court, and may also arouse some hope in the defendant that he can utilize his current crisis to operate more effectively in the future. At the time of sentencing, the pre-sentence investigation offers him some assurance that his particular situation has been given serious attention, and that the punishment is properly imposed on him; this recognition is often a necessary step toward rehabilitation.

APPENDIX A

USE OF VOLUNTEER PROBATION
COUNSELORS IN HAMILTON COUNTY MUNICIPAL COURT

The use of community volunteers in carrying out various functions within the structure of the Hamilton County Municipal Court holds some promising possibilities. Volunteers have not been used by this Court, except for a brief period in the early 1960s, when the Psychiatric Clinic utilized Junior League volunteers for research and record-keeping.

Similarly, use of volunteers in U. S. Courts was almost non-existent until 1960. At that time Judge Keith Leenhouts initiated a massive volunteer probation counselor program in the Municipal Court of Royal Oak, Michigan. Leenhouts' program was started because he lacked funds to obtain the probation officers he wanted in his Court, and his pioneering work in describing that program has led to a dramatic proliferation of volunteer services across the country.

It has been reported that in 1969 some 300-400 courts in the U. S. were using an estimated 20,000-30,000 volunteers in various capacities. (Volunteer Programs in Courts, U. S. Department of Health, Education, and Welfare, 1969) While at least 20 types of functions have been identified in which volunteer help has been used, the majority of volunteers are used as probation officers under the supervision of professional staff. Juvenile courts have been most receptive to community volunteers, but several noteworthy programs exist using volunteers with misdemeanor and felon offenders.

The most typical situation is that of a carefully screened and briefed volunteer who is matched with a suitable offender for a period of one year of probation supervision and counseling, under the tutelage of a professional corrections officer. There

is usually a minimum commitment of one hour each week of contact with the offender during that year, during which the reality problems of the probationer are discussed. However, volunteers with special skills have also handled small discussion groups or tutoring groups.

No courts have reported any shortage of qualified volunteers willing to undertake the responsibility of being a "friend of the court" for such case supervision. A large number of professional persons and business executives have volunteered, and their special skills can be well-utilized. Retired persons are also prominent as volunteers. Housewives, particularly those who have finished raising families, are frequently assigned to female probationers.

College students have also been heavily utilized as volunteers, particularly students of the social sciences. Students in criminology, police science, and corrections have often been assigned as volunteer probation counselors as a field experience under supervision. As a result, some courts have reported that a number of students have opted for professional training in corrections. Recent research in the Denver County Court, which uses 1,000 volunteers, suggests that probationer outcomes are somewhat more successful when the age and social class differential between volunteer and probationer is not too large (The Use of Volunteer Probation Counselors for Misdemeanants, The County Court, Denver, Colorado, 1968). The Student Community Involvement Program (SCIP) at the University of Cincinnati may well serve as a vehicle for student participation.

The advantages of using volunteers can be summarized as follows:

1) A volunteer probation officer program can increase the number and intensity of contacts with probationers with only a modest increase in the court budget. The Municipal Court Probation Department, with caseloads of 300 or more per officer, has passed the point where meaningful counseling can be attempted with probationers, and contacts must be of a minimal and pro-forma type.

A properly supervised volunteer, with a "caseload of one," is a means of producing a corrective emotional experience for the probationer which was intended for him. Use of volunteers can introduce fresh energies and initiatives which could reinvigorate probation services, as well as distributing the caseloads in a more reasonable manner.

2) The volunteer can serve as a behavior model for the probationer. The example of a successful and socially competent citizen willing to share his time and efforts in behalf of a probationer is a potent persuader for the offender, an example he is inclined to emulate. The motivation of the volunteer is also more acceptable to the probationer, since he knows that the volunteer is working not for money, but from a real desire to help the offender. Finally, some probationers are inclined to trust the volunteer more readily, since he does not convey the heavy aura of authority with which the probation officer is endowed; he sees the volunteer as more of a helping agent, rather than a punishing agent.

3) Courts report a high public relations payoff as an indirect result of volunteer programs. Certainly there is an effect in the community from having hundreds of prominent citizens participating as volunteers in the operation of the court. Courts also report that this broad participation results in a climate of innovation; traditional methods fall under scrutiny. Citizen involvement might also open doors for employment of offenders which hitherto have been closed.

4) Perhaps the most crucial question in introducing volunteers into a court system is their coordination with the professional corrections officers. Some officers will perceive the volunteer as a threat to their professional status, and resent "amateur meddling" with what they regard as a serious responsibility which should only be undertaken by professionally trained officers. In fact, many volunteer operations were started where no professional

staff existed previously, and the evolution of volunteer services resulted in a demand for professional staff, so that jobs were actually created for professional officers in the development of court services. Furthermore, it might be kept in mind that the originator of probation in this country was a volunteer -- a shoemaker who asked a court to release a prisoner to him for guidance.

As administrative experience in the courts with volunteers increases, many successful mixed models now exist which combine the harmonious functioning of volunteers with professional staff. Some of the effort formerly exerted in direct supervision of probationers is diverted to administrative supervision of the volunteer staff, so that the professionally trained officer's skills are multiplied through use of volunteers, and his job takes on more variety. Such a development parallels the use of professional mental health workers who become "caretakers" to lesser trained staff, and only rarely become involved in direct face-to-face supervision of clients. Some courts have reported that one hour of supervision by staff of a volunteer can produce 20 hours of contact with a probationer by that volunteer, which provides some index of the possible multiplication of service to probationers through use of a volunteer system. Frankly, we regard such figures as too optimistic; if one hour of staff time could produce five hours of contact by a volunteer with a probationer, we would regard that as a worthwhile investment.

The guidelines for a volunteer program might be as follows, based upon reports from many courts:

1) A Coordinator of Volunteer Services should be appointed who would coordinate the total volunteer effort. The Coordinator of Volunteer Services would report to the Director of Probation Services. The Volunteer Coordinator would obtain commitments from existing correctional staff for supervision and training of volunteers. He would need a staff consisting of an Assistant Coordinator and a stenographer.

2) The volunteer program would start small, and build steadily as experience accumulated. Careful screening of volunteers would be carried out with the aid of court psychologists and case workers to establish suitable qualifications and motivation of the volunteers.

3) A training program for volunteers would be carried out by staff, over perhaps one day per week for four weeks. The training program would cover the legal, psychological, and correctional responsibilities of the volunteer.

4) At the conclusion of the training course, the volunteers would be sworn in as court officers with a commitment for one year.

5) One carefully selected probationer would immediately be assigned to each volunteer for supervision for one year. The matching of probationer with volunteer would be made by probation officers with the aid of psychologists and caseworkers familiar with both the volunteers and the probationers awaiting assignment.

6) Regular weekly reports and conferences, either individually or in small groups, would be required of the volunteer officers by the regular staff.

7) Ongoing evaluation of the volunteer program would be carried out, with feedback to the Director of Probation Services, by staff persons designated with program evaluation and planning responsibilities. The planning staff would provide adequate recordkeeping to ascertain at any point the impact of the program, and suggest improvements.

8) With experience, a program of pre-probation with volunteers might be developed, using the Court of Flint, Michigan, as an example.

In summary, the rapid proliferation of volunteers in court programs all over the country in the last decade amounts to a national movement to involve concerned citizens in criminal corrections. Any revision of existing services in the Hamilton County Municipal Court should seriously consider the enhanced

CONTINUED

1 OF 2

image of the court in the community, the augmented service potential, and the infusion of fresh energies and ideas into criminal corrections which has resulted from introduction of volunteer programs.

APPENDIX B

WORK RELEASE

One of the fastest-growing concepts in criminology is the concept of permitting a prisoner to work in his normal civilian occupation, even though subject to the discipline of a correctional institution.

The idea is not new. Work release, as it is called, first began in this country in Wisconsin, whose Legislature passed the Huber Act in 1912. Not many states followed suit until recent years. Now, with the passage of House Bill 120 by Ohio's Legislature in 1969, 41 states can be listed as providing work release programs -- 16 of them in the past seven years. Only Arkansas, Alabama, Kansas, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, and Texas have not acted in this field.*

Advantages of Work Release

The complexities of the human animal make it difficult to determine objectively the behavioral changes resulting from any one stimulus. Nevertheless, the growth of work release programs throughout the country, and the satisfaction expressed by public officials, indicate that work release has had a beneficial effect wherever it has been tried. Some of its advantages are tangible, some less so. Following are the principal advantages pointed out in a survey of the 37 states with operational programs:

* While 41 states have legislated, four, including Ohio, did so in 1969; therefore it was not possible to study their programs. The data included in this report covers 37 states which had actually implemented work release programs.

1. Financial advantage to the penal institution: Net prison operating costs are reduced wherever (as under the new Ohio law) prisoners on work release will be charged room and board. It is customary for institutions to charge a per diem rate, approximately equal to the average prisoner/day cost, if the prisoner is allowed to work on work release. Among the best data available is that of Santa Clara, California, which has over ten years of work release experience. In 1965-66, for example, 677 work release prisoners paid the county a total of \$63,342 for room and board. The county computed its cost of operation of the work release program at \$33,934. Thus the county realized a profit of almost \$30,000 in that one year. The \$33,934 added cost included additional personnel and added bookkeeping costs.*

Dade County, Florida, reports that \$32,406 was returned to the County General Revenue Fund as a result of work release prisoners' payments for board and room.

At least 31 states charge room and board. Only one is known not to make such a charge. (The balance did not respond on this item in a survey.)

2. Financial advantage to the prisoner's families: Prisoners on work release support, or help to support, their families, rather than force them on welfare rolls. Santa Clara County, for example, has had almost 5,000 work release prisoners in its 11 years of

* See Appendix for summary of Santa Clara County's distribution of prisoner income.

operation, who have paid \$861,510 to prisoner families. It is a reasonable assumption that, had the prisoners been fully confined, a large proportion of this \$861,510 would have come from the county welfare agency. Moreover, had the head of the household lost his job because of confinement, the chances are that he would have needed welfare support after his release; it takes time for an ex-convict to find employment.

Other states have similar experiences. G. G. Latham, Welfare Director for Shelby County (Memphis) Tennessee, emphasizes the positive benefits of work release to the prisoners' families:

... as the administrator of the largest county office of our state Department of Public Welfare, I see the results of many families becoming dependent on Public Welfare Aid to Dependent Children program when the head of the household either dies, deserts, or is incarcerated. There are facts available by the Penal Farm to clearly show that many families with minor children have escaped having to receive ADC because of the Work Release Program.

3. The prisoner has something to return to when his sentence is over. In large numbers of instances, persons sentenced to confinement are immediately fired by their employers. This is almost a requirement in cases of long sentences. They not only have no jobs to which to return, but, as ex-convicts have a more difficult time locating employment. In addition, a large proportion of prisoners have only had marginal employment at best; many have great difficulty in locating employment even without prison records. In view of this problem, says Mrs. Nancy Ratliff, Director of Social

Services in the Shelby County, Tennessee, Penal Farm, "it is gratifying to see a man leave the institution upon his release with money in his pocket and a stable job with which to continue."

4. Prevention of recidivism: "The real success of our program," says Charles W. Hedges, Sheriff of Norfolk County, Massachusetts, "has been in preventing so many youthful offenders from continuing a life of crime." In essence, this is what work release is all about. The loss of one's means of livelihood because of confinement too often starts a downward spiral. Work release permits punishment without the absolute necessity of losing job, and, with it, self-respect. Unfortunately, no one has researched the subject sufficiently to make available comparative data on recidivism of work-release and non-work-release prisoners. But the experience of Sheriff Hedges is repeated by others who supervise such programs in other jurisdictions.

What is Work Release?

If work release has so many advantages, and if it is to be implemented in Ohio, it should be described. Briefly, it is a program whereby a prisoner can be released from a penal institution during certain limited purposes. The original concept, which provided its name, was release only for the purpose of continuing employment.

When it was found that prisoners could be successfully released for work, the purposes of the release program began to

broaden. While all 37 states surveyed permit release for employment, smaller numbers permit release for a variety of other related purposes:

18 states: release to seek employment
23 states: release for education and/or job training
10 states: release for housekeeping duties
9 states: release for medical treatment

Ohio's new act limits work release to employment rather than any of the other reasons cited above.

Very commonly, states began work release by limiting it to misdemeanants, as in the case with Ohio. However, while all 37 states apply work release to misdemeanants, 25 -- two-thirds of those studied -- also permit felons to participate.

Obviously, not every prisoner is suitable for a work release program. Each prisoner must be judged on his own merits. Some restrictions are built into the law; in addition, the laws provide discretion of the determining body. Some laws, for example, prohibit work release eligibility of anyone convicted of an assault. South Carolina's statute bars alcoholics from the program, while others merely specify "good health" as a requirement. Very commonly, work release prisoners cannot work for a business whose employees are on strike. Eleven states so specify in their statutes. This is the only mandatory exclusion in the Ohio law.

The administration of work release requires also the administration of each offender's income during the period of his income

production. Typically, the states charge for room and board; only one is known to waive this potential source of income. Twenty-nine of the states use part of the prisoners' incomes to pay for the necessary expenses of going to and coming from work, and the same number require that portions of earnings be given for the support of families. Repayment of debts is required in 16 laws, while 12 states require the use of income to pay any outstanding fines assessed by the courts. Most statutes specify a sequence in which these items are to be paid, on the assumption that some prisoners' earnings will be insufficient to meet all obligations. This sequence varies state to state. Ohio's law is clear on this subject; its sequence is outlined in the next section of this report.

Analysis of Ohio law

Amended Substitute House Bill 120, approved by the Governor on August 20, 1969, became effective January 1, 1970. This bill authorizes a work release program, but does not spell out many details. It authorizes the courts within any county to agree on a set of rules and regulations to make work release operative within the county on a uniform basis. If the various courts do not agree, then the Court of Common Pleas is authorized to adopt rules which govern all courts in the county.

Several limitations are identified in the statute:

1. Work release cannot apply to a prisoner who is serving a non-suspendable sentence.
2. No prisoner can be put on the work release program without approval of the sentencing judge.

3. No prisoner can work in an establishment where a legal strike is in process.
4. The work release prisoner must work under the same conditions as all other employees with respect to hours, pay, and other conditions of employment.

The courts in each county are required to designate a person to whom all earnings must be surrendered. This person is charged with the duty of keeping accurate records, and of giving each prisoner a record of his account at least once every sixty days. He is also required to disburse the prisoner's earnings in accordance with the following priorities:

1. Reimbursement to the city or county for all direct costs of administering the work release program and the cost of his board;
2. Support to the prisoner's dependents as ordered by the sentencing judge;
3. Necessary travel expenses to and from work and other expenses incidental to employment; and
4. Payment of fines, court costs, and debts which have been acknowledged by the prisoner in writing, or any garnishments filed against his earnings.

The balance of his earnings are to be retained and disbursed to the prisoner upon his discharge from the institution.

The new provisions of law have been designated as sections 5147.28 and 5147.29 of the Ohio Revised Code.

Administration of Work Release

The various states have adopted varying patterns of administration of work release programs. The most common, found in 12 states, is administration by the courts. Where this is not the practice, the administrator is the person in charge of the penal system (eight states), the welfare director (five states), or a board (four states). The balance of the states provide different means of administering the program for local prisoners as compared with state prisoners. For example, three states provide for the administration of work release for state prisoners by the penal administrator, but for local prisoners by the local courts.

While statutes rarely set forth the reasons for their choices, presumably, there is a feeling that the sentencing judge should have an important role in the determination of whether or not a prisoner should be temporarily freed from custody. However, with regard to state prisoners, particularly those serving long sentences, the mechanics of communicating with judges over a wide area, and the substantial knowledge that the penal administrator gains concerning long-term prisoners makes it logical to turn the entire problem over to the administrator.

Ohio's law deals only with short-term prisoners, as it is limited to persons confined to a county or city jail or workhouse. Therefore its reliance on the court for determination of eligibility is consistent with most other statutes. Fortunately, the Ohio law goes further and permits the court to designate an official to

handle the mechanics of disbursement of earnings. Presumably, most courts would designate a penal administrator for this purpose, if only because of geographic convenience. The simple process of providing a prisoner with bus fare would be made complex if the designated person were not located on the jail premises.

The amount of administrative work involved in a new work release program is difficult to predict. Certainly, the number of prisoners who would actually participate in the program will determine, to some extent, the volume of administrative work. Santa Clara County, for example, provides the equivalent of three full-time employees to handle as many as 800 work release prisoners a year. At any given time, some 70-75 prisoners are on work release.

It is a safe presumption that Hamilton County's program will be substantially smaller, at least at the beginning. This is true of many such programs; they start small, and grow. An additional element is present in the Hamilton County picture which may tend to keep low the number on work release. This is the passage of the weekend sentencing law, which will permit the court to sentence prisoners with jobs to serve their sentences only over weekends. Thus they would be kept from the work release routine.

In view of the general nature of the Ohio law, it is incumbent upon the courts to frame detailed regulations. These regulations should cover the following points, as a minimum:

1. Naming an administrator. We suggest that, as a matter of convenience, the superintendent of the workhouse be named for workhouse prisoners; the regulations should make clear that the administrator may delegate his authority to a subordinate. We suggest that the regulations exclude the county jail prisoners, at least until the plan has been implemented at the workhouse. Few if any county jail prisoners would be eligible.
2. Development of a reporting system whereby the administrator knows that the sentencing judge is authorizing work release. This is a matter of communication, by simple form, from the room clerk to the administrator.
3. Development of standards which the Judges agree will be used as a guide in authorizing work release. While some degree of uniformity is desirable, each Judge must apply them to individual cases, and latitude for interpretation is necessary. We suggest that the regulations limit work release to prisoners with a minimum sentence, such as two weeks; that a list of offenses be drawn up for which no work release authorization will be granted; that the administrator be authorized to suspend work release privileges subject to report back to the Judge currently presiding in Police Court; that the Court rules guide the administrator in such suspension (failure to return to the institution promptly; strike at the company where employed, etc.).

4. Pre-sentence investigation by the probation department is necessary. As a minimum, the probation department must check to be sure the offender has a job, and that the employer will cooperate with regard to handling his paycheck. The probation department is woefully understaffed. Substantial enlargement is indicated for a variety of reasons. We believe that the addition of one probation officer right now is necessary to make work release work.
5. Regulations should permit, but not require, the administrator to find employment for possible work release prisoners. The state law talks only of employment, but is not limited to continuation of current employment. While it is difficult to secure employment for incarcerated prisoners, some employers may be interested in working out plans whereby they could hire persons eligible for this program. Many states permit the prisoners to leave the institution to search for jobs.
6. Regulations should determine the amount of support that a person will be required to pay to dependents. We suggest that the Court consider the amount the Welfare Department would provide for a family of the size involved.
7. The law provides that the prisoner pay "all direct costs of administration of such program and the cost of boarding such prisoner." Typically, other states charge \$3 or \$3.50 a day. The average cost per prisoner day at the Cincinnati Workhouse is now about \$4 a day.

A decision is necessary as to the exact cost to charge. This is difficult, in view of the absence of any local experience concerning the added cost of the work release program. It would seem reasonable at this stage to charge merely the average cost, \$4, for the days the prisoner actually is engaged in productive work.

8. Finally, an effective date is necessary. The statute became operative January 1, 1970. However, it cannot start until space is available. It is necessary to segregate work release prisoners from others, in order to guard against the possibility of their bringing contraband into the institution. We propose that, as an emergency plan, a house be rented suitable for housing 20-25 work release prisoners, and additional staff employed so that one guard is on duty afternoon and night. Food can be transported from the Workhouse. On weekends they could be housed in the Workhouse. In addition, the Workhouse would need at least one additional employee, preferably with a social work background, to handle the day-to-day administrative work required by this program. Some time is necessary to recruit and train a person.

Implementation

In order to make work release operative, the following steps are necessary:

1. The Joint Session of the Municipal Court must agree to the principle of work release, and must formulate rules as suggested on pages 10 to 12, above. These rules must be submitted to the Common Pleas Court for approval.
2. The city council should direct the administration to prepare for Council approval and appropriation, a plan for the following:
 - a. Specific housing. The Superintendent of Workhouse must either select a suitable existing building which can be leased or purchased, or find suitable space within the existing Workhouse, for housing work release prisoners. We recommend the former approach.
 - b. Appropriation. The administration will need funds for the rental and furnishing of the quarters, and for added staff. One Probation Officer, at an annual rate of \$9,026, should be added for an anticipated increase in the amount of pre-sentence investigation. One social worker, at an annual cost of \$7,268, should be added to the workhouse staff to handle day-to-day administration of the program under the direction of the Superintendent. Two guards, at an annual cost of \$7,435, should be added to man the building during the hours work release prisoners would be incarcerated.

If an average 22 work release prisoners each paid \$4 a day board, the \$32,000 receipts would be sufficient to recoup the increased payroll expenditure. More important from a financial standpoint, the balance of the earnings of work release prisoners would go for the support of their families, thus reducing the potential liability on the welfare system.

3. Federal subsidy. Development of a suitable facility for work release prisoners is eligible for federal assistance under the safe streets act. Early submission of a proposal for federal assistance should be made in order to reduce the local share for this facility.

Analysis and Conclusions

The passage of both work release and weekend sentencing bills provides the sentencing judge with a more complete arsenal of punishments for misdemeanants. Formerly the judge had a choice of probation, fine, or full-time incarceration. Incarceration under these circumstances frequently punished the offender's family -- and, to the extent of welfare support, the taxpayer -- as well as punishing the offender.

With these two acts, the sentencing judge now has a wide choice:

1. Probation
2. Fine, with the possibility of remitting a portion thereof

3. Weekend sentencing
4. Work release sentencing
5. Full-time confinement

To the extent that a sentencing judge wishes to consider the effect of incarceration on an offender's family, he now can provide some degree of incarceration without such side effects. It is therefore reasonable to assume that the passage of these two bills will cause an increase in the proportion of persons sentenced to serve time.

It is also reasonable to assume, judging from the success in other states, that the use of these measures in Ohio will be advantageous to the prisoner, to the courts, and to the taxpayer.

With the problem of recidivism reaching such great proportions, it would be advantageous also if the administrators were to keep records of work release and weekend sentenced offenders so that in the future, some estimate could be derived to the effect these measures have on recidivism. Only then can we be sure they fulfill their true purpose of providing proper punishment of the right offenders.

WORK FURLOUGH STATISTICS
Santa Clara County Sheriff's Department

YEAR	ROOM & BOARD	FAMILY	PERSONAL	FINES	MISC.	WAGES	NO. GOING ON PROGRAM
2/57 - 6/30/57	1,850.50	1,406.27	1,438.10	410.00	1,547.62	7,233.38	26
FISCAL YEAR 7/1/57 - 6/30/58	14,663.82	18,013.38	6,133.07	520.50	4,738.78	44,563.31	117
FISCAL YEAR 7/1/58 - 6/30/59	28,993.17	56,071.62	19,985.98	1,177.53	24,233.17	131,095.09	224
FISCAL YEAR 7/1/59 - 6/30/60	35,037.53	61,806.84	21,818.07	1,809.53	26,556.96	147,461.55	254
FISCAL YEAR 7/1/60 - 6/30/61	30,858.70	62,588.79	18,828.67	1,776.08	14,163.26	126,247.76	254
FISCAL YEAR 7/1/61 - 6/30/62	38,994.97	101,701.85	20,067.84	1,149.50	6,604.26	168,867.45	328
FISCAL YEAR 7/1/62 - 6/30/63	49,562.87	90,450.25	33,331.43	1,569.50	27,613.25	207,249.14	390
FISCAL YEAR 7/1/63 - 6/30/64	55,582.62	99,664.99	34,876.12	667.00	28,100.73	217,781.74	430
FISCAL YEAR 7/1/64 - 6/30/65	63,538.17	93,559.72	36,768.60	1,263.39	53,193.25	243,797.70	583
FISCAL YEAR 7/1/65 - 6/30/66	63,342.28	86,986.70	32,845.23	1,362.00	64,939.82	252,223.28	677
FISCAL YEAR 7/1/66 - 6/30/67	<u>74,239.50</u>	<u>105,555.77</u>	<u>40,814.75</u>	<u>1,147.00</u>	<u>81,286.38</u>	<u>299,470.18</u>	<u>869</u>
TOTALS TO DATE	<u>456,664.13</u>	<u>777,806.18</u>	<u>266,907.86</u>	<u>12,852.03</u>	<u>332,977.48</u>	<u>1,845,990.58</u>	<u>4,152</u>
TOTALS FISCAL YEAR 1967-1968 to 2/29/68	<u>61,793.53</u>	<u>83,704.35</u>	<u>40,627.37</u>	<u>654.87</u>	<u>75,829.73</u>	<u>263,906.36</u>	<u>799</u>
	\$518,457.66	861,510.53	307,535.23	13,506.90	408,807.21	2,109,896.94	4,951

APPENDIX C

INSTALMENT PAYMENT OF COURT FINES

Purpose of this Proposal:

When an offender is convicted in Hamilton County Municipal Court on a misdemeanor charge, the Judge frequently has the choice, among others, of fining him, incarcerating him, or assessing both penalties. The reality of the situation is that when the Judge wants merely to fine the offender, his action of fining him may have the effect of imposing a Workhouse sentence simply because the offender cannot at that moment pay the fine.

At present, some offenders are allowed to pay on an instalment plan. This proposal is to broaden that possibility so that the following benefits are more systematically realized:

1. Persons would not be incarcerated simply because they are poor.
2. The Judge's actual sentence would be carried out. If he determines the person should be only fined, he would, in more cases, be only fined, not incarcerated.
3. The taxpayer would be saved the expense of incarceration, and the public treasury would benefit by increased receipts.

Present Situation

The Court is currently using its legal authority (described more fully below) to permit instalment payment of fines in some instances. In 1969, approximately \$26,000 was collected in fines and costs by the Probation Department. This represents an unknown number of offenders who, when sentenced, indicated to the Judge that they could not pay the fine at that time. The Judge then committed them to probation for the purpose of collecting the fine. The Probation Department set up a schedule of repayment. The Cashier of the Probation Department collected the money, and reported any delinquencies to the probation staff which in turn reported them to the Judge for consideration as probation violators. The law then permits the Judge to impose such sentence as he could have originally imposed under the charge.

In addition to those who pay their fines either to the Court or through instalments, an estimated 1,300 are sentenced to the Workhouse simply because they could not pay their fines. Another, larger group receives both a fine and a sentence in days.

No summary records are available that would indicate the numbers in each category, nor is their employment status ascertained (unless they indicate they are unemployed). Therefore we had to rely on estimates based on a sample of Workhouse commitments. Based on this sample, we find that almost one-fourth of all Workhouse commitments are for fines only, with these fines aggregating \$85,000 a year. Of this amount, one-fifth is paid after the offender has been incarcerated for a day or two. A similar amount of fines is assessed against persons known to be unemployed; this amount could never be recouped. The remaining 60%, or almost \$50,000 a year, is assessed against persons who at least claim an occupation, and therefore could be expected to pay if an instalment plan were available.

In addition, almost half of the persons sentenced to serve time also are fined. The aggregate amount of these fines is about \$275,000 a year. Of this amount, one-fifth is paid in cash in order to shorten sentences, rather than require the offender to serve additional days. The balance, over \$200,000, is worked out at \$10 a day.

In short, on any given day, there are about 70 persons incarcerated in the Workhouse for the purpose of working out fines at the rate of \$10 a day. Not only is the revenue from this \$250,000 in fines lost, but the city is feeding, clothing, and securing these 70 persons at the taxpayers' expense. We hesitate to put a dollar sign on this cost. While the average cost per prisoner per day now exceeds \$4, we recognize that if the Workhouse population were arbitrarily decreased, there would not be a proportionate decrease in its cost of operation; only the direct cost of food and uniforms would be actually saved. However, some of the pressures now existing on the inadequate staff would be partially relieved.

Suggested System

Any system for the instalment payment of fines must take into account the fact that the Judge in Criminal Court simply does not have the time to work out details; nor is it necessary to use the time of a Judge for this purpose. Persons can be hired more cheaply to do it for him.

We propose simply that the offender who is only fined by the Judge be referred to a Probation Officer who is assigned as financial interviewer, if he tells the Room Clerk that he is unable

to pay the fine at that time. Thus no additional burden would be placed on the Judge.

The Room Clerk would prepare a simple referral form, in duplicate. This form would identify the offender by name, charge and date, and show the amount of fine. One copy would be given to the offender to take to the Probation Department, where he would meet with the financial interviewer and work out a plan for payment. The other copy would be retained by the clerk, and checked with the financial interviewer at the end of the court session to be sure everyone reported. If not, a warrant for physical arrest would be issued and the Judge would impose such sentence as authorized by law, in accordance with Section 2947.11 of the Revised Code.

Assuming the offender reported to the financial unit, he would sit down with a financial interviewer and discuss his ability to pay the fine. In some cases, a call to a relative or friend would be sufficient; the money would be brought in before, rather than after, his incarceration in the Workhouse. In other cases, the interviewer would obtain information concerning his ability to pay. Where did he work? What was his rate of pay? When did he get paid? Size of family? Other financial obligations? All factors affecting his ability to pay would be recorded by the interviewer, and, when possible, verified. On the basis of this evaluation, the interviewer would attempt to come to agreement with the offender on a schedule of repayment, which would be put in writing.

In addition to those who are only fined, the instalment plan should be extended to those who are sentenced in addition to being fined. This would tend to shorten the time actually served. However, it does present a problem of security, and makes necessary a location convenient to the court room.

A side benefit that would be realized in some cases would be the assistance that the financial interviewer could furnish in assisting offenders with personal budgeting. This is relevant to the extent that some persons may be violating laws because they are unable to manage their personal affairs.

The financial interviewer would find in some cases, particularly with the unemployed, that no instalment plan would help. If the offender is unemployed, chances are against his being able to pay a fine in any reasonable period of time. Such offenders would have to be directed to the Workhouse to serve out their fines. If, however, this plan is successful, the number sent to the Workhouse would be smaller than at present.

The financial interviewer would need the assistance of a cashier. Such a position currently exists in the Probation Department. It is anticipated that he would have time in which to absorb the added work caused by the expansion of instalment pay-

ments. He could also act as an additional interviewer when necessary.

Benefits of the Proposal

Because of the lack of complete reporting, it is not possible to predict accurately the number of cases which would be benefitted by this proposal. The problem is that at the present time, there is no assurance that an offender who reports an occupation is actually employed, and able to pay a fine within a reasonable time.

We find that over \$50,000 a year is worked out in fines by persons other than those who label themselves as unemployed. A substantial portion of this amount should be recouped if instalment payment were systematized; a target figure would be 50%, or \$25,000.

In addition, we find that some \$275,000 in fines are assessed along with Workhouse sentences, 20% of which is paid out during incarceration. If only a fourth of the remaining 80% were collected in order to shorten jail terms, an additional \$50,000 would be collected.

Thus the possibility exists for collecting an additional \$75,000. The expenditure involved in so doing would be the salary of the financial interviewer, plus his fringe benefits. If the Probation Officer's pay rate is used, the annual cost of the program would be about \$11,000.

More important, persons would be spared incarceration whom the Judge did not want to incarcerate. In some instances, incarceration produces loss of employment, the ultimately entry onto the welfare rolls.

Legal Basis

No additional laws are necessary in order to install this proposal. Section 2947.11, Ohio Revised Code, reads in part as follows:

The court may also place such an offender on probation, with the condition that he pay a fine and costs or either of them, in instalments within a limited time, and may, in case of the default in any of such payments impose such sentence as is provided by law.

Thus the Judge has the authority to permit instalment payment, and to incarcerate an offender who sets up an instalment plan and then fails to honor his commitment. The use of probation is apparently a means of providing continuing supervision during the time necessary for payment.

The law sets no limit on the Judge with regard to when the fine must be paid. Currently, the Court requires that instalments be completed in one year. This appears to be reasonable, and could be continued as a Court policy.

Conclusion

Our overall study is concerned among other aspects, with the population that should be provided for in a new Workhouse. Inasmuch as the number of people incarcerated is heavily influenced by the number fined, this element is important in the study. We estimate that 1,300 persons a year are sent to the Workhouse for failure to pay fines. The new institution could be smaller if alternatives are available to keep them out when the Judge has not seen fit to sentence them to the Workhouse.

In addition, we can predict a revenue gain for the city if instalment payment is expanded as suggested above. While the absence of statistics makes exact prediction difficult, we estimate that as much as \$75,000 might be returned for an investment of \$11,000.

Instalment payment of fines is but one of the alternatives to incarceration to be considered. However, it is discrete; it can be acted upon by the Court without waiting for other programs. Such action would help in projecting the population that should be provided for in planning a new institution.

CHAPTER VIII

MUNICIPAL COURT PSYCHIATRIC CLINIC

The purpose of this chapter is to describe the place of the Psychiatric Clinic in the criminal justice system, and to recommend the expansion of its facilities.

Background

The Cincinnati Municipal Court organized the Psychiatric Clinic in 1957. Its administration was transferred to the Department of Health in 1963 as the nucleus of a new Division of Mental Health.

The creation of the local clinic followed a well established national pattern. The first such clinic was organized in 1913 in Chicago. The intent at that time was to evaluate selected defendants to determine the presence of mental disease. Over a period of years the purpose evolved into a spectrum of helping services, treatment as well as diagnostic. When Cincinnati opened its clinic, its purposes were listed as follows:

1. To assess defendants for possible commitment to mental hospitals.
2. To assist the courts in making decisions affecting sentences.
3. To provide data to probation officers that would not otherwise be available.

The local clinic is considered successful. Systematic evaluation is difficult, but the Judges and probation officers are often pleased with the aid they receive on a practical, day-to-day basis. This aids the Court's understanding of personality factors which lead the person to break the law. It also sometimes establishes the possibility that the courts can refer from treatment, while on probation, those defendants needing some type of treatment.

Current Clinic Operation

The Clinic accepts referrals only from the Court, which refers only misdemeanants. Approximately 2% of the cases coming before the Court are so referred. The referrals are evaluated and a recommendation is returned to the referring Judge.

In about two-thirds of the cases, the Clinic returns a recommendation for probation coupled with some type of treatment. This treatment ranges from non-professional supportive services, such as Alcoholics Anonymous, to group therapy, individual therapy, or even hospitalization. However, the Clinic itself seldom provides therapy; the Clinic is staffed only to make referrals.

The Clinic is currently staffed as follows:

- 1 Medical Director, part time
- 2 Psychiatric Social Workers
- 2 1/2 Clerk Stenographers
- 2 Psychiatrists, part time (assisted by residents in psychiatry)

The Clinic will use, in 1970, about \$65,000 of the budget of the Division of Mental Health.

The workload of this staff for 1969 consisted of the evaluation of 587 new patients and reevaluation of 30 former patients. A total of 532 team conferences were conducted.

The Clinic operates on the assumption that there must be clear and determinable reasons that lead any individual to disregard the law. Once these reasons are known, it is possible to chart a rational, ameliorative course that is intended to reduce recidivism by helping the patient to a better personal and social adjustment.

To accomplish this objective, the Clinic accepts referrals from the Judges, either on his own initiative or at the suggestion of a psychiatric social worker who is in the courtroom. Evaluation

is conducted by a psychiatrist; the family is ordinarily seen by the psychiatric social worker. A team conference is then conducted and recommendations formulated, which are transmitted to the Judge by the social worker. The Judge is then free to use these recommendations as he sees fit.

On occasion, Clinic personnel are asked to see Workhouse prisoners. This is most likely to occur when a prisoner exhibits some abnormal behavior while confined, and Workhouse management feel they need professional help in dealing with the prisoner.

Because of small staff size, the Judge may have to wait from three to four weeks for an evaluation report. This tends to discourage Judges from making more referrals.

Evaluation and Recommendations

As indicated above the present operation of the Clinic is considered successful. Its basic methods of operation are accepted, and the philosophy of operation should continue.

However, the staff is inadequate to cope with the load. The waiting time should be reduced if the Clinic is to provide the service that the Judges and the patients have a right to expect. The following recommendations would provide a reasonable level of staffing:

1. The amount of time available from staff psychiatrists should be increased from two days to four days.
2. The social worker staff should be increased from two to four, one of whom would be the chief social worker and Clinic administrator. This would relieve the medical director of administrative details. It is not believed that a full-time administrator is justified in a Clinic of this size. But administrative work is best handled by a person who is present on a full-time basis, and can be handled more cheaply than by the use of a professional psychiatrist.

3. A Psychologist should be hired for psychological testing. Such a position was formerly provided, but was eliminated in the interest of economy. It is estimated that 20% of Clinic cases need psychological evaluation. This would permit employment on a part-time basis.
4. Additional professional staff would require additional stenographic assistance. Four stenographer, in place of the present 2 1/2, should be sufficient for the increased load.

The above additional staff would raise the budget from the \$65,000 budgeted for 1970 to an estimated \$102,000.

Benefits to be Achieved

The increase in budget would permit the evaluation of approximately double the present intake, or 1,000-1,200 patients each year. They could also be evaluated more promptly, so that reports would be returned to the Judges in a more timely fashion. Other benefits to be gained from this expansion are:

1. The Clinic could take a part of the load of psychiatric examination of felons. We have not at this time included the problem of psychiatric examinations in Common Pleas Court, currently handled by referral to private physicians. But the recommended staff could begin work in this direction, so that if court operations are ultimately merged, the Clinic could grow to take the entire load.
2. A Psychiatric Social Worker could be stationed at the Workhouse. This would permit emergency evaluations when required. More importantly, it would permit prisoners to be evaluated within the institution. It would also guide treatment of prisoners who have been evaluated prior to being sentenced, and would prepare these prisoners for immediate treatment following discharge. The counseling relationship could start within the institution.

3. The medical director could begin a program of treatment for those with such need. Currently treatment is not supplied, except in rare cases. An estimated 35% could be treated easily, efficiently, and with good results within the clinic itself. Methods of treatment would include a drug clinic, supportive individual therapy, group therapy, and family therapy. Such treatment programs could be facilitated through the development of a program of volunteer counsellors. A therapeutic program is possible only by relieving the medical director of administrative chores.
4. Social workers would have the time to develop better communication with community resources, so that the 65% who cannot be treated within the Clinic could be referred to agencies and followed up.
5. The Clinic could accomplish some needed research work. Since its founding in 1957, the Clinic has made only one in-depth study, concerning shoplifters. If we are ever to reduce recidivism, we cannot ignore the mass knowledge being compiled through the thousands of evaluations that have taken place within the Clinic. Such research would be action-oriented, in order to determine causes of anti-social behavior, and courses of action to reduce it.
6. A small program of public education would be possible, particularly with regard to such subjects as drug abuse. The exact nature of this function would be dependent upon other agencies who have or will enter this field; the Clinic director would coordinate his work with that of others to avoid duplication. But public information is such an important field that there is almost certainly the necessity of his involvement.

Assignment of Responsibility

At present, the Psychiatric Clinic is a part of the Division of Mental Health of the Department of Health. In 1957, when the Clinic began, it was a part of the Municipal Court; its transfer

was to provide a nucleus for a Division of Mental Health which would take on expanded functions.

The assignment of management responsibility for the Clinic is a problem comparable to that posed by the Detoxification Center. Both are medical facilities; the question must be resolved, is it necessary to have medical facilities under the Board of Health, or is their close relationship to the Courts such as to make it desirable that they be under the Court's jurisdiction?

We believe that given men of good will, any system will work. However, there are advantages in keeping all medical support facilities aligned as closely as possible with the medical profession. Recruitment of staff, for example, can be facilitated if a teaching or research appointment is also available.

We therefore suggest that the Psychiatric Clinic continue under Health Department sponsorship and administration. However, the funds for the Clinic should be budgeted to the Court, which would pay the Health Department for services rendered. The Court could thus increase or decrease its payments according to the needs and available funds. It would have control, through the power of the purse, to make sure that the services meet its expectations.

The payment for services rendered would also get around the potential problem that would be created if responsibility for the Court is transferred to Hamilton County. The County could pay the City for services rendered, as it already does in other fields.

We further suggest that the Health Department take the necessary steps to provide the Clinic with a budget distinct from the remainder of the Division of Mental Health. At present, its funds are intermixed with those for other activities of the Division of Mental Health, posing a difficulty in determining the exact cost of Clinic operations. Isolation of its budget would be especially important if the Courts pay for services, so there would be a way to determine the fair share for reimbursement.

Conclusion

The expansion of the Clinic as proposed above is consistent with the need for more viable alternatives to be provided to the Judges. If meaningful alternatives to incarceration are to be provided, the Clinic is a service that should not be neglected. This is particularly important as an adjunct to the rehabilitation process, and to the expansion of probation services, both of which will be discussed in future reports.

CHAPTER IX

STAFFING AND COSTS

Introduction

Throughout this study, a number of recommendations have been made, intended to reduce the cost of crime by attacking the problem of recidivism. If successful, the community will save money, as well as have an increased sense of security. Furthermore, providing these alternatives to incarceration will save money that would otherwise be spent on incarceration.

But these programs are not without their price. Throughout this study, we have never inferred that present Judges and other Court personnel are not doing their jobs. Within the limits of the time available, they are doing the best they can with limited resources. Program expansion will cost money, at least until there is enough success that fewer cases come before the Court.

This chapter, then, will detail the costs that the community, through its government, will have to bear if progress is to be made. It will then attempt to justify these costs. As most of the cost will be for personal services, the staffing patterns proposed are fundamental to the determination of costs.

Probation Division

The following staffing is proposed for the Probation Division:

<u>Title</u>	<u>No Posns Current</u>	<u>No Posns Proposed</u>
Director of Probation Services	0	1
Chief Probation Officer	1	1
Assistant Chief Probation Officer	0	3
Probation Officers	7	12*
Supervising Psychiatric Case Worker	1	1

Probation Caseworker	0	5
Coordinator of Volunteers	0	1
Asst. Coordinator of Volunteers	0	1
Accounting Technician	1	1
Stenographic-Secretary	1	1
Clerk Stenographer III	2	4
Clerk Typist III	1	1
Clerk Stenographer II	<u>0</u>	<u>2</u>
Total	14	34

* Includes one recommended for the work release program, and one for handling fines on the instalment plan.

The cost of the additional positions shown above would total \$219,826, including the added cost of fringe benefits. This is based on 1970 salary schedules of the City of Cincinnati. It can be anticipated that the City will grant some salary increase for 1971, which would have to be reflected in these figures. However, we have no basis on which to project the amount of increases.

The organizational distribution of these employees is shown on the following page.

Administration Division

The Administration Division of the Department of Court Services is the office of the Director. Functions have been described in Chapter IV. This is a new Division, so all of the positions indicated would be additional:*

* We recognize that the Court currently employs a Court Administrator-Referee. A substantial portion of his time is spent conducting a small claims court; at present he has no responsibility over the operation of correctional programs, which is the heart of this recommendation. We assume that the Court would need the continuation of his work in small claims, and therefore the proposed position of Court Administrative Officer would be additional.

DIRECTOR OF PROBATION SERVICES
\$15,217 - 16,861
In charge of entire operation

Stenographic Secretary
\$7,443 - 7,793

INTAKE UNIT

- 1 - Supervising Psych.
Case Worker
\$11,540 - 12,462
- 5 - Probation Case Workers
\$10,431 - 11,170
- 1 - Clerk Stenographer III
\$6,436 - 7,096
- 1 - Clerk Stenographer II
\$5,630 - 6,271

-
- Preliminary Interviews
 - Parole investigations
 - Pre-sentence investigations
 - Consultation with Judges and
Probation Officers
 - Rehabilitation planning

SUPERVISION UNIT

- 1 - Chief Probation Officer
\$12,279 - 13,931
- 3 - Asst. Chief Probation Officer
\$10,431 - 11,170
- 10 - Probation Officers
\$9,026 - 10,431
- 1 - Probation Officer
(Instalment Fines)
- 1 - Probation Officer
(Work Release)
- 1 - Accounting Technician
\$7,096 - 7,793
- 2 - Clerk Stenographer III
\$6,436 - 7,096
- 1 - Clerk Typist III
\$6,436 - 7,096

Field supervision of all
probationers with volun-
teer assistance

Assisting in training and
supervising volunteers

VOIUNTEER UNIT

- 1 - Coordinator
\$12,279 - 13,931
- 1 - Asst. Coordinator
\$9,026 - 10,431
- 1 - Clerk Stenographer III
\$6,436 - 7,096
- 1 - Clerk Stenographer II
\$5,630 - 6,271

Recruitment, training,
assignment of
volunteers

- 1 - Court Administrative Officer
- 1 - Assistant Court Administrative Officer
- 1 - Stenographic Secretary

The cost of this staff, including fringe benefits, would be \$57,827 at 1970 salary rates.

Programming and Staff Development Division

This Division, described in Chapter V, would be a staff Division to the Administrator and his assistant. The recommended staffing would be as follows:

- 1 - Director of Programming and Staff Development
 - 1 - Clerk Stenographer III
- Part-time research assistants (recommend \$5,000 allocation for this purpose)

The total cost of personal services would be \$30,017 for salaries and fringe benefits for the regular employees, and estimated services of assistants on research work. As indicated in Chapter V, this assumes that some research work on programs would be contracted out, frequently with the aid of federal and other special grants.

Rehabilitation Division

This Division can best be considered in three distinct units: (1) division administration; (2) operation of a halfway house facility as part of Drake Hospital; and (3) operation of detoxification centers. Description of the work of the entire Division is given in Chapter VI.

Administrative unit:

- 1 - Director of Rehabilitation
- 1 - Clerk Stenographer III

Cost of this administrative unit would total \$25,017, including fringe benefits.

Adult Opportunity Center:

- 1 - Administrative Assistant I
- 4 - Rehabilitation Counsellors (resident personnel, one available on each shift)
- 3 - Rehabilitation Coordinators (field contacts, job developers; assist the Director in contacting existing agencies that provide support for persons on probation)
- 1 - Clerk Stenographer II

This staffing pattern assumes that food service, building maintenance and cleaning will be provided by Drake Hospital. An allocation to the Court budget to pay for this service is in order; this will be outlined later in this chapter. As far as cost of personal services for the paid staff is concerned, the total cost, including fringe benefits, would be \$82,707.

Detoxification facilities:

Each of the two proposed centers would need the following staff:

- 1 - Medical Director (part-time, contract employee)
- 1 - Nutritionist (part-time, contract employee)
- 1 - Supervisor of Nursing
- 5 - Staff Nurses
- 10 - Orderlies
- 5 - Clerk II (admitting clerks)
- 1 - Administrative Assistant I
- 1 - Clerk Stenographer II
- 1 - Cook
- 1 - Food Service Helper

This staff of 27 persons would be scheduled for 24-hour operation. The estimated payroll cost would be \$196,450 including fringe benefits for regular employees.

It is assumed that one facility would be constructed first, and the second a year or two later. The ultimate cost, assuming two centers in operation, would be twice the above figure, or \$392,900. It is recommended that an investigation be made to determine if some existing building could be made available, if only on a temporary basis, so that a start is made promptly on this problem.

The total cost of personal services of the Division of Rehabilitation for operating its community-based programs, an Adult Opportunity Center, and two detoxification centers would aggregate \$500,624 a year. All of the proposed 65 positions would be additional, because no such programs exist currently.

Psychiatric Clinic

This is an existing agency, part of the Division of Mental Health of the Department of Health. However, it does not have a separate budget. We recommend a separate budget so its true cost can be identified and reimbursed by the Court. Present and proposed staffing patterns:

	<u>Present</u>	<u>Proposed</u>
Medical Director (part-time)	1	1
Psychiatric Caseworkers	2	3
Psychiatrists (part-time)	2	4
Supervising Psych. Caseworker	0	1
Psychiatric residents (part-time)	2	2
Psychologist (part-time)	0	1
Stenographic Secretary	1	1
Clerk Stenographer II	2	3
Total	10	16

The estimated personal services cost for the proposed staff is \$117,574, including fringe benefits. The current allocation from the Division of Mental Health Budget is \$81,470 (including an allowance for fringe benefits which is not budgeted), or an increase of \$36,104 a year.

Apportionment of Personal Services Costs

	<u>No. Pres.</u>	<u>Posns. Prop.</u>	<u>Personal 1970*</u>	<u>Services Cost Proposed</u>
Administrative Division	0	3	-	\$57,827
Program and Staff Division	0	2	-	30,017
Probation Division	14	34	\$150,637	370,463
Rehabilitation Division:				
Administration	0	2	-	25,017
Halfway House	0	9	-	82,707
Detoxification (2 centers)	0	54	-	392,900
Psychiatric Clinic	10	16	81,470	117,574
Totals	24	120	\$232,107	\$1,076,505
Increase over 1970				\$844,398

* Fringe benefits, not budgeted in departmental accounts, have been included in order to provide a valid comparison.

Non-Personal Services Costs

While the biggest share of correctional program costs must be in personal services, there must be some increase in non-personal costs if only to permit effective use of employee time. More office space must be rented; more office supplies used; some increase in auto mileage allowed. In addition, the operation of a halfway house and two detoxification facilities will require expenditures for building maintenance, food, light, heat, etc. These costs are difficult to estimate, because there is no local experience on which to base projections. Furthermore, inflation is affecting the prices which the government must pay, just as it affects individual householders. The following estimates are therefore rough, but cover the basic items that should be further considered if the fundamentals of these recommendations are followed.

1. Rent for offices. We estimate an additional 5,000 square feet should be rented at 222 East Central Parkway to permit efficient operation of the Department of Court Services. Cost, \$15,000 a year.

2. Office supplies and other expendibles, including mileage. Current allocation is only \$3,660, or \$150 per employee. Maintaining the same cost per employee would require an additional sum of \$14,400.
3. Detoxification Center operation (food, heat, laundry, etc.). We tentatively estimate that \$65,000 would be required each year for each center for such items, or a total of \$130,000 when both centers are in operation.
4. Halfway house. Similar items for the halfway house would cost about \$25,000, which would become receipts for Drakes Hospital.

Total non-personal costs, assuming full operation of the entire program, would aggregate about \$185,000 a year above the present amounts. Thus the grand total cost of these proposals, fully implemented, would be \$1,029,398.

In addition, there would be one-time costs for furniture, equipment, and perhaps office renovation. These capital investment charges for the two detoxification centers is estimated at \$434,000 each, including land acquisition cost. The other capital costs for office furniture, equipment and renovation cannot be estimated, as there is no way to determine the extent of renovation in unknown offices.

SUGGESTED SALARY RANGES

<u>Title</u>	<u>Annual Salary Steps</u>
Court Administrative Officer	\$25,000
Asst. Court Administrative Officer	17,408-17,953-18,497-19,040-19,585
Director of Probation Services	15,217-15,765-16,314-16,861
Director of Program and Staff Develop.	15,217-15,765-16,314-16,861
Director of Rehabilitation Services	15,217-15,765-16,314-16,861
Chief Probation Officer	12,279-12,829-13,380-13,931
Coordinator of Volunteers	
Supervising Psychiatric Caseworker	11,540-11,725-12,094-12,462
Asst. Chief Probation Officer	10,431-10,800-11,170
Probation Caseworker	
Psychiatric Caseworker	9,026-9,337-9,691-10,062-10,431
Supervisor of Nursing (Detox.)	
Probation Officer	
Rehabilitation Coordinator	
Assistant Coordinator of Volunteers	
Administrative Assistant I	8,851-9,202-9,512-9,876
Staff Nurse (Detox.)	7,617-7,971-8,323
Staff Nurse (Detox.) (with B.S. degree)	7,793-8,147-8,499
Rehabilitation Counsellor	7,435-7,793-8,139
Cook (Detox.)	6,601-6,766-6,931
Laboratory Technician I (Detox.)	5,474 6,107
Orderly (Detox.)	5,318-5,474-5,630-5,786
Food Service Helper (Detox.)	4,400-4,553-4,705

NOTES:

1. Steps are taken from city's basic salary plan.
2. Clerical workers should be paid the city's scale for comparable work.

Offsetting Costs

Without minimizing the importance of a million-dollar proposed operating expenditure, or of extensive capital investment it should be pointed out that there are some bright spots in the cost picture. Most important is the fact that investment in community-based correctional programs represents a savings in institutional costs. The other aspect is the possibility of federal assistance.

We have operated on the premise that the community is demanding that the Workhouse be replaced. It is 105 years old, never designed for its present purpose, obsolete, inadequate in every way except total capacity. If we accept the need for a new institution -- which we are referring to as a Corrections Center, not a Workhouse -- then we can consider relative costs as well as total costs.

New correctional institutions cost from \$13,000 to \$31,000 per inmate. We are using \$15,000 in our present, pre-architectural examination.

In 1963, the Alexander report recommended a capacity of 700, expandible to 900. At \$15,000 per bed, the initial cost would be \$10,500,000. It would cost over \$600,000 a year for 30 years to pay off the debt created by this facility. Our preliminary estimate -- subject to a determination primarily of whether or not the alternatives to incarceration will be available -- is that we need build only half this size if we put money into programs. Obviously, if this is true, the cost would be only about half, and the \$300,000 a year savings could apply to the proposed increase in operating costs.

At this stage we have not yet examined the possibility of reducing operating costs of the new Corrections Center in comparison with the present Workhouse. From a cursory viewpoint, we doubt if there can be much if any savings, because the present correctional programs are practically non-existent, and the security forces minimal. We can say, however, that if we compare the operating costs of an institutional program for 300-350 inmates with a comparable program for twice that number, it is obvious that the smaller the population, the cheaper the operating costs. What this would amount to, in dollars, cannot be estimated at this time.

However, on the basis of savings in construction and financing charges alone, the smaller Corrections Center would permit the construction of both detoxification centers (total

cost of about \$868,000) and still spend less than would be required if these alternatives to incarceration were not implemented.

Federal aid: The second major means of reducing costs is through federal aid. Law enforcement assistance funds can legally be spent on correctional programs. The federal government provides funds on a 50/50 basis for construction projects, and will provide 60% of the cost of approved programs. Everything included in this report meets federal guidelines.

However, we cannot hold out the possibility of federal funding of the entire program. Block allocations are made to states; in Ohio the state grant is further divided into districts. Hamilton County is one of four within District 13. The entire allocation to District 13 for fiscal 1970-71 is expected to be \$2 million. It could not be entirely allocated to Hamilton County; and even within a realistic figure for Hamilton County, other types of law enforcement programs would expect a reasonable share. As the amount available to the state increases, as has been predicted, the amount available for correctional programs may increase. We caution, however, that the availability of this type of support may be temporary.

Finally, important economic gains, which cannot be cast into specific numbers of dollars, exist if the public is no longer required to support a family on welfare because the breadwinner is in jail. No records exist that would give a total of dollars saved, but it is not uncommon for families of prisoners to be on the welfare rolls. Many dollars of taxes are lost because an offender is in jail rather than working. Some offenders lose jobs because of incarceration, then have difficulty getting new jobs following release; when these cases end up on the welfare rolls, there are additional public costs which could be avoided through appropriate alternatives to incarceration.

Lesser offsets: Other financial benefits may be realized. For example, the concept of expanding instalment payment of fines may increase court revenues by as much as \$75,000 a year. Another from of saving is in the conservation of police time spent on alcoholics, if our suggestion for a system of citations instead of physical arrests is adopted. While the police force would not be reduced to provide a cash savings to the taxpayer, this change could offset some of the need for additional police manpower; it should be kept in mind, as cited in Chapter VI, that the cost of arresting and prosecuting alcoholics has been computed at \$600,000 a year, mostly in police manpower. This is a significant portion of the police division's request for \$3 million in additional manpower.

P Present level of expenditures: It should be borne in mind that Cincinnati now spends a smaller porportion of its law enforcement dollars on courts and detention than the typical American city. A study shows that the 43 largest cities spend 24 cents on courts and corrections for every dollar spent on police. However, Cincinnati spends only 11 cents, less than half the average proporation. Cities which have tackled the corrections problem have spent more. St. Louis, for example, spends 23 cents on courts and corrections for every dollar spent on police. If Cincinnati raised its expenditure level to the same proportion as the average, it would have to spend an additional \$1.3 million, which is more than this report recommends.¹

Non-Economic Benefits

In the final analysis, regardless of how many of these possible offsets materialize, these recommendations will cost money. What will the community gain by the added expenditure?

¹ Criminal Justice Expenditure and Employment for Selected Large Governmental Units, 1967-68. Washington, Bureau of the Census, State and Local Government Special Studies No. 55, 1970, p. 31.

The ultimate objective is reduction of crime. Studies of felons in state institutions indicate that most felons began their criminal careers as misdemeanants. Thus, while the misdemeanors which are within the jurisdiction of the Municipal Court may not be the crimes which produce community tension, the persons involved may well be the same criminals. While the reduction in major crime will require a greater community effort than is represented by this study, we nevertheless believe this program to be supportive of the larger effort.

Another benefit is the help this program might supply to individuals. Anyone who has sat in the Hamilton County Criminal Court cannot help but realize how pathetic many of the offenders are. These are not hardened, malicious criminals; more often they are the victims of a combination of problems that might overcome anyone. Solutions in such cases not only can save the individuals, but also their families.

We have no illusion that these programs will produce a millenium. Some will benefit, others will reject help. Successful probation programs have reduced recidivism by half. This is not too high a goal for Hamilton County.

APPENDIX A

CLASS SPECIFICATIONS FOR KEY POSITIONS

COURT ADMINISTRATIVE OFFICER

Duties: This official heads the Department of Court Services of the Hamilton County Municipal Court. He is responsible for all activities of the Department, including probation, rehabilitation, management of corrections institutions, psychiatric clinic, and all other administrative services of the Court. Each of these programs is immediately supervised by a Director; the Court Administrative Officer recommends appointments to fill these positions, and provides overall direction but is not expected to be concerned with internal operation of each Division. He works closely with the Joint Session of the Court, recommending policies necessary to carry out the overall mission of his Department. He also represents the Department to various components of the community, including social service agencies, political subdivisions, and the general public. He takes an active role in review of budget and programs. He supervises the Director of Program Development and coordinates the work of the latter with the operating Divisions of the Department.

Qualifications: Each applicant must be graduated from a university with a degree in corrections, sociology, psychology, social work, public administration, or other related field; graduate work in the above fields is desirable, but not mandatory.

He must have successful experience in the administration of correctional programs.

Demonstrated skill in working with people is essential.

This position requires a sensitive person, dedicated to correctional work, able to manage a large multi-faceted correctional program in an effective as well as efficient manner.

DIRECTOR OF PROBATION SERVICES

Duties: This official is in charge of the Division of Probation Services. He supervises a staff of professional Probation Officers rendering supervising services to all persons placed on probation by the Municipal Court. He supervises a staff of intake interviewers charged with the responsibility of making pre-sentence investigations on those cases on which such investigation is ordered by the Court, and for making the preliminary determination as to the type of rehabilitation effort which should be undertaken for each probationer. He also will organize a volunteer unit to assist in probation supervision, recruiting volunteers and providing for their supervision through a paid Coordinator of Volunteers. He will work with the Director of Program Development and the Director of Rehabilitation in developing effective programs for treatment of probationers and in training staff to execute these programs in appropriate instances.

Qualifications: Each applicant must have a Master's Degree in correctional work, and successful experience in supervising a staff of Probation Officers.

He must have worked in an agency which had a program of volunteer probation officers, and must have had a significant responsibility in its operation.

Demonstrated skill in working with people is essential.

This position requires a person skilled in probation work, who is able to organize a substantial program of use of volunteers in a probation setting.

DIRECTOR OF REHABILITATION

Duties: This official is in charge of the rehabilitation programs of the Hamilton County Municipal Court. He develops liaison with private agencies with potential usefulness for some probationers, arranging for their cooperation as Probation Officers come upon cases in which the agencies' expertise would be likely to be valuable. He will develop a system of residential facilities for persons needing either physical shelter or supportive therapy, and will supervise the personnel assigned to residential facilities. Such facilities will include half-way houses, pre-release centers, and rehabilitation facilities for alcoholics. He will also be responsible for the rehabilitation programs which take place in these premises, including group therapy and counselling. When new programs are adopted, ordinarily following recommendations of the Director of Program Development, he will be responsible for their implementation, and will cooperate with the Director of Probation Services in assuring proper utilization.

Qualifications: Each applicant must be graduated from a university with a degree in corrections, sociology, psychology, social work, or other related field; graduate work in any of the above fields is desirable, but not mandatory.

He must have had successful experience in the administration of correctional programs.

Demonstrated skill in working with people is essential.

This position requires a person dedicated to the rehabilitation of offenders, able to work with all kinds of community groups to develop a range of rehabilitation services, and able to manage those services which must be provided within the Court system because they are not otherwise available.

DIRECTOR OF PROGRAM AND STAFF DEVELOPMENT

Duties: This official is in charge of the program development staff training, research, and evaluation functions of the Department of Court Services. He serves in a staff capacity to the Court Administrative Officer, but works closely with the various Division heads responsible for probation, rehabilitation, operation of institutions, and Psychiatric Clinic. He has the responsibility for recommending records systems that will reveal the information necessary for successful program operation, for working with computer personnel to attain results from the records and for analyzing the output of the record system. He interprets data to the Division heads, and recommends program changes based on his evaluation of program effectiveness. He assists in implementing programs through periodic staff training. He maintains contact with universities and other research groups through an advisory committee on research. He also works with universities on training personnel for corrections work. He prepares reports for public consumption describing the work of the criminal justice system.

Qualifications: Each applicant must have at least a Master's degree in a behavioral science, with emphasis on correctional work and research techniques.

He must have successful experience in either research work in the behavioral sciences or in employee development, and must have competence in both fields.

He must have demonstrated his ability to innovate. Some familiarity with computer technology is important. Skill in working with people is important.

This position requires a person familiar with correctional work, capable of performing research, and of converting research findings into meaningful programs, and training staff to carry them out.

END