

STATE OF CRIME AND JUSTICE IN OHIO



Bob Taft, *Governor*
Jennette Bradley, *Lt. Governor*

Karen J. Huey, *Director*
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Message from the Director:

The Ohio Office of Criminal Justice Services (OCJS) is a cabinet agency dedicated to criminal justice planning and funding for the state of Ohio. OCJS strives to work with its local and state criminal justice partners in the development of new initiatives, technology collaboration, training programs, and enhanced client services. During the evolution of new initiatives and projects, comprehensive evaluation and research is woven throughout, helping to guide the policymakers in direction and development.

It has been the mission of OCJS to periodically step away from the daily work and take a comprehensive view of criminal justice in Ohio. We strive to tap into the pulse of criminal justice through the collection of data, assessment of trends, and identification of best practices. Taking a serious look at what has changed and why, at times casting a glance forward to future paths. OCJS is pleased to present the third edition of *State of Crime and Justice in Ohio*.

Since the last edition of *State of Crime and Justice in Ohio* was produced in 1995, the face of crime in our nation has changed dramatically. Consequently, we have revised our approach and as a result of better, more timely information available to us today, we have improved the quality of information. Additionally, crime and public safety have become more serious areas of concern for the citizens of Ohio and our nation. Building and maintaining healthy, safe communities throughout the state of Ohio has become an even higher priority to improving the quality of life in our state.

The information presented in this report was compiled from a variety of sources, representing all aspects of the criminal justice and social service systems. Its intent is to provide the very best information on this multifaceted issue. We hope it will serve as a reference point for our state administration, legislature, law enforcement, members of the criminal justice community, victims groups, and the citizens of Ohio as we work together to enhance public safety in Ohio, both today and tomorrow.

Karen J. Huey
Director
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INTRODUCTION

Twenty years ago, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS) released: *Report to the Nation on Crime and Justice: The Data*, a groundbreaking publication offering national crime and justice information in a single source. In a field often characterized by anecdotal evidence, the *Report to the Nation* proved an extraordinary empirical resource appreciated by a wide range of criminal justice practitioners.

Based on the recognition that the justice system is implemented primarily at the local level, in 1985 BJS funded efforts to replicate the report in various states. Ohio was one of two states selected for the initiative, and in 1987 the Ohio Office of Criminal Justice Services (OCJS) published the first edition of *State of Crime and Criminal Justice in Ohio*. The document covered all the essential components of the justice system in its nine chapters, including information on citizen attitudes regarding crime concerns. A second, larger report published by OCJS in 1995 also addressed Ohio's emerging technology and planning-related issues.

Building on the foundation established by these state and national publications, today's *State of Crime and Justice in Ohio* adds valuable information on the history of criminal justice, essays from key Ohio leaders, and an update on automated crime databases like Ohio's Incident-Based Reporting System. Also new to this year's report is the e-distribution available for instant and widespread access to the Report beyond hard copies alone. Throughout these improvements, the goal of the Report remains the same: to provide an objective overview of crime and justice in Ohio based on the best quantitative data available, while sharing a qualitative perspective of the broader justice system.

The scope and accuracy of this initiative relied on countless primary and secondary sources, databases, and pieces of information. Most vital, however, was the involvement of over sixty individuals from OCJS and other Ohio agencies; colleges and universities; citizen groups; associations; and federal offices. Their contributions as authors, reviewers, and advisors have once again made the publication a practical and dynamic reference for community, classroom, court, corrections, law enforcement, legislative, and ultimately policy use.

HISTORY OF CRIME AND JUSTICE

JEFFERY KNOWLES, M.A.
AUTHOR

Dr. Pam Tontodonato, Associate Professor of Justice Studies at Kent State University, critiqued this chapter and made several helpful suggestions for its improvement, including several wording insertions not separately footnoted in the narrative.

What's at stake

In 1967, President Johnson's Commission on Law Enforcement and Administration of Justice concluded that "America's system of criminal justice is overcrowded and overworked, undermanned, underfinanced, and very often misunderstood."

Arguably, the criminal justice system is one of the most misunderstood of all functions of government. Designed and built in various stages, the resulting structure often creates an atmosphere of fragmentation that compromises a full understanding of the history, purpose, and strength of America's justice system.

The present rides on the past

There are historical reasons why the criminal justice system has taken the form it has today. The U.S. Constitution, with its brilliant yet delicate emphasis on the separation of powers, guaranteed that there would be something of a piecemeal quality to the system. But even before 1789, some of the present characteristics of the system were in place.

A historical review of criminal justice offers insight into practices that periodically "cycle around." For example, fixed sentences – single and unequivocal lengths of prison time—were once the norm, but then gave way to indefinite terms as the purpose and effectiveness of sentencing changed. Increased scientific data on human behavior also led to greater support for rehabilitation, further supporting indeterminate sentencing. Recently, however, the trend in Ohio and nationwide has been to move back to determinate sentences. Similarly, the law enforcement philosophy of community policing implemented over the past fifteen years contains characteristics of the "beat cop" structure that preceded the centrally dispatched enforcement model of the twentieth century.

Reviewing crime and justice in its historical context also guards against arbitrarily importing system remedies from other cultures or from non-cultural contexts. The idea that swift and severe corporal punishments used in some cultures to deter crime would work effectively in this country is simply unfounded. An understanding of the current justice system indicates that it would be impossible to look to the "good old days" for approaches that lack feasibility in today's complex and heterogeneous America. The U.S. justice system should not be served up cafeteria style, but rather embraced, challenged, and changed within the nation's unique cultural and historical heritage.

The foundations of the U.S. justice system

The idea of criminal justice is at least as old as written history. The nearly four thousand year old Code of Hammurabi, former Babylonian king, reflects detailed, and even at times modern, thinking on crime and punishment. The Code addresses victim restitution, a concept that only began gathering serious, widespread attention in America in the late twentieth century. For the most part, the hallmark of early justice was a dominant focus on corporate security and peace for the clan, tribe, and village, with little concern for individual rights. Punishment was primarily based on retribution and deterrence, with most behaviors affected by informal social controls.

The same emphasis on the community at the expense of the individual saw a long history in the English justice system that set the stage for America's system. The central concept of the "king's peace" was concerned with maintaining order, quite often justifying the self-serving policies of the sovereign; centuries of individual abuses accompanied this primitive tenet of justice. The Magna Carta of 1215, the basis of the English constitutional government, forced the crown to acknowledge some basic rights, largely for the benefit of nobles and lords. It would take another four hundred years – and Britain's great civil war – to secure for all the basic rights of individual justice known today, including the right to trial by jury.

Echoes from those early times can still be faintly heard. "Compurgation," a right limited to a nobleman allowing him to deny charges against him by calling a witness to state he was innocent and would not lie, evolved into the modern practice of character witnesses. Similarly, England's twelfth century Clarendon Jury saw court officers investigating criminal charges and preparing reports as to their probable veracity, a role of today's grand jury. Sometimes only the language remains, with the original meaning lost to history. The "posse," made notorious in American western films, reflects the old obligation of every able-bodied man to be instantly available for drafting into law enforcement service.¹

Professor and Civil Rights Historian Samuel Walker identifies three periods in the history of criminal justice in the United States: the Colonial era, the period from the 1820's – 1920's when the modern system developed, and the time from the 1920's to the present.² During the first period, colony communities were small and homogeneous, so that informal social controls like family, neighbors, and the church effectively maintained order. Many components of today's system did not exist, including police, prisons, probation, and parole. Although the colonists implemented reforms, the basic structure of the criminal justice system in the states was defined by English law.

An important point for understanding criminal justice in the United States is the Constitution's Bill of Rights, ratified in 1791. Among the most significant documents ever crafted, the Bill of Rights reflects lessons learned from centuries of governmental abuse of power, and is deeply woven into America's idea of democracy. Interestingly, Constitutional Law Professor Herbert Johnson notes that prior to the American Civil War, the Bill of Rights was viewed as binding on the federal judiciary, and not the states. Once the Fourteenth Amendment created a class of citizens guaranteed protection from federal or state actions in 1868, the applicability of the Bill to state judiciaries became a legal issue – the beginning of the criminal procedural challenges debated yet today. Ohio cases have contributed to this discussion; the controversial “exclusionary rule,” disallowing trial evidence seized without a proper search warrant was largely established in *Mapp v. Ohio* (1961) when the U.S. Supreme Court invalidated a conviction based on a seizure permissible within Ohio law at the time.³

Similar issues involving the Bill of Rights continue to be refined on the tough forges of criminal justice. Recent Supreme Court decisions have not generally followed the Court's more activist rulings of the mid-twentieth century, and legitimate debates over whether greater protections should be afforded the accused or the victim also continue. Unmistakably, however, modern criminal justice has moved beyond its traditional concern for the state, toward a greater focus on the individual.

Historical, social, and legal precedents shaping criminal justice

Broadly speaking, two historical developments have significantly shaped criminal justice in the United States. The first was the growth and urbanization of the United States; the second was the professionalization of the system. Both developments were underway by the end of the nineteenth century, although their greatest impact was experienced in the twentieth.

Until well into the nineteenth century, cities in the United States were characterized by their relatively small size, dependence on private development, and their lingering likeness to European cities. Keeping the “king's peace” was still the most important goal of formal social control. UCLA Professor Eric Monkkonen states that the idea of a city government that “serves” its people would have been “incomprehensible to the colonists.”⁴ For example, when major public disasters struck, such as the 1793 Yellow Fever epidemic in Philadelphia, it concerned private citizens who came to the aid of the city, often at great personal risk.

Ironically, from a public safety perspective, these cities were often seen as shelters in an otherwise dangerous rural world. Cities offered relief from the dangers of Indians, animals, and the vulnerable isolation of the wilderness. Citizens

correlated numbers with safety, and it has even been suggested that crime eventually gravitated to the cities, not because city life was inherently evil, but because predators, like everyone else, began moving there.⁵ Later, other social changes such as rapid immigration and increases in population density contributed to the growing crime problem in urban areas.

Early city government could take little credit for public safety, or for the justice system itself once a crime was committed, citizen-victims were essentially responsible for bringing offenders to court. That model would change dramatically after the Civil War, when rapid growth and ethnically diverse individuals created city environments requiring more aggressive central governments and services.⁶

The second historical development impacting criminal justice was the late nineteenth and early twentieth century movement toward progressive reform. A wave of support for ideals of public professionalism in government, at the expense of cronyism, made for dramatic justice changes, especially in law enforcement and corrections. Generally, law enforcement moved from the easily controlled and often abused private police under the city's strongest private power, to a more effective and detached professional model. Later, especially in the era following World War II, many law enforcement officers believed that professional practices and advancing technologies could largely rid the nation of its crime problem.

Increased efficiency and professionalism in law enforcement inevitably led to increased isolation from the public. Decisions made at central headquarters changed the ways cops related to their beats; further isolation occurred as automobiles were introduced to dispatch officers to various locations in minutes. Much of the recent move toward community policing is based on the now-recognized need to personalize the relationship between law enforcement and residents, and to control crime by strengthening community.

The reform movement had another, perhaps costlier, price in the form of a citizen abdication of their justice roles to paid professionals who could better do the job. A hundred years after the onset of this retreat, no one questions that professional law enforcement is essential and vastly more effective than volunteer forces; in fact, OCJS citizen survey results over the years consistently demonstrate the public's respect for and approval of the law enforcement role. The real concern arises when the community reduces its involvement in the justice process quite so completely. Law enforcement around the world attests to the vital importance of the voluntary information given to them by observers and witnesses. From law enforcement investigating a crime scene to courts fairly managing cases, the criminal justice system cannot work without meaningful input from concerned, honest citizens.

Unique components of the justice system

Law Enforcement

Modern law enforcement traces its beginnings to London's Metropolitan Police, credited to British Home Secretary Robert Peel – that Force has worn Peel's name, Bobbies, since its creation in 1829. Peel's great contribution was to address the need for an organized civil authority that was stronger and more effective than the constable watch system, but not overtly military as tended to be the practice of governments on the Continent. The British, concerned with policing their empire abroad and labor disturbances at home, envisioned a force that could control disturbances without adding to them.

The London model was attractive to Americans versed in Bill of Rights concerns about abusive police powers; however, it took decades before contemporary law enforcement took form. Three broad policing eras contributed to its evolution:

As the nature of the police organization changed, so did its specific duties, which moved first from a general concern with the orderly functioning of cities, a small part of which was catching criminals; to the function in the mid and late nineteenth century of controlling the dangerous class, with a growing emphasis on crime control; and finally to the form of social control that we recognize today, emphasizing crime and traffic control.⁷

The “king's peace” function of early law enforcement clearly could not serve this surging, industrial America. Cincinnati in the 1850's elected its watch members by wards. These ward-loyal men only reported fires occurring in their areas, and were not above arresting volunteer firefighters from other wards when jurisdictional clashes arose. Worse was the “thief catching” system, a practice from sixteenth century England, where corrupt law enforcement officers were actually fences who returned stolen property to citizens – for a price.

American cities began modernizing their police forces in mid-century along the London lines, but with one crucial difference: where the London Metropolitan Police ultimately reported to the national Home Office, U.S. police were locally governed. Early on, New York saw the consequences of attempting to implement London's control model. When the New York state legislature tried to create a competing, state-run police department in New York City in 1857, the result was an armed battle. After a truce was called, the two rival forces patrolled the city streets in parallel antagonism for two months.⁸ As a result, law enforcement has remained as a local function.

Curiously, America's flashpoint of resistance to modernizing law enforcement came not from control issues, but uniforms. Beyond the traditional concern for anything hinting of a standing army, the real conflict came from the officers themselves, who rebelled at being dressed up in what they considered "servant's livery." At a time when "servant" designated a clear class distinction, the idea of making law enforcement into "civil servants" evoked a repugnance difficult to envision in today's pride-in-the-uniform culture.

The middle phase, roughly from the Civil War into the early twentieth century, was perhaps the most troubled for American law enforcement as it became a kind of social order control, and was often plagued by corruption. Historians debate whether this role change was cause or effect – the attempt of local power interests to control the "lower, dangerous classes" – or the natural consequence of law enforcement moving towards crime control. That era also saw police playing a benevolent role in their history; although vagrants and drunks were routinely swept off to jail, they were usually treated with a kind of paternal humor and compassion. The police station itself became what Stanford professor and writer Lawrence Friedman calls "a kind of catchall or residual welfare agency." While other government offices closed their doors at the end of each day, the station houses were always open. The Cincinnati police reported 47,658 homeless lodgers in 1880. Not surprisingly, many stations became like flophouses, in which "not a square foot of the dark, concrete floor is visible" and "packed with men all lying on their right sides with their legs drawn up."⁹

The spirit of reform that assailed municipal government at the dawn of the twentieth century ushered in the era of centralized law enforcement and energetic upgrades in efficiency and effectiveness. Officers abandoned their roles as street monitors and political enforcers and embraced a new position as agents for social change and crime control. The century would see enormous improvements in the profession of law enforcement, with equally enormous challenges posed by the jurisdictions served. New technologies, civil unrest, and crime control strategies would test and reshape the profession. Larger and more complex cities would push officers into stressful situations and tasks far removed from traditional law enforcement. Monkkonen notes concerning Sir Robert Peel's decision to favor civil over military service in law enforcement, Peel "established an institution that would be at the center of social conflict for the next 150 years."¹⁰

Courts

The courts have seen a long and slow movement from corporate legal rights to those of the individual citizen. Unlike law enforcement, the ultimate responsibility of the courts has changed little since 1789: to act as the final arbiter of justice. That responsibility has been transacted in many forms over the years, some of which occurred far from the courtroom.

Just as private citizens had important law enforcement duties in Colonial America, they were also expected to provide the organizational and financial means for prosecuting the person who assaulted, robbed, or stole from them. Since law enforcement often intervened only if they interrupted a crime in progress, citizens were frequently left little choice but to find a private prosecutor to press the case in the courts, a practice that lasted into the nineteenth century. “The responsibility to pursue the case to its conclusion rested primarily with the private citizen who began the process,” and the “private prosecutor was required to pay the justice’s fees, attend pretrial hearings before justices and grand juries, see that witnesses appeared, and hire an attorney to plead the case.”¹¹ This remarkable reliance on private prosecutions faded from practice only when law enforcement agencies began dramatically improving their investigative and evidence methods. These modernizations required commensurate improvements in prosecutors preparing cases for grand jury consideration, paving the way for today’s public prosecutor.

A major tool that brought prosecutors into prominence was the plea bargain. This practice involves discretionary authority on the part of prosecutors to lessen or drop certain charges in exchange for a guilty or no-contest plea. Although the informal nature of plea bargaining makes it difficult to historically trace, it appears to have been in use as early as the late 1800’s. The practice appeared destined for a troubled showdown with the U.S. Supreme Court as late as 1958, but did not receive an operational sanctioning from the Court until *Brady v. United States* in 1970.¹² Despite protests and uncertainties, plea bargaining was simply too useful for the burdened system to forego.

Friedman notes that there probably never was a time in American history when the jury trial was the normal course of justice, and wonders how much plea bargaining by itself impacted the jury system. The rising standards of professional law enforcement also made it inevitable that most arrestees, 80 percent – 90 percent of all felony arrestees today, exchange their chances with a judge and jury for lessened charges or other considerations.

Probation, another staple of the courts, also has a long history. This form of community corrections was used far less frequently prior to 1912, but between that year and 1933, the nation’s probation officers increased from 200 to 4,000.¹³ Probation has since become a standard practice, especially as incarcerated populations ballooned in the late twentieth century.

Today’s juvenile courts, in combination with empowered government service agencies, exercise a great deal of authority in the lives of troubled youth. Juveniles have always constituted the most challenging of the special populations for courts. While their actions and, among older teens propensity for criminal behavior,

demand a response, the balance of family and court authority is often difficult to achieve. Over the years states have also differed regarding the age of accountability for criminal behavior, with standards ranging from 14 to 18.

Prior to the twentieth century, there was no separate system for juvenile offenders; teenagers were tried and punished in the same manner as older felons. While the old English laws of “*parens patriae*” afforded special consideration to minors in cases involving estate and economic matters, and “*in loco parentis*” placed troubled and destitute children in houses of refuge, they lacked the legal safeguards of the criminal justice process. When juvenile courts were later established, beginning in Illinois in 1899, they tended to retain this legal rights exemption, seemingly to better meet the needs of the troubled youth. Following the high visibility initiatives of Illinois and Colorado, this separate juvenile justice process quickly spread to nearly every state in the early twentieth century. By the 1960’s, juvenile courts were involved in what seemed a separate system of justice that was often criticized as being too lenient with serious youthful offenders – or too arbitrary regarding their constitutional rights. In 1967, the U.S. Supreme Court addressed accountability and due process considerations of the nation’s juvenile courts in the *Gault* case (387 U.S. 1 *In re Gault*, 1967). Since that time, juvenile courts have worked to balance this often informal system with due process considerations and a growing public sentiment for tougher treatment of serious, violent juvenile offenders.¹⁴

Corrections

Crime has been associated with punishment since the earliest law codes. Ancient sanctions were usually corporal – whipping the most popular – but banishment, transportation to a place of no return, and execution were also frequently used.¹⁵ Disparate treatment was apparent in ancient and medieval times, with the nobility and wealthier classes receiving more lenient punishment than the poor and enslaved.

In Colonial America, punishments could also be severe, with the reasoning involving more than personal vengeance or retribution. Such punishments, especially in New England, were meant to evoke genuine remorse and penitence; humiliations in public stocks and ducking stools forced offenders to face the shame of their crimes for hours on end. The local jails were usually reserved for those awaiting court decisions or debtors – not sentenced felons. Even pre-trial colonials could be freed from jail if they could post some kind of bond or surety.¹⁶ Providing support for incarcerated persons was simply not viewed as a good expenditure of public funds.

Workhouses came closest to what would become today’s prisons, focusing more on forming good moral habits – or reforming bad ones – than with punishing

felons.¹⁷ The Walnut Street Jail, 1790, was the first ‘modern’ penitentiary and prisoners were placed in solitary and silent isolation to meditate on their lives and move toward penitence. Prisoners paroled prior to the 1870’s received after-care treatment from private charitable organizations, an early forerunner to contemporary faith-based initiatives.¹⁸ The next prison reform began in 1870 when the first National Prison Congress was held in Cincinnati. The Congress produced a *Declaration of Principles* that moved the nation toward the professional corrections practices in place today.¹⁹

Reformers argued there was no point in keeping most offenders in prison if they had already been “reformed,” and that their good behavior should be a factor in mitigating sentence length. These policies gave the prisoners incentive for self-improvement. An ambitious prison industries program also helped inmates gain vocational skills and met more immediate resource needs of the system. Interestingly, reformers also advocated the logical opposite – that incorrigible prisoners should have their stays extended for life if necessary. Late nineteenth century state legislation targeted these habitual offenders a century before similar initiatives resurfaced among prosecutors. Far in advance of the “three strikes” initiatives of the 1990’s, in 1885 Ohio mandated that a third felony conviction could put an offender in prison for life regardless of his sentence.²⁰

Eventually, these prison reforms collided with organized labor, objecting to what it perceived as unfair competition in prison industries programs. The period also proved a beginning point for the generous parole policies that would become so controversial in the ensuing decades. At New York’s Elmira Reformatory, the classic reform prison of the era, on average one third of the commitments were paroled within fifteen months, another within fifteen to twenty-four months, and the final third in just over three years.²¹

Capital punishment, like whipping, has been a standard criminal sanction from the earliest recorded times. As late as 1820, England maintained over 200 capital offenses in its criminal code.²² The current concerted effort to end the practice is far from the first: the peak of the anti-capital punishment debate was reached in 1860 when states including Michigan, Wisconsin, and Rhode Island created laws abolishing the practice. The reform was defeated in Ohio at a constitutional convention in 1850 after several close votes in the 1840’s. The movement never quite developed into the national policy change that had seemed so possible earlier, in part because of the tremendous impact of the Civil War. After 1860, it became nearly impossible to make a case against the execution of hundreds each year when armies were achieving similar results in the tens of thousands.²³

Sanctions for juvenile offenders have mirrored those of adults throughout history. Only late in the nineteenth century did reformers begin making progress

in separating juveniles from adult offenders in prisons and jails. Massachusetts had over 2,000 minors in adult jails in 1870, with 231 under the age of 15. Elsewhere children as young as 11 or 12 shared prison or jail space with adults. Humanitarian concerns, especially among Quaker reformers, helped establish “houses of refuge” for juveniles in eastern seaboard cities early in the nineteenth century, attempting to interrupt the cycle of destitution that seemed to lead so predictably to juvenile crime. Though admired at the time, the initiative had the lingering sense that juveniles were being incarcerated on their orphan status, and placed them alongside juvenile offenders whose influence could be as harmful as adult prisoners.²⁴

A separate juvenile justice system ultimately emerged that differentiated minors from their first contact with law enforcement through their last sanction or treatment in the juvenile corrections system. The struggle to separate juvenile and adult incarcerated offenders continues, as does the issue whether juvenile status offenders should ever be incarcerated. Most recently, many states have begun to increase the number and type of offenses for which juveniles can be bound over to adult courts for trial.

**FROM
THEORY
TO
PRACTICE**

**The Use of Drugs
in America
Before They
Became Illegal**

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and

Sonia Alemagno, Ph.D.

*The Institute for Health
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Many Americans do not realize that up to 1914 the use of most “hard drugs,” or psychoactive substances such as narcotics, cocaine, marihuana and others, was not illegal in the United States. While there were local and state laws governing the use of some of these drugs, the hallmark Harrison Act of 1914 made the use of narcotics illegal at the federal level. Since that time there have been many federal laws enacted to regulate and outlaw the use of a number of these substances.

Prior to that time, there was a wide variety of users of different types of substances. Users of opiates represented a broad cross section of Americans at the time. Many such users turned to the opiates for the surcease of pain or discomfort. Many opium-containing patent medicines, such as Mrs. Winslow’s Soothing Syrup used to calm the cries of teething children, were freely available over the counter in pharmacies and by mail. Many such medicines targeted at adults advertised that they could treat a plethora of maladies. Indeed, they probably were successful in suppressing pain and masking some of the other effects of many diseases. Because manufacturers were not required to list their ingredients, users were often unaware of the potent contents of such patent medicines. Readers might also recall that paregoric, or tincture of opium, was available at any pharmacy in the U.S. and was used for a variety of ailments including diarrhea.

Another type of user was the Civil War veteran who used opium products to treat chronic war wounds. Indeed, morphine addiction was once labeled the soldier’s disease. Yet another type of opiate user was the so-called “Southern female addict.” Such women were typically from the upper middle and upper classes. Bored by their restricted lifestyles and allegedly suffering from psychosomatic disorders, physicians freely prescribed opium products to these patients. Finally, there were other types of iatrogenic, or physician created, addicts whose chronic physiological conditions dictated the prescription of large and ultimately addicting doses of narcotic drugs.

Others used narcotics, particularly opium and heroin, for their euphoric and escapist qualities. Many Chinese immigrants sought relief in opium dens from their backbreaking labor and intense racial discrimination. Criminals, professional gamblers, prostitutes and others on the fringes of society took up this habit and progressed to the use of heroin after the invention and widespread dissemination of the hypodermic needle. These use patterns are the precursor to the familiar street addict subculture we now find throughout the large cities of the United States.

Use of other types of psychoactive substances was also observed in America. Cocaine use must have been fairly widespread, as well. It too was available in a number of patent

medicines and was an ingredient in Coca-Cola until 1903 when caffeine was the substituted stimulant. The use of colas, patent medicines and powder cocaine itself was of great concern in the Southern states. Such use, it was feared, might stimulate insurrection among the black citizens of those states and lead to mayhem and rape.

Also of concern in the Western part of the country was the use of marihuana – the original meaning of the cucaracha or “roach” in the famous song of that title – among Mexican migrant laborers. Again, the fear that such laborers would take jobs away from American citizens and the prejudice against those of a different culture and language made many look askance at the use of this drug. Marihuana use was also associated with the world of jazz musicians and underground clubs in urban areas of America.

It is apparent that the psychoactive drugs discussed above were widely used in the United States. Several conclusions can be drawn about such use. First, the prevalence of use of these substances was very small when compared to two other psychoactive substances: alcohol and nicotine. Secondly, many Americans of various ilks used these drugs for medicinal purposes. They were most often used to treat physical pain associated with real or imagined diseases that often could not be effectively addressed by the relatively rudimentary medical

practice of the time. These drugs were also used to alleviate psychological distress as in the case of the Southern female user. Thirdly, it is unclear how many of these users abused the substances to the extent of becoming psychologically or physiologically habituated to them. Finally, probably a minority of persons deliberately used these drugs recreationally. Even in some of these instances of recreational drug use one might argue that the use was in the context of psychological self-medication. Such might be the case, for example, of the Chinese opium den habitue who sought the anti-anxiety effects that opium can bring.

It is most probable that the drug laws aimed at these substances did not come into being because of the widespread dangers posed by them. Indeed, it is not convincingly clear that these drugs constituted a pervasive threat to the American nation. Instead, the laws came about because of a complex interplay of international and national politics, inherent discrimination against certain ethnic and socioeconomic groups, the desires of physicians for more professional respect, the moral climate of the time (culminating also in the Volstead Act), the actions of moral entrepreneurs in the Federal bureaucracy, and a whole host of other factors.

Where this leaves us

Lawrence Friedman notes “one of the great master-trends in the history of criminal justice is the shift from *private* to *public*, and from lay to professional.”²⁵ Yet there is no other segment of government so dependent on the private citizen – the everyday crime-fighter – for its effectiveness as the criminal justice system. Because of honest witnesses, careful observers, accurate reporters, involved supporters, fair jurors, and educated electors the system works. The first challenge of our time is to combine those invaluable citizen assets with the expertise of public justice professionals to prevent and control crime.

The second challenge is to manage change. Change, a fundamental of any effective system, begins with a solid understanding of the institution and how it came to be. Here is no invitation to bring back the “good old days” – there never was such a time in the business of fighting crime – but rather a review of its historical context allows us to learn from the great struggles and to anticipate and prepare for needed change. It then becomes a matter of writing the next chapter in a long and worthy story.

ENDNOTES

- ¹ The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*. Washington, D.C.: GPO, 1967, 12, 7.
- ¹ Joan Johnson, *Justice* (New York/London/Toronto/Sydney: Franklin Watts, 1985), 6-17.
- ² Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1998), 2-5.
- ³ Herbert A. Johnson, *History of Criminal Justice* (Cincinnati: Anderson Publishing Co., 1988), 272 – 275.
- ⁴ Eric H. Monkkenon, *America Becomes Urban* (Berkeley/Los Angeles/London, University of California Press, 1988), 90.
- ⁵ Monkkenon, *America*, 95-96.
- ⁶ Monkkenon, *America*, 92.
- ⁷ Eric Monkkenon, *Police in Urban America* (Cambridge, London, New York: Cambridge University Press, 1981), 31.
- ⁸ Monkkenon, *Police*, 43.
- ⁹ Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), 151-152.
- ¹⁰ Monkkenon, *Police*, 39.
- ¹¹ Allen Steinberg, "From Private Prosecution to Plea Bargaining: Criminal Prosecution, the District Attorney, and American Legal History," in *Crime and Justice in American History: Courts and Criminal Procedure* (Vol. 2), ed. Eric H. Monkkenon (Westport, London: Meckler Publishing, 1991), 387.
- ¹² Albert W. Alschuler, "Plea Bargaining and Its History," in *Crime and Justice in American History: Courts and Criminal Procedure* (Vol. 2), ed. Eric H. Monkkenon, (Westport, London: Meckler Publisher, 1991), 9.
- ¹³ Johnson, *History*, 229.
- ¹⁴ Friedman, *Crime and Punishment*, 413 – 416.
- ¹⁵ Ira J. Silverman, *Corrections: A Comprehensive View* (Belmont, CA: Wadsworth, 2001), 71-79.
- ¹⁶ Friedman, *Crime and Punishment*, 36-40.
- ¹⁷ Silverman, *Corrections*, 79.
- ¹⁸ Johnson, *History*, 228.
- ¹⁹ Johnson, *History*, 217-219.
- ²⁰ Friedman, *Crime and Punishment*, 159 – 161.
- ²¹ Johnson, *History*, 224.
- ²² Silverman, *Corrections*, 73.
- ²³ David Brion Davis, "The Movement to Abolish Capital Punishment in America, 1787-1861," in *Reform: Crime and Justice in American History*, ed. by Eric Monkkenon (Munich, London, New York, Paris: K.G. Saur, 1992), 97-100.
- ²⁴ Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), 163-165.
- ²⁵ Friedman, *Crime and Punishment*, 174.

CITIZEN ATTITUDES

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Citizen attitudes and perceptions of crime and justice

Citizen attitudes concerning crime are central to understanding and preventing crime. The Ohio Office of Criminal Justice Services (OCJS) has invested a quarter of a century in citizen surveys concerning crime and justice. Several broad themes have emerged across these statewide and local surveys that will be examined in this chapter, including the disconnect between public perceptions and actual realities of larger crime and justice issues, the strong link between citizen knowledge and concern for public safety, and the physical proximity of those issues to their own neighborhoods, and citizens' intuitive sense that neighborhood disorder is connected to personal safety.

The surveys also document the uncertainty the public often experiences regarding the criminal justice system. Issues involving the nature and patterns of offending, victim and offender profiles, and the punishment received by criminals are topics surrounded by myth and misunderstanding. This is a critical finding given the significant role citizens assume as witnesses, jurors, and electors of sheriffs, judges, prosecutors, and legislators who make and amend criminal laws.

Citizen fear of crime has decreased

Crime fears are difficult to measure—the very wording of survey questions can artificially alter responses. In Britain, attempts to survey public crime fears are, in themselves, linked to increasing fear levels, even as actual crime rates fall.²⁶ To help address this concern, Ohio consistently uses straightforward wording to survey citizen feelings of safety while out alone, in their own neighborhoods, and at night. The phrasing, the same as that first used in the National Crime Victimization Survey conducted since the early 1970's, provides a consistent barometer on citizen crime fears.

How safe do you feel being out alone in your neighborhood at night?²⁷

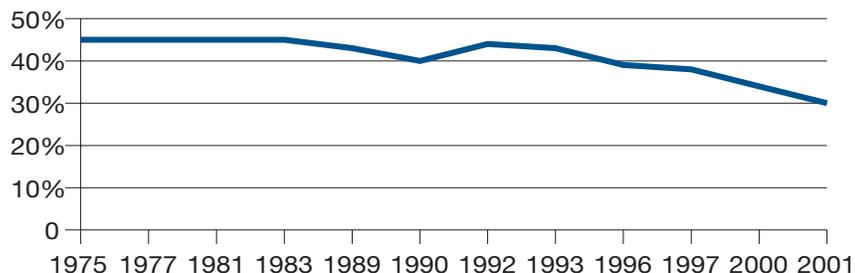
Year	Feeling "Very Safe" or "Reasonably Safe"	Feeling "Very Safe"
1979	78%	35%
1982	83%	36%
1984	76%	25%
1986	83%	NA*
1993	80%	NA*
2003	91%	61%

*not asked in survey

Source: Unless otherwise noted, data in this chapter comes from the Ohio Office of Criminal Justice Services Ohio Citizen Attitude Surveys, 1979-2003

A longer view of other crime-fear measures from national sources reflects the same slide in fear levels from the 1970's to the present. The Gallup Poll, which framed the fear of crime question in terms of "walking alone within a mile of home at night," saw higher fear levels, but these, too, dropped significantly as the twentieth century ended.

U.S. Residents Afraid to Walk Alone at Night

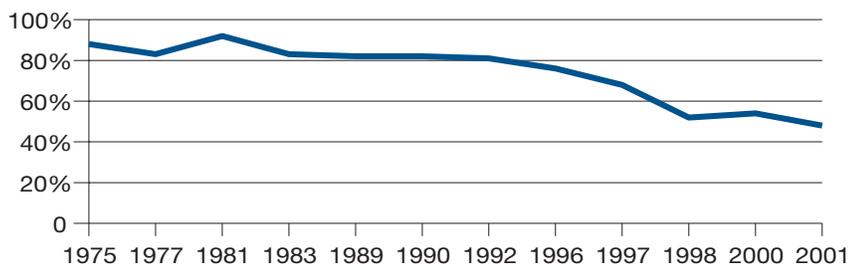


Source: Bureau of Justice Statistics Sourcebook of Criminal Justice Statistics, 2001

What Ohioans know about crime is linked to distance from home

Citizen attitude surveys conducted by OCJS since 1979 have repeatedly found that Ohioans are more aware and concerned about crime and justice seen or experienced first-hand as opposed to media information and images. When Ohio respondents were asked in 2003 a true/false question about whether "crime rates have been going up steadily for the past ten years," 66 percent responded "true." In fact, Ohio's and the nation's crime rates dropped considerably during that period, with the National Crime Victimization Survey reflecting steady declines for the past 30 years while the FBI's reported crime index was plunging in the late 1990's. Gallup's national crime surveys found that this "crime is always on the rise" perception takes a different turn when the question is asked in terms of respondents' own neighborhoods.

U.S. Residents Reporting More Crime In Their Neighborhoods Than in Previous Year



Source: Bureau of Justice Statistics Sourcebook of Criminal Justice Statistics, 2001

OCJS surveys documented citizen understanding as early as 1986 with a series of questions asking “how upset would you be” by five different hypothetical scenarios, including a 10 percent increase in the nation’s crime rate, and serious drug problems in nearby city schools. Respondents, while reflecting some concern with those possibilities (37% and 45%, respectively, said they would be “very upset”), cited “a group of rowdy juveniles gathering on your street corner” as far more upsetting (74%), even though it was the only scenario that did not suggest felony behavior.

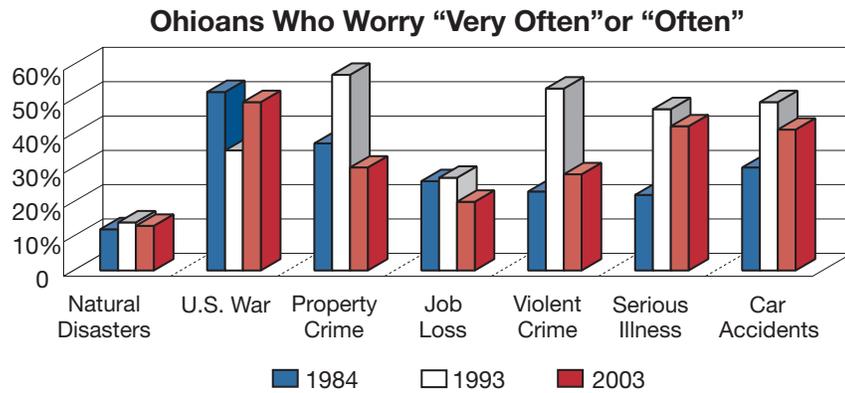
The same citizen perceptions resurfaced in 1996 during an OCJS evaluation of community-oriented policing in Toledo. A preliminary survey of residents in an inner-city neighborhood Toledo police had identified as especially crime-prone, demonstrated that actual crimes were less of a public safety concern than the environment that the residents believed generated them. The evaluation found that as Toledo removed derelict housing and garbage, the number of citizen police calls fell.²⁸

Rank the following occurrences in terms of how problematic they are in your neighborhood

Problem	Severity Ranking	
	1996	1998
Garbage/litter in the street	1	5
Rundown property	2	4
People selling drugs	3	2
Youths hanging out	4	3
People using drugs	5	1
Thefts from outside of homes	6	8
Gang activity	7	11
Cars being vandalized	8	6
Breaking into homes	9	10
Criminal damage to homes and cars	10	9
Cars being stolen	11	7
Police stopping too many people	12	12
Loud parties	13	13
Attacks and robberies	14	14

Source: *Ohio Office of Criminal Justice Services, Toledo Community-Oriented Policing Final Report*

Another means of measuring citizen concerns sets crime fears against other life worries, like car accidents, job losses, and even war. Conducted three times by OCJS since 1984, in each case several of the categories noted swings in response rates from the earlier results. Crime worries ran very high in the early 1990’s, perhaps in response to the publicized crack epidemic peaking about that time, or the spike in juvenile violence during the same era. In any event, violent and property crime concerns returned to a middling level by 2003.



The survey found that what citizens worry about is influenced to some extent by their race, age, and even gender.

How often do you worry about the following occurrences?

Very often or often worry about	Race		Age		Sex	
	White	Black	18-29	60+	Male	Female
Natural disasters	12%	19%	10%	14%	9%	16%
A U.S. war	48%	53%	50%	44%	41%	55%
Property crime	28%	38%	40%	26%	31%	28%
Job loss	20%	22%	24%	5%	20%	21%
Violent crime	26%	42%	27%	28%	22%	31%
Serious illness	42%	38%	32%	40%	34%	47%
Car accidents	41%	45%	50%	32%	34%	46%

FROM THEORY TO PRACTICE

Measuring Citizens' Attitudes about Crime during Times of Uncertainty

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Over three decades ago, a summary of research found that there was no direct relationship between changes in the general public's concerns about crime and changes in actual crime. In other words, subjective perceptions and objective conditions were frequently not in agreement. For example, the least victimized group in American society is senior citizens, yet this age group is the most fearful of crime. For many Americans, as crime rates decrease, fear of crime and the belief that crime is actually increasing have gone up. Thirty years later, these and other inconsistencies regarding the realities of crime remain constant.

So, what gives? After all, shouldn't people's attitudes about crime reflect the reality of crime as measured by our criminal justice agencies? Isn't this what common sense suggests – something researchers are accused of rarely possessing? Obviously not. Perhaps the official statistics that tell us whether crime is rising or falling are wrong. Maybe citizen attitudes about crime are impossible to measure. But, neither explanation satisfies, as they are both too flippant and superficial. Further, academic criminology research may not be easily accessed or understood by the general public, but thirty years of similar findings should at least make us face one firmly-rooted conclusion: what looks like common sense is dead wrong.

Before exploring why crime

perceptions and reality frequently disagree, the question of why this issue is important should first be answered. It is important to monitor changes in citizens' subjective perceptions of crime because public safety issues are directly linked to people's beliefs about quality of life and the quality of the communities and neighborhoods where they reside. Whether citizen attitudes are in agreement with official crime statistics also provides important insights to researchers, policymakers, criminal justice agencies, and state and local leaders, all of whom deal directly with crime issues. After all, state and local governments alike invest considerable funding for law enforcement and court and correctional services. We ought to know if the customers, namely citizens, are satisfied.

Why then are these customers frequently seeing a different reality than that provided by official statistics? The answer can be summed up in one word: uncertainty. We live in a highly complex and fast-changing society, with a population that frequently moves, an economy that swings back and forth, a popular culture that lurches from one fad to the next, and an unbelievable variety of media sources and commentators who inundate us with spectacular stories about crime as they pontificate from the armchairs of their studios.

For example, media coverage of the recent power outage focused a great deal of attention on New York City.

On one popular Columbus radio program, two disk jockeys trying to pass for criminologists noted that because crime rates went down when the lights went out, crime specialists – especially the police – must be wrong. Lights, they concluded, do not deter crime. Duh! The reality was that thousands of New Yorkers had to walk to their apartments and houses, and in so doing, normally deserted sidewalks were filled with law-abiding citizens. The accurate and common sense conclusion was missed: neighborhoods where people know each other will display both lower crime rates and less concern among residents about their own safety.

Researchers refer to these kinds of places, which exist in both rural and urban Ohio communities, as having “high social capital” and “high density of acquaintanceship.” Do those terms sound daunting and sophisticated? Yes and no. Yes, because they express a scientific approach to crime, and unless one enrolled in the right college courses they might be unfamiliar terms. And no, because they are also terms used in the business world, a world familiar to most Americans. With money to invest in equipment, marketing, and salaries – capital – and with employees who work together as a team – density of acquaintanceship – businesses profit and expand. The same is true of all communities in the Buckeye state, both large and small. Investments in the social capital of Ohio’s communities, such as support for law enforcement and other agencies dealing with public

safety, are essential to the quality of life of citizens. Further, like a business these investments are not one-time expenditures. Events happen that rattle the public’s confidence. Ten years ago there was a constant barrage of media stories about gang violence. Today, coverage concerns terrorism. Tomorrow, it will be something else. Beyond the media, there is a constant stream of social, cultural, and economic change that bring us face-to-face with uncertainties of every kind. Businesses constantly upgrade their capital, and so should communities.

This is not to say that all these issues are unimportant. To the contrary, they are the very reasons why measuring citizen attitudes is an important task. Between the two worlds of subjective reality of citizen crime perceptions and the reality of crime statistics is the land of uncertainty. We need to understand all three territories, and the bridges that link them together in a complex reality that the media commentators will probably never grasp.

Ohioans have not changed their lifestyles from fear of crime

Fear of crime has not influenced how most Ohioans live. Survey responses regarding what measures citizens have taken based on their concern for crime suggest that the majority of respondents do not take precautions that significantly alter their lifestyles.

During the past two years, have you taken any of the following measures out of a concern for crime?

Response to crime	Ohioans who have taken this measure out of a concern for crime	
	1993	2003
Carrying a weapon while away at home	8%	6%
Asking someone to go with you if you are going out in your neighborhood after dark	21%	18%
Going to fewer sporting events, shopping malls or other events drawing large crowds	17%	15%
Going downtown to the nearest city less often	25%	20%

Public awareness of crime shows signs of improvement

Several questions in Ohio's public attitude surveys test citizen knowledge of crime regarding issues for which existing data provides clear answers. Until the 2003 survey every one of these questions drew the wrong answer from Ohioans – and in significant numbers. Today, even with most respondents still on the wrong side of the answers, there are hints of change.

Perception of Crime Issues

True or False?	1986		1993		2003		Answer ²⁹
	T	F	T	F	T	F	
Senior citizens are the most likely crime victims	86%	13%	77%	22%	68%	29%	False
The crime rate has been going up steadily for the past ten years	86%	10%	94%	5%	65%	30%	False
Most persons arrested for serious crimes are never convicted	61%	29%	55%	40%	37%	55%	False

Rows may not add to 100% due to non-responders and/or rounding

Adequate criminal justice resources are important to Ohioans

As recently as ten years ago most Ohioans believed that plea-bargaining and lenient sentencing were “very important” problems affecting crime and justice in the state. Results from the 2003 survey suggest, however, that citizens are beginning to assign more importance to resource problems. Caseload volume and institutional crowding drew the greatest concern in 2003, nearly matching the heightened levels of the 1993 respondents, while concern for more traditional targets such as lenient sentencing fell off markedly. The lowered concern over plea-bargaining could also reflect the public’s view of the importance of that resource toward the efficient functioning of an overburdened criminal justice system.

How would you rate each of the following issues in terms of its importance as a problem affecting crime and justice in Ohio?

Issues	Responding ‘Very Important’	
	1993	2003
Lenient sentences given by judges	68%	43%
Bad verdicts by trial judges	56%	38%
Heavy caseloads for prosecutors and judges	60%	56%
Plea-bargaining by attorneys	50%	37%
Police handling of evidence and witnesses	60%	48%
Over-crowded criminal justice institutions	68%	64%

Attitudes toward law enforcement have remained supportive

Highly publicized national cases of officer misconduct do not appear to have eroded public confidence in law enforcement among Ohioans. Furthermore, the public’s performance judgments and officer role perceptions show remarkably little change over the past twenty years.

Perception of the Role and the Performance of Law Enforcement

Public Assessment/Attitude	1982	1993	2003
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In general, what should be the main role of today's police officer?

Patrol and community visibility	54%	55%	48%
Solving crimes	22%	24%	16%
Helping people during emergencies	12%	12%	15%
Other	13%	10%	21%

Would you say that the quality of police protection in your neighborhood is...

Very good	27%	28%	26%
Good	38%	34%	31%
Adequate	26%	27%	29%
Poor	8%	7%	9%
Very Poor	2%	3%	4%

Which one of these comes closest to describing your feelings when you see a police officer walking down the street?

Respect	NA*	45%	47%
Safety	NA	35%	32%
Tolerance	NA	9%	9%
Other	NA	11%	14%

During the past 3-5 years, would you say that your opinion of police officers, including Sheriff's deputies, has...

Improved	NA	19%	21%
Stayed the same	NA	60%	62%
Worsened	NA	20%	15%

*Not asked in a particular survey. Percentages may not equal 100% due to non-responders and/or rounding.

Citizens remain ambivalent to substance abuse problems

In 1993, Ohioans were divided between viewing substance abuse as a criminal justice issue (48%) or a public health problem (33%), with 17 percent indicating that it fell in both areas. Ten years later those figures had changed (46%, 37%, and 15% respectively) very little.

There appears to be a modest movement toward relaxing a few of the traditional prohibitions concerning drug abuse, perhaps influenced by recent debates over medical marijuana use or demographic shifts as an increasing number of individuals have experiences with that drug.

Which one of the following statements best fits your own beliefs about drug legalization?

	1988	1990	1993	2003
All drugs should be made legal for sale	2%	4%	3%	3%
All but two or three of the most dangerous drugs should be legalized	5%	8%	5%	9%
Illegal drugs should stay that way, except for marijuana	13%	15%	15%	25%
None of the drugs that are now illegal should be made legal	78%	72%	74%	60%

Ohio citizens continue to reflect some vague feelings regarding what could be perceived as society's inconsistent messages about drug and alcohol use. In 1993, 78 percent of survey respondents agreed that society sends the mixed message that "drugs are very bad but alcohol is acceptable," while only 64 percent saw anything wrong with advertising alcohol products on TV and radio. When the same questions were repeated in 2003, the corresponding figures were 76 percent and 60 percent.

Citizens support prison alternatives for non-violent offenders

When asked about their acceptance of alternatives to incarceration for non-violent offenders, a majority of citizens responded favorably. The greatest support was given to alternatives that positively impact offenders, like education and work release, or those that provide supervision to offenders through early release with parole or community supervision.

Which one of the following statements best fits your own beliefs about drug legalization?

Alternative	Finding Alternative "Acceptable"		
	1984	1993	2003
Victim compensation	71%	68%	59%
Fines	45%	48%	42%
Community supervision	69%	69%	64%
Part-time work release	73%	76%	74%
Part-time education/training release	76%	77%	72%
Early prison release with parole	77%	76%	76%

The twenty-year pattern suggests that inferences of a “get tough” public attitude toward criminal justice may be too hastily drawn. Earlier OCJS surveys found that when citizens were given offender information similar to what a judge might consider, they tended to adjust their hypothetical options accordingly. Other research has documented the tendency of public officials to assume that most citizens always prefer tougher sentencing options.³⁰

Determining the main purpose of the juvenile justice system

As part of a 2000 statewide needs assessment of Ohio’s juvenile justice system, OCJS questioned justice professionals³¹ and a scientific sampling of citizens regarding the main purpose of the juvenile justice system.

The main purpose for Ohio’s juvenile justice system should be...

	Professionals’ Rankings	Public’s Rankings
Protecting society/ensuring public safety	1	3
Redirecting troubled youth into productive lives	2	1
Holding youth accountable for their actions	3	NA*
Building stronger families	4	2
Finding innovative responses to juvenile crime and justice	5	NA*
Keeping youthful offenders out of the adult justice system	6	5
Meeting public expectations for justice	7	7
Punishing youthful offenders	8	4

*not asked in the citizen survey

The most widely recognized purpose of the juvenile justice system among its practitioners is to protect society and ensure public safety. Eight of the ten professional groups surveyed rated that purpose first on their list of options, while Ohio Department of Youth Services (DYS) staff and defense attorneys rated it second and sixth respectively. However, a solid plurality (46%) of citizen respondents opted for the purpose of “redirecting troubled youth,” with “building stronger families” second (28%), and “protecting society” a distant third (15%).

Citizens favor social service programs as a prevention resource

How great is the need for the following social service programs for juveniles?

Rank		Very Great or Great	Moderate	Small or None
1	Volunteers to provide positive role models for kids	56%	27%	14%*
2	Programs that reach out to young people with mental or emotional problems	53%	25%	16%
3	After school programs to engage young people	56%	27%	13%
4	Coordinated involvement of families, juvenile court, social service agencies to address the needs of troubled young people	51%	29%	14%
5	Better programs to fight drug and alcohol use by youth	51%	28%	15%
6	People who are willing to look out for each other's children and their behavior	51%	25%	20%
7	Making delinquents accountable to victims and the community without sending them to court or jail	49%	26%	18%
8	More options for dealing with juvenile offenders, such as treatment for drug and alcohol addiction	48%	33%	13%
9	Programs to help young people avoid getting involved with gangs	42%	24%	29%
10	Giving first time delinquents a second chance without having a record	40%	30%	19%
11	Ways to help delinquents without labeling them as troublemakers	39%	32%	19%
12	Involving victim, offender, and community members in the justice process after a youth has committed a crime	39%	32%	21%
13	Police officers assigned to schools to ensure the safety of staff, students	26%	24%	46%

*Row percentages may not total 100% due to rounding and small percentage of "don't knows"

Family is seen as society's best juvenile justice resource

A similar values question was asked involving the best use of existing community resources to serve juvenile offender needs. “Families and relatives” was a commanding first choice of White respondents, with Blacks’ preference for faith organizations notable.

What do you feel is the best resource available for dealing with juvenile crime?

	Age		Sex		Race		All Respondents
	18-29	60+	Male	Female	Black	White	
Families and relatives	56%	44%	56%	44%	28%	52%	50%
Organizations based on spiritual faith	10%	22%	14%	21%	40%	16%	18%
Community non-profit organizations (other than religious)	14%	9%	11%	13%	7%	13%	12%
Federal or state programs	12%	10%	9%	13%	18%	11%	11%
Effective schools, universities, colleges	7%	8%	7%	7%	8%	7%	7%
Don't know	-0-	7%	2%	3%	-0-	2%	2%

*Column percentages may not add to 100% due to rounding and small percentage of “don't knows”

Faith-based juvenile justice

In a citizen survey conducted by the Ohio Office of Criminal Justice Services (OCJS) in 2003, Ohioans were asked to rate “the best resource for dealing with juvenile crime” from a list that included family and friends; religious organizations; other community organizations; federal and state programs; and schools. A distinction between choices of Blacks and Whites surfaced when 52 percent of White respondents opted for family and friends (their next highest response for religious organizations was 16%), while 40 percent of Black respondents selected “organizations based on spiritual faith” (their next highest response was 28% for family and friends).

The preference among Black respondents for faith-based resources was two-and-one-half times that of Whites. While Black respondents were consistently more fearful than Whites and others when asked how they would respond to hypothetical circumstances like “teens gathering on your street corner” or a “juvenile halfway house placed in your neighborhood,” those same respondents proved more at ease than Whites with a “church in your neighborhood announces a mentoring program that will bring troubled youth into the building.” Over 80 percent said that scenario would bother them very little or not at all, compared to 60 percent for White respondents.

OCJS’ research was conducted in pursuit of an accurate measurement of the needs of Ohio’s juvenile justice system. Despite the huge amount of resources devoted to the issue of juvenile crime in Ohio, it had been years since an attempt had been made to comprehensively measure the needs generated by juvenile offenders. OCJS accomplished this evaluation through a statewide citizen survey; a survey of a wide range of juvenile justice practitioners; ten regional focus groups; and subsequent analysis.

This OCJS needs assessment also pursued a direction not typically taken in such studies. The usual method for such research is to “identify the problem areas,” or those areas of greatest need to find out “what’s wrong.” Seldom is there an attempt to identify “available resources and assets,” or the “what’s right” out there. In a world where resources are increasingly limited, it makes sense to inventory unused and underused community resources that already exist. Perhaps, at the end of the day the cry need not be “doing more with less” but “doing more with more,” the more that has been there all along.

Enter the powerful spiritual and moral resources of America’s inner-city churches. Sociologists and other cultural observers have long wondered just how much of the nation’s inner-city stability can be credited to this historically caring and committed institution.

Several years ago Andrew Peyton Thomas, surveying the vast damage done by crime in this country, offered a remarkable insight in his book, *Crime and the Sacking of America*. Thomas suggested that all of the fix-it programs that money can buy will not solve the nation's crime problem because the issue is, at its core, spiritual rather than material. Thomas also suggests that Blacks have and continue to be in a position to come to grips with the crime issue because they "still look upon crime and behavior that fosters it as the socially ruinous sins that they are rather than the morally neutral personal decisions beyond the proper scope of community action or concern."

Whether that scope of community action and concern should include federal support for faith-based groups will be debated over the next several years, as its implications reach far beyond the confines of crime and justice.

ENDNOTES

²⁶ Crime, *The Economist*, 19 July 2003, 45.

²⁷ The tables and graphics in this chapter are descriptive displays only from various surveys. Differences over time or among comparative groups have not been analyzed for formal statistical significance.

²⁸ Ohio Office of Criminal Justice Services, *Final Progress Report: Evaluation of Community-Oriented Policing in Toledo*, August, 1997.

²⁹ Documentation sources for this column include the National Crime Victimization Survey, the FBI Uniform Crime Reporting program, and OCJS offender tracking research.

³⁰ See “Crime, Punishment and Public Opinion: A Summary of Recent Studies and Their Implications for Sentencing Policy,” The Sentencing Project, Washington, D.C.

³¹ Judges made up the single largest category of the juvenile justice professionals surveyed (21%), followed by Ohio Department of Youth Services staff (13%) and intervention and treatment specialists (12%). Others among the 283 statewide respondents included juvenile detention staff (11%), probation officers (11%), DYS aftercare staff (9%), law enforcement officers (8%), prosecutors (8%), defense counsel (4%), and private confinement staff (2%).

CRIME

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How crime is defined

Crime is defined as behavior that is prohibited by the state and against which the state may react. The Ohio Revised Code (ORC) Section 2901.03 states that a behavior cannot be considered a criminal offense against the state unless it is specifically defined in the ORC, then describes in great detail hundreds of behaviors identified by the state as criminal offenses.

Crimes are categorized based on their degree of seriousness. Felonies are serious crimes that usually involve a prison sentence. Conviction of a felony offense results in a loss of rights such as voting; owning a firearm; certain employment licenses like those for physicians or certified public accountants, and holding public office. Misdemeanors are lesser crimes that can be punishable by a fine, restitution, probation and/or jail time.

Ohio Crime Classification

Name	Example of Offense
Aggravated Murder	Aggravated Murder
Murder	Murder
Felony 1	Attempted Murder, Rape
Felony 2	Felonious Assault
Felony 3	Extortion
Felony 4	Motor Vehicle Theft
Felony 5	Theft Valued between \$500-\$5,000
Misdemeanor 1	Possession of Criminal Tools
Misdemeanor 2	Desecration of a Flag, Monument, etc.
Misdemeanor 3	Prostitution
Misdemeanor 4	Failure to Report a Crime (Felony)
Minor Misdemeanor	Failure to Disperse

Some crimes that are considered misdemeanors as a first-time offense can be bumped into the felony level as a repeat offense. Additionally, if an offense is committed against a person because of race, ethnicity, religion, sexual orientation, or disability, the original offense is raised to the next level.

The FBI Uniform Crime Reporting Program

The FBI Uniform Crime Reporting (UCR) Program classifies most criminal acts into Part I and Part II offenses. Part I offenses, including select violent and property crimes, are used to gauge fluctuations in the overall volume and rate of crime reported to law enforcement. The Program captures data on both reported crimes and arrests of Part I offenses, and also collects arrest data only on 21 other crimes designated as Part II offenses.

Selected offenses collected by UCR are murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Because these offenses are considered serious crimes, they are most likely to be reported and to occur with enough frequency to provide a basis for comparison. Beginning in 1990, the UCR Program also began collecting statistics on hate crimes.

Violent crime: murder, forcible rape, aggravated assault, robbery

UCR defines all violent crime as involving force or the threat of force.

UCR Definition of Violent Crimes

Murder	The willful (non-negligent) killing of one human being by another, as determined by police investigation. Not included in this classification are deaths caused by negligence, suicide or accident; justifiable homicides; and attempts/assaults to murder, which are classified as aggravated assaults.
Forcible Rape	The carnal knowledge of a female forcibly and against her will. Assaults or attempts to commit rape by force are included here; however, statutory rape (without force) and other sex offenses are not included.
Aggravated Assault ³²	The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. It is usually accompanied by use of a weapon or by means likely to produce death or great bodily harm. Attempts are included in this categorization.
Robbery	The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.

Source: *FBI Crime in the U.S., 2001*

Property crime: burglary, larceny theft, motor vehicle theft, arson

The focus of theft-type offenses is the taking of money or property – without the use of force or threat of force. Added to Part I reported crimes in 1979, arson is also considered a property crime because it involves destruction of property; however, it is recognized that arson victims may be subjected to force. With the definition of arson often difficult for local law enforcement to categorize, arson statistics are reported less frequently than other Part I crimes.

UCR Definition of Property Crimes

Burglary	The unlawful entry (forceful or not) of a structure to commit a felony or theft.
Larceny-Theft	The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. It includes crimes such as pick pocketing, shoplifting, purse snatching, thefts from motor vehicles (including vehicle parts and accessories), bicycle thefts, etc., in which no use of force, violence or fraud occurs. Motor vehicle theft is not included here as it is a separate category.
Motor Vehicle Theft snow	The theft or attempted theft of a motor vehicle (including auto mobiles, trucks, buses, motorcycles, motor scooters, mobiles, etc.). It excludes the taking of a motor vehicle for temporary use by those persons having lawful access.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a house, dwelling, public building, motor vehicle or aircraft, personal property of another, etc. Only fires determined through investigation are arson.

Source: *FBI Crime in the United States, 2001*

Measuring crime in the United States

Two programs currently exist to provide reliable criminal justice statistics and indicate fluctuations in U.S. crime levels. In existence since 1930, the FBI's UCR Program is the oldest, involving voluntary reporting on specific offenses and individuals arrested. In Ohio in 2001, 456 law enforcement agencies representing over 9 million (82%) Ohio citizens were actively involved in the UCR Program.

Created by the U.S. Department of Justice in 1973, the second crime reporting program is the National Crime Victimization Survey (NCVS). Designed to obtain information about victims, offenders, and crime, the NCVS covers *personal crime*, including rape and sexual attack, robbery, aggravated and simple assault, and purse-snatching/pocket-picking, and *property crime*, including burglary, theft, motor vehicle theft, and vandalism. With its focus on victim response rather than law enforcement reports, the survey tracks crimes not reported to law enforcement. A representative sampling of the nation's population is surveyed to determine the number and types of crimes impacting citizens, with approximately 3,200 (.03%) Ohioans over age twelve surveyed annually.

Although the differences in collection methodologies make direct comparisons of UCR and NCVS data challenging, the programs complement each other in the types of information they collect.

Crime reporting in Ohio

The nation's crime reporting program administered by the FBI, Uniform Crime Reporting (UCR), provides a standard method for law enforcement agencies to report their crime statistics. The program uses two reporting methods: *summary-based*, and *incident-based*, or the National Incident-Based Reporting System (NIBRS).

The traditional UCR, or summary-based, reporting has been in practice over seventy years, and involves a manual method of reporting limited crime statistics. Data are collected based on eight major crime categories: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Ohio law enforcement agencies participating in summary-based reporting submit hard copies of their statistics directly to the FBI.

NIBRS was developed in the 1980's to provide greater detail and a heightened level of accuracy in crime reporting, and to automate the process. NIBRS collects information from 22 *Group A* offense categories, including the eight major UCR crime categories, as well as eleven *Group B* offense categories. Ohio's Incident-Based Reporting System (OIBRS) began in the late 1980's and allows Ohio law enforcement agencies to submit crime statistics directly to Ohio and the FBI in an automated format. OIBRS captures detailed information about victims, suspects, property, arrests, and offenses to provide a far more detailed picture of crime and the nature of the criminal event, and has replaced summary-based reporting in many areas of the state.

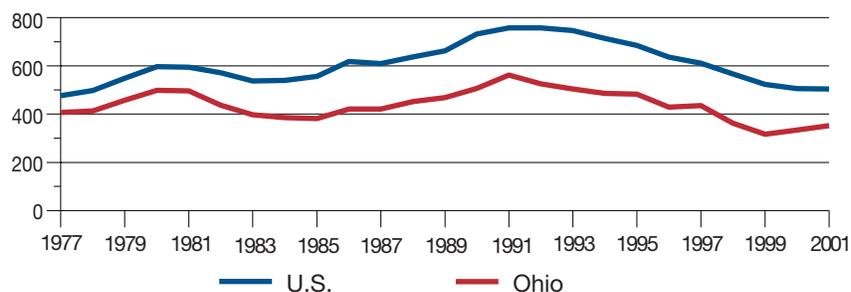
Through the use of computerized records management systems, law enforcement may now enter, validate, and electronically submit their crime statistics to the OIBRS program. Many agencies use laptops or other mobile data computers in their cars to enter reports in the field—a valuable tool for keeping officers visible in their communities and minimizing time spent at the station entering reports.

An example of OIBRS effectiveness involves the Belmont County Sheriff's Office in St. Clairsville, Ohio. When Belmont County moved to OIBRS from a completely paper-based system, the Sheriff's Office noted that the task of reporting data was reduced from hours to minutes, and could be accomplished paperlessly with one electronic entry. The Sheriff's Office also found that the additional information collected with OIBRS provides unanticipated benefits: its detailed data translates into more effective felony investigations, and ongoing assurance that cases are backed by consistent, readily accessed information with all the advantages of computerized crime analysis.

Violent crime declines through the last decade

Although Ohio’s violent crime rates are consistently lower than national violent crime rates, the trends in Ohio mirror those found nationwide over the past 25 years. After peaking in 1991, the rate of violent crime dropped steadily through 1999, until 2000 when Ohio began to experience an increase in violent crime while the nation’s rate continued to decrease.

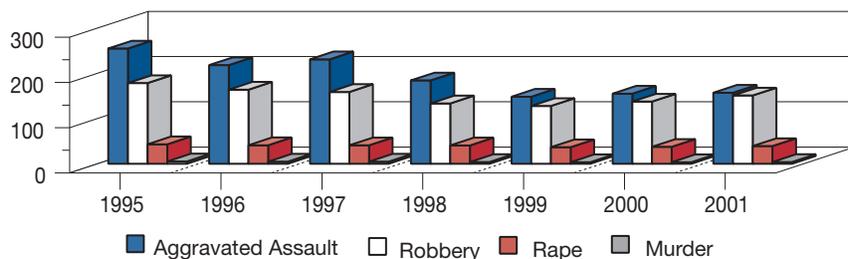
Trends in Violent Crime in Ohio and the U.S.
Rate per 100,000 Population



Source: *FBI Crime in the United States, 1977-2001*

From 1995 through 2001 in Ohio there has been remarkable consistency in the rate of occurrence for murder, rape, robbery, and aggravated assault. Ohio showed a steady decrease in these crimes from 1995 through 1999, followed by an increase in 2000 and 2001. The only exception to this pattern was for aggravated assaults in 1997.

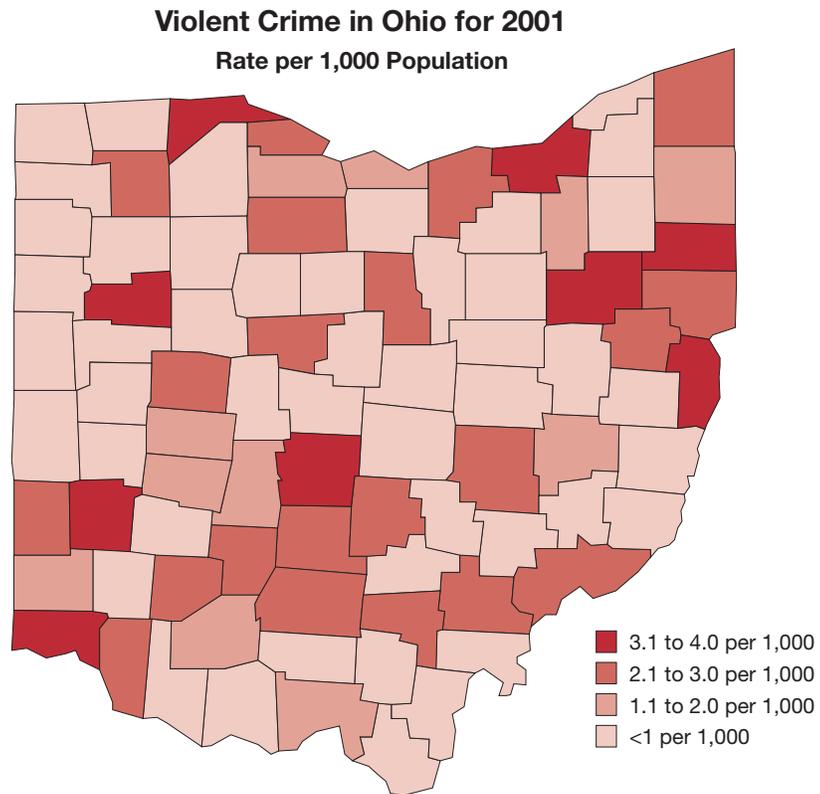
Violent Crime in Ohio
Rate per 100,000 Population



Source: *FBI Crime in the United States, 1995-2001*

Where violent crime occurs in Ohio

The highest rates of violent crime tend to occur in Ohio's most populated counties. Only seven of Ohio's 88 counties fall above the national crime rate average. Forty counties have a violent crime rate of less than one per 1,000 population.



Source: Unless otherwise noted, Ohio specific data in this chapter comes from *FBI Uniform Crime Reports, Ohio data*.

FROM THEORY TO PRACTICE

Crime Trends in Ohio 1977- 2001

John E. Eck, Ph.D.

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Since the dramatic drop in U.S. homicides during the 1990's, there has been a great deal of speculation as to what caused the drop and how long it would last. What are Ohio's homicide trends over the last quarter century? In Ohio, the homicide rate peaked in 1979 and 1980 with 8.1 homicides for every 100,000 people. The homicide rate declined in the mid-1980's; turned up and reached a new peak in 1991, then plummeted to a 25-year low in 1999. After 1999, Ohio's homicide rate turns up again.

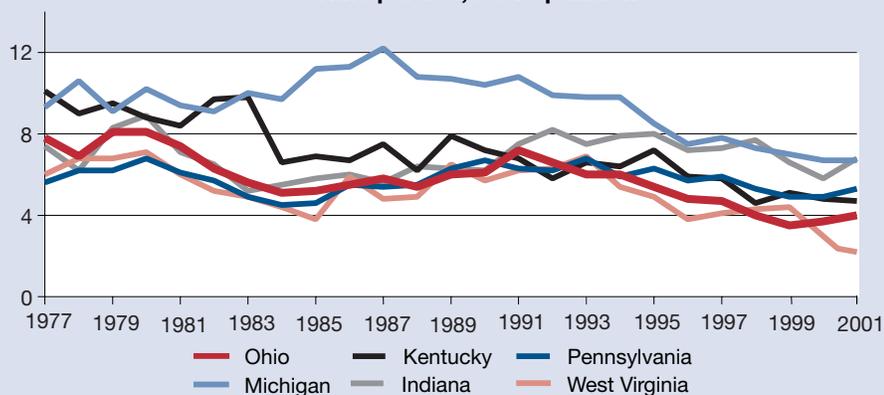
Are the causes of homicide rate trends unique to Ohio, or is Ohio's trend caused by wider influences? Overall, much of Ohio's trend in homicides is similar to its neighbors, with Michigan the big exception. Its homicide rate peaked in 1987 and declined thereafter. Indiana was more like Ohio in the early part of the quarter century, and Kentucky's homicide rate was like Ohio's in the last decade. Ohio's homicide trend was very similar to neighboring states of West Virginia and Pennsylvania throughout the quarter century.

Comparing Ohio's homicide rate to the national rate reinforces the impression that our state is not unique. Ohio has a consistently lower homicide rate than the country as a whole, but it follows the same trends very closely. With regards to homicides, it appears that as the nation goes, so goes Ohio. This is particularly important when we consider the upturn in Ohio's homicide rate since 1999.

Homicides are relatively infrequent, at four per 100,000 people in 2001. Robberies, however, are more common, at 151 per 100,000 people that year. Like the trend in homicides, Ohio's robbery rates parallel those of the U.S. as a whole, but at a lower rate of occurrence. There is one ominously unique feature, however. In recent years, the two trends have converged, and in 2001 Ohio's robbery rate exceeded the national rate with almost 149 robberies per 100,000 people.

What are the possible causes of Ohio's crime trends? One certainty is that the driving forces behind Ohio's crime

Homicide in Ohio and Adjacent States
Rate per 100,000 Population



Source: FBI *Crime in the United States*, 1977-2001

trends are not unique to Ohio. This suggests that criminal justice, social service, or other Ohio government policies are probably similar to policies used in other states, and that recent upsurges in homicide rates are not due to conditions exclusive to Ohio or its cities.

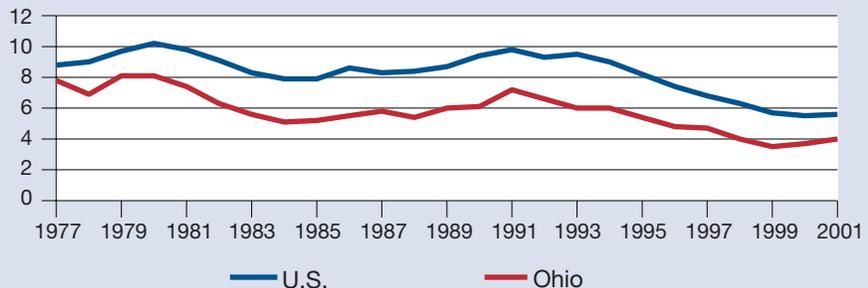
Could economic changes have played a role? Was it coincidence that the booming economy of the 1990's occurred while homicides and robberies were declining, and that the end of the economic boom coincides with a leveling or resurgence in crime? If the economy was a major driving force, how do we account for the recent upsurge in homicide rates beginning before the recent economic downturn in the U.S. and Ohio?

The surge in homicides and robberies from the mid-1980's to the early 1990's was probably due to the development of street markets for crack cocaine and the gun violence that stemmed from them. Almost the entirety of the increase in homicide rates in the 1980's was due to increases

in the death rates of young Black males by firearms. The decline in homicides from the early 1990's to the end of the millennium was due to fewer young Black males being killed by firearms (Blumstein 2000). Some researchers point to the decline in neighborhood drug markets and suggest that these were largely due to community attitudes toward drugs and drug dealing (Johnson, Golub and Dunlap, 2000).

Other changes in communities may have also had some role in the decline. A recent analysis of census information for 1990 and 2000 indicates that across the United States, the populations of the high-poverty neighborhoods declined by 24 percent. These are the neighborhoods where crime is usually the most concentrated. In Ohio, every one of the metropolitan areas associated with the big eight cities of Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown saw a decline in the number of people living in high-poverty census tracts (Jargowsky, 2003).

Homicide in Ohio and the U.S.
Rate per 100,000



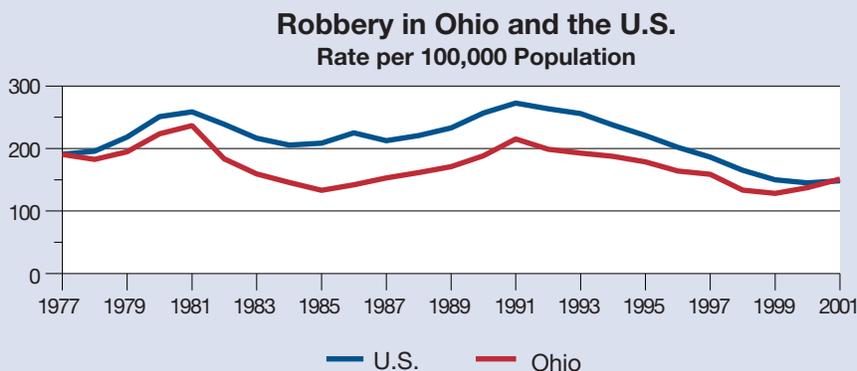
Source: FBI *Crime in the United States*, 1977-2001

Two independent studies indicate that about a quarter of the drop in homicides is due to the effect of imprisoning active offenders. Homicides would have declined without the expansion of prison systems throughout the United States, but by not as much (Rosenbaum, 2000; Spelman, 2000).

Policing has received credit for the urban homicide drop. On close examination, however, there is very little evidence for or against this contention. We can be reasonably sure that some law enforcement changes could not have been responsible. Since the crime drop began in the early 1990's, policing changes after that time, or changes in one jurisdiction, could not have contributed to the decline. Such changes include adoption of broken-windows or aggressive enforcement strategies, as were applied in New York City beginning in 1994, and federal legislation for law enforcement hiring beginning about the same time (Eck and Maguire, 2000).

It is possible that retail drug enforcement efforts, beginning in the late 1980's, did help turn the homicide trend around. These efforts were widespread throughout the country and started before the drop in crime. We have less evidence that enforcement against illicit gun carrying contributed to the drop. Experimental evidence from Kansas City and Indianapolis shows that these efforts when applied do reduce gun crime (Sherman and Rogan, 1995; McGarrell et al, 2001). But we do not have information showing that law enforcement throughout the U.S. widely adopted such strategies in the late 1980's or early 1990's. Similarly, problem-oriented policing has also been shown to reduce crime (Sherman and Eck, 2002), but it is unclear if it was adopted widely enough to have a national impact.

The decline in homicide rates in the United States and Ohio ended in the late 1990's. Whether we are seeing a leveling or the beginnings of a new, long upswing cannot be known with the information available.

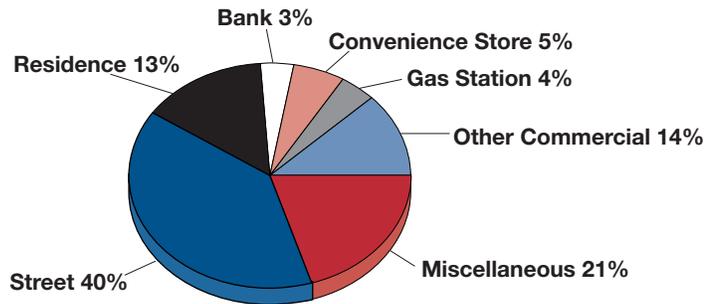


Source: *FBI Crime in the United States, 2001*

Most robberies occur on the streets

The majority of robberies in Ohio occurred on its streets and highways. Together, robberies of commercial establishments, gas stations, convenience stores, and banks accounted for 27 percent of all robberies reported. Robberies within residences accounted for 13 percent of all robberies reported. Robberies cost Ohio citizens nearly \$11 million in 2001.

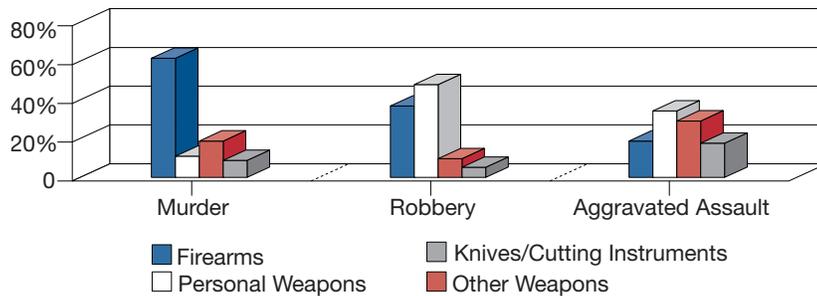
Robbery Locations in Ohio for 2001



Type of crime influences weapon of choice

Although the majority (61 percent) of Ohio’s murders were committed by offenders using firearms in 2001, this finding did not generalize to other types of crimes. Forty-eight percent of robberies were committed by offenders using personal weapons (hands, fists, feet) or by strong-arming their victims, while only 37 percent of robberies were committed using firearms. The weapons used in aggravated assaults were more evenly split across weapon type, with handguns and knives/cutting instruments together accounting for 37 percent, personal weapons for 34 percent, and other weapons (blunt objects, poison, explosives) accounting for 29 percent of such crimes.

Weapons Used in Violent Crime in Ohio



Source: *FBI Crime in the United States, 2001*

More guns dispersed among fewer households

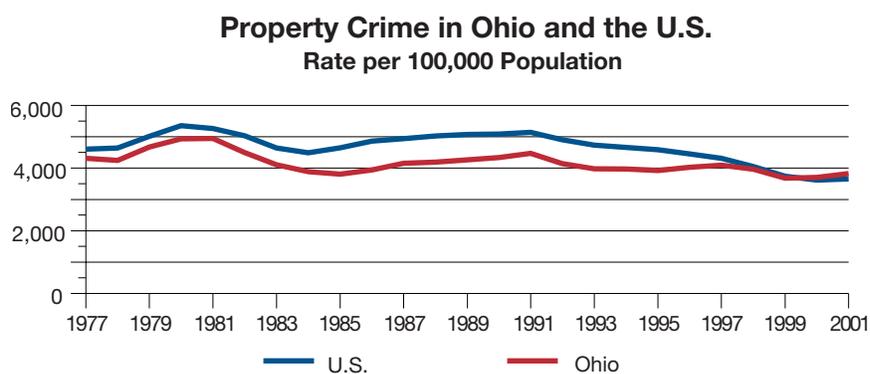
Researchers have noted an interesting trend over the past two decades. While the number of guns available in the U.S. has increased to 223 million³³, the number of households having one or more guns has decreased, from 50 percent to 40 percent³⁴, suggesting that more guns are spread out in fewer households. The number of stolen gun reports received by the FBI has increased dramatically since the 1970's, from 50,000 a year to over 300,000 a year in the early 1990's.

Firearm survey of state and federal inmates

A weapons survey of state and federal prisoners conducted by the Bureau of Justice Statistics in 1997³⁵ identified that 30 percent of state offenders and 35 percent of federal offenders serving time for a violent crime (homicide, sexual assault, robbery, assault, or others) were carrying a firearm at the time of the offense. Twenty-nine percent of state inmates under age 25 were carrying a gun when they committed the offense for which they were incarcerated, compared to 15 percent of those inmates 35 years of age or older. Among state inmates, fewer than 2 percent bought their firearm at a flea market or gun show, 12 percent bought it from a retail store or pawnshop, and 80 percent secured their firearm from family, friends, a street buy, or an illegal source.

Property crime decreases in Ohio

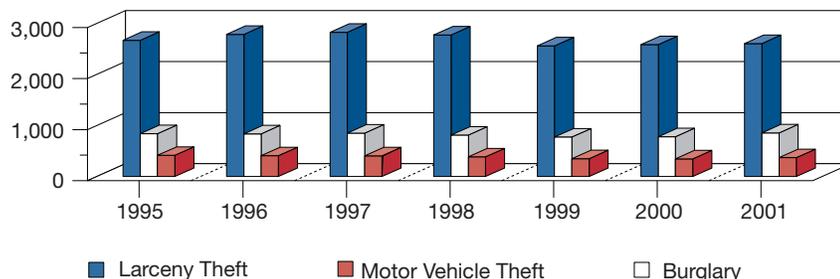
Despite a fluctuation in property crime rates over the past 25 years, the overall trend shows a gradual decrease in property crime in both the U.S. and Ohio. Ohio experienced a very slight rise in property crimes in 2000, followed by a rise in 2001 in Ohio and nationally.



Source: *FBI Crime in the United States, 1977-2001*

Crime rates across the three types of theft crimes (burglary, larceny-theft, and motor vehicle theft) all pattern similarly.

Property Crimes in Ohio Rate per 100,000 Population

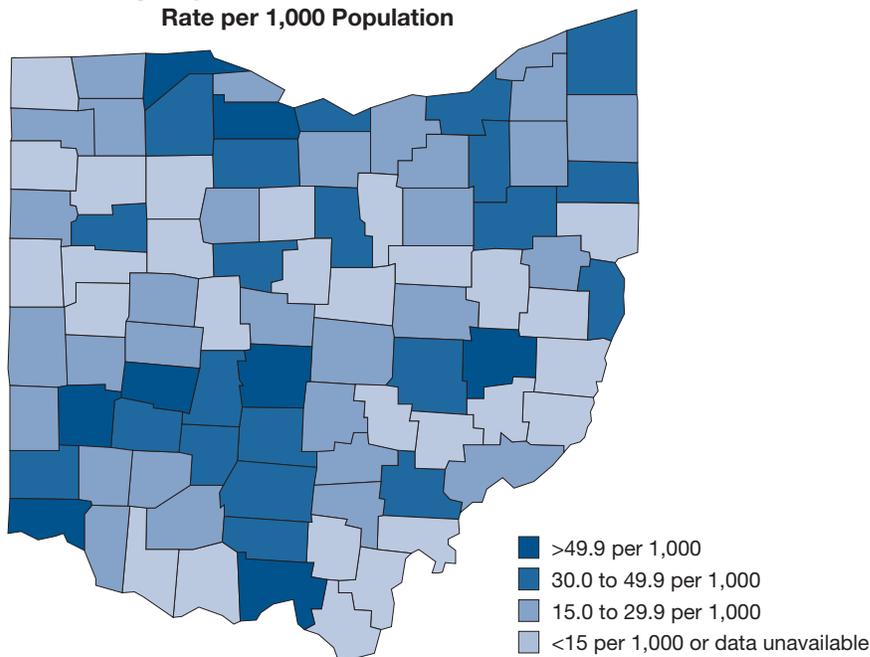


Source: *FBI Crime in the United States, 1995-2001*

Where property crime occurs in Ohio

Interesting trends are seen in the location of property crimes in Ohio. Like violent crimes, high rates of property crimes are typically found in the largest counties. Unlike high violent crime rates, however, high property crime rates are not exclusive to counties with largely populated cities. In fact, some of the highest property crime rates are found in very small, rural counties. One possible cause of this trend is that a single property crime incident, like a bust of a car theft ring, can have a huge impact on a sparsely populated county, where the same-sized car theft bust in a highly populated county would not significantly affect annual crime rates. Many small and medium-sized counties are intersected by major highways, which may ultimately impact property crime rates as well.

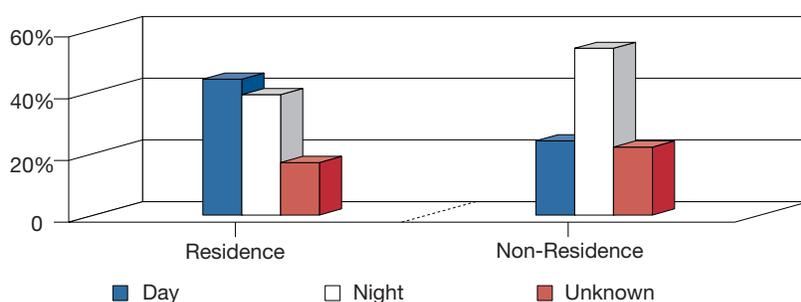
Property Crime in Ohio for 2001 Rate per 1,000 Population



Location influences time in the commission of burglaries

In 2001, 64 percent of all Ohio burglaries occurred in residences. Interestingly, the time of day when most burglaries occur differed across residential and non-residential locations. While burglaries in residences occurred fairly equally between day and night, the majority (70%) of known non-residential burglaries occurred at night. Burglaries accounted for an estimated \$63.5 million in losses to Ohio in 2001.

Burglary in Ohio by Location and Time of Day for 2001



Larceny-theft constitutes majority of property crimes

Larceny-theft involves the taking of property from the possession of another. Approximately 296,000 (68%) of Ohio’s property crimes in 2001 involved incidents of larceny-theft. Most specified larceny-theft incidents in 2001 involved theft of property from automobiles. The ‘all others’ category below includes thefts from fenced enclosures, such as boats, airplanes, common animals, lawn mowers, hand tools, and farm and construction equipment, and theft of gasoline from self-service stations.

Breakdown of Larceny-Theft by Type

Type of Theft	Percentage of All Thefts
From Autos	27%
From Buildings	15%
Shoplifting	12%
Auto Accessories	7%
Bicycles	4%
Pocket-Picking	1%
Purse-Snatching	1%
Coin Machines	1%
All Others	32%

An estimated \$106.6 million was lost because of reported larceny-theft in Ohio in 2001, with thefts from automobiles accounting for nearly \$30 million of the total loss.

The latest: 2002 Ohio crime rates

On October 27, 2003 the FBI released its annual crime report, *Crime in the United States*, for 2002. Overall, crime decreased more in Ohio (1.3%) than in the U.S. (0.1%). Contributing to the drop was a decrease in the number of property crimes (1.4%), with a slight increase in the total number of violent crimes (0.3%). Despite this slight increase in violent crimes, Ohio's violent crime rate per 100,000 (351.3) is far below the national average (494.6).

Murder

While the number of murders increased slightly nationwide (1.0%), Ohio experienced a large increase (16.4%) in murders in 2002. The majority – 66 percent – of all Ohio's murders occurred in its major metropolitan cities.

Rape

There were state, regional, and national increases in the number and rate of forcible rapes in 2002. Ohio experienced a 7.7 percent increase compared to the U.S. (4.7%).

Robbery

Robberies increased in Ohio (3.9%), while the U.S. experienced a slight decrease.

Aggravated Assault

Ohio showed a large decrease (5.5%) in the number of aggravated assaults in 2002.

Burglary

The rate of increase for burglary in Ohio (2.3%) was greater than that in the U.S. (1.7%).

Theft

Both the number and rate of thefts showed greater decreases in Ohio (3.0%) than nationwide (0.6%).

Motor Vehicle Theft

Ohio (1.3%) and the U.S. (1.4%) showed similar increases in the number of motor vehicle thefts committed. Ohio's motor vehicle theft rate, 374.5 per 100,000, is substantially less than the national rate of 432.1 per 100,000.

Crime occurs more frequently in urban areas than rural areas

There is evidence to support the contention that rural areas experience less crime than urban areas. Across all types of violent and property crime, rural areas

experience fewer incidents of crime per 100,000 than in major cities or the state as a whole. Some crimes are much more likely to occur in big cities than in rural towns, though; robberies are 43 times more likely to occur in big cities than in rural areas.

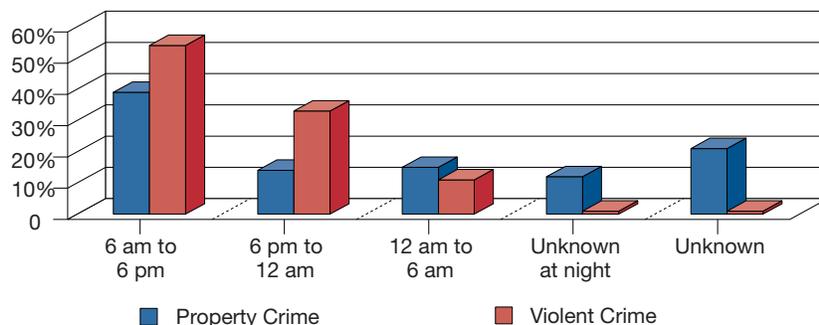
Location of Crime in Ohio for 2001

Crime Type	State Average	Big 8 Cities	Rural Counties	City to Rural Ratio
Violent Crime				
Murder	4.0	13.4	1.6	8.4 to 1
Rape	39.3	89.6	15.6	5.7 to 1
Robbery	151.2	521.7	12.0	43.5 to 1
Aggravated Assault	157.4	426.0	52.1	8.2 to 1
Total	351.9	1050.7	81.3	12.9 to 1
Property Crime				
Burglary	852.1	1928.6	525.8	3.7 to 1
Larceny	2602.3	4271.0	1016.1	4.2 to 1
Motor Vehicle Theft	371.3	1101.5	105.1	10.5 to 1
Total	3825.7	7301.2	1647.0	4.4 to 1

Crime rates fluctuate based on type of crime and time of day

Analysis of the FBI's 1991 - 1996 NIBRS data indicate that in general the number of violent crimes committed by adults increases hourly from 6 am. into the evening hours, peaking at 11pm³⁶. The 2001 National Crime Victimization Survey (NCVS) showed that 54 percent of violent crime and 38 percent of property crime occur in the daytime hours between 6 am and 6 pm.

Time of Day When Crime Occurs for 2001



Source: National Crime Victimization Survey, 2001

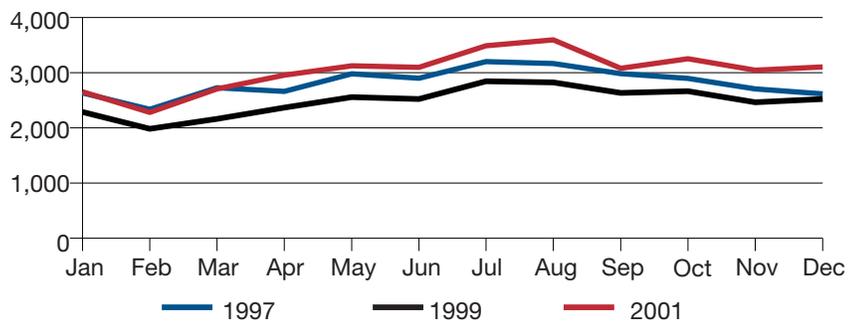
Juvenile crimes committed at different times than adult crimes

While the majority of violent crimes committed by adults increase steadily between 6 am and 11 pm, juveniles commit most crimes in a very small window of time, 3 pm to 4 pm, or the hour after school typically ends. The relationship between crime incidents and after school hours is further strengthened by the finding that the 3 pm crime peak occurs only on Monday through Friday; on weekends, juvenile crime tends to peak between 8 pm and 10 pm, similar to adult crime patterns.

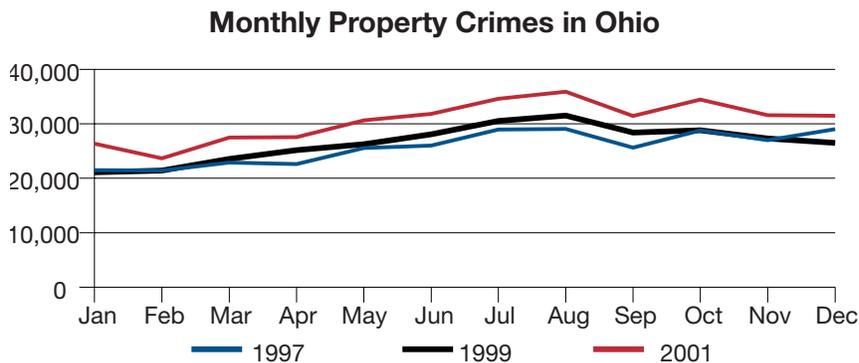
Seasonal variation in violent crime follows predictable pattern

Overall, the highest number of violent crimes occurs in the hottest months, typically peaking around August, and the fewest violent crimes occur in the coldest months, usually bottoming out in February. The correlation between temperature and crime is well documented in the research; it is not unique to Ohio, but is found across the nation and even worldwide. Seasonal fluctuation is also evidenced in specific violent crimes, such as aggravated assaults, rapes and, to a lesser extent, murders.

Monthly Violent Crimes in Ohio



Property crimes patterns are similar to those of violent crimes in that they peak during the summer months and bottom out during the mid-to-late winter months of January and February. This trend occurs in Ohio and nationwide.



Hate crimes are defined by bias motivation

A hate crime is defined as a criminal offense committed against a person, property, or society which is motivated by the offender’s bias against a race, religion, ethnicity/national origin, disability, or sexual orientation. Because motivation is subjective, it is often difficult to know with certainty whether an offense has been committed because of the offender’s bias. Law enforcement reports offenses as hate crimes only if there are sufficient objective facts to support the classification. Note that an increase in reported hate crimes does not necessarily indicate an increase in the occurrence of hate crimes, but rather can reflect an increase in the incidents being identified as hate crimes by law enforcement.

Hate Crimes in Ohio, 1996 - 2001

Bias Motivation	Year					
	1996	1997	1998	1999	2000	2001
Race	184	203	139	161	164	200
Religion	12	15	13	22	22	49
Sexual orientation	27	36	12	32	37	32
Ethnicity	11	11	8	17	17	82
Disability	0	0	0	0	0	0
Total Number of Incidents	234	265	172	232	240	363

Source: *FBI Hate Crimes in the United States, 1996-2001*

In Ohio in 2001, 81 percent of hate crime offenses were crimes against persons. Of these offenses, 73 percent included intimidation and 21 percent involved simple assault. Another 19 percent of hate crimes were crimes against property, with 85 percent involving property destruction, damage, or vandalism.

The majority of hate crimes are reported in urban cities in Ohio. In 2001, the three largest cities, Cleveland, Columbus, and Cincinnati, accounted for 52 percent of Ohio's hate crime incidents.

Racial hate crimes consistently constitute the largest proportion of hate crimes in Ohio. In 2001, 55 percent of hate crimes were racially motivated. A dramatic increase was noted in religious and ethnic hate crimes: religious hate crimes increased 123 percent from 2000 to 2001, and ethnic hate crimes increased 382 percent during that same period. Most likely related to the September 11, 2001 terrorist attacks, the increase in these types of hate crimes mirrored national increases, as anti-Islamic religion incidents moved from the second least reported type of religious hate crime incident to the second most reported religious hate crime incident.

Domestic violence in Ohio

The Ohio Attorney General's Bureau of Criminal Identification and Investigation collects data from Ohio law enforcement agencies on the number of domestic incidents in their jurisdictions. Ohio's domestic violence data for 2002³⁷ indicates:

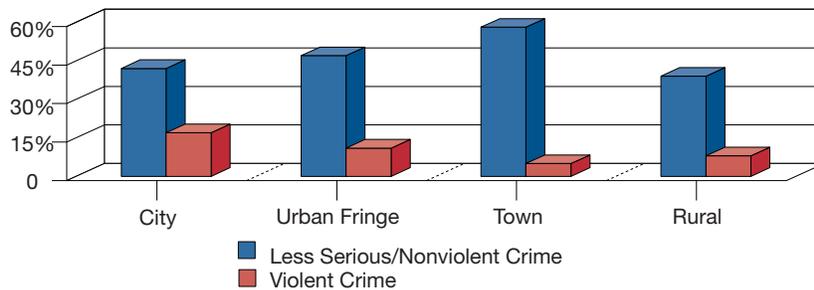
- Law enforcement received 92,946 calls concerning domestic incidents.
- In cases where a complainant was identified, 80 percent were for violations of Ohio's domestic violence law, 5 percent were for violation of a protection order, and 15 percent were for some other violation.
- Ohio law enforcement reported 27,143 arrests; 83 percent of the arrests were for domestic violence and 17 percent were for other offenses.

School violence

With one in eight violent crimes now occurring at school, school violence has increasingly become a concern of youth, parents, educators, and communities. The National Crime Victimization Survey indicates that 14 percent of all violent crimes occurred inside a school or on school property.

School violence is not a uniquely urban problem. The National Center for Education Statistics³⁸ noted that while the majority of serious violent crimes occurred in metropolitan cities, the highest percentage of schools reporting at least one incident to law enforcement was found in smaller towns.

Prevalence of Crime in U.S. by Geographical Region



Source: *United States Department of Education Principal/School Disciplinarian Survey on School Violence, 1997*

The Ohio Youth Risk Behavior Survey³⁹, administered periodically since 1993, measures safety and violence trends in Ohio schools. In 1999, 2,061 ninth through twelfth grade students were randomly selected to participate in this study.

When compared to the 1993 survey, a smaller percentage of Ohio students are carrying a weapon such as a gun, knife, or club to school. These decreases were noted as a whole as well as across gender, race, and grade level categories.

Additionally, a smaller percentage of Ohio students were involved in physical fights on school grounds compared to 1993 figures. This was also true across gender and race categories, and was true for all grade levels except tenth, which saw a 1 percent increase.

Interestingly, the percentage of Ohio students who did not go to school on one or more days because they felt unsafe actually increased as a whole, across gender and race categories, and across all grades with the exception of twelfth grade, which experienced a 1 percent decrease.

School Violence

Percentage of students who...	1993	1999
Carried a weapon to school in past 30 days	9%	6%
Did not go to school on one or more of the past 30 days because they felt unsafe	5%	8%
Had been threatened or injured with a weapon at school in past 12 months	8%	8%
Had property stolen or deliberately damaged at school in past 12 months	30%	33%
Were in a physical fight at school in past 12 months	16%	12%

Source: *Ohio Youth Risk Behavior Survey, 1999*

Gangs in Ohio

Research has shown that juveniles commit more delinquent acts when they are in groups than when they are alone. Law enforcement statistics and juvenile self-reports indicate that over 60 percent of delinquent acts occur in group settings⁴⁰. Although clearly not all juvenile groups are considered gangs, the proliferation of gang problems in large and small cities, as well as rural areas, prompted the Ohio Attorney General to gauge the extent of the gang problem in Ohio, and initiate legislation for addressing criminal gang behavior.

Criminal gangs are defined in the Ohio Revised Code Section 2923.41 as:

...Any formal or informal organization, association, or group of three or more persons to which all of the following apply: 1) It has as one of its primary activities the commission of one or more...offenses; 2) It has a common name or one or more common identifying signs, symbols, or colors; 3) The persons engaged in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal conduct.

The 2000 Ohio Gang Survey was sent to all police departments and sheriffs' offices to gather information on gangs and gang activities as defined by Ohio law. A total of 524 agencies (58.6 percent) responded, with nearly 27 percent of those agencies reporting at least one gang in their jurisdiction. Over 18 percent of responding agencies reported current gang activity. Nearly half of all jurisdictions with gangs reported their affiliation with the Bloods, Crips, or Folks. Another 18 percent of jurisdictions reported having non-affiliated gangs.

The majority of Ohio's gang members are male. While 64 percent of responding law enforcement agencies reported that there are no female gang members in their jurisdiction, one agency reported that females make up over half of the gang members in their jurisdiction. Slightly over 50 percent of all reported gang members are White, while approximately 30 percent of gang members are Black. Individuals of Hispanic/Latino descent make up about 20 percent of gang members. Nearly all (87 percent) gang members are under age 20. The majority of gang members were recruited between ages 11 and 15.

Average Gang Age and Average Recruitment Age

Average Gang Age		Average Recruitment Age	
Age	Percentage	Age	Percentage
10-13	2.5%	6-8	1.5%
14-15	19.0%	9-10	6.9%
16-17	39.9%	11-13	24.6%
18-20	25.3%	14-15	46.2%
21-25	7.0%	16-17	16.2%
25+	6.3%	18-20	4.6%

Source: *Ohio Attorney General's 2000 Ohio Gang Survey*

Violence and drug use are common gang behaviors

Individuals often equate gang behavior with violence, weapons, and drugs. Data from the Ohio Gang Survey supports this perception in some respects; 21 percent of the agencies reported that at least half of the gang members in their jurisdiction use weapons to engage in violence, and 34 percent of agencies stated that no gang members in their area use weapons. Drug use among gang members, however, appears to fall in line more closely with common perceptions. Over 50 percent of agencies reported that all gang members in their jurisdiction use drugs, and nearly 75 percent of agencies reported that at least half of their gang members use drugs.

Addressing the gang problem

Law Enforcement

Relatively few agencies report having a unit dedicated to gang-related issues. Only 4 percent of jurisdictions have a full or part time gang unit, and slightly over 16 percent report having a single full or part time gang officer. A full 80 percent of all jurisdictions have no gang unit or officer.

Schools

Over 75 percent of junior high and high schools in the reporting jurisdictions have student codes that address gang problems; additionally, nearly 66 percent of elementary schools have similar codes. Gang prevention programs are in place in almost 33 percent of the schools in the reporting jurisdictions. Training for school employees is primarily directed towards teachers and administrators. Nearly 40 percent of agencies reported that teachers in their jurisdiction receive training on gang-related matters, and 47 percent of agencies noted that their administrators receive training.

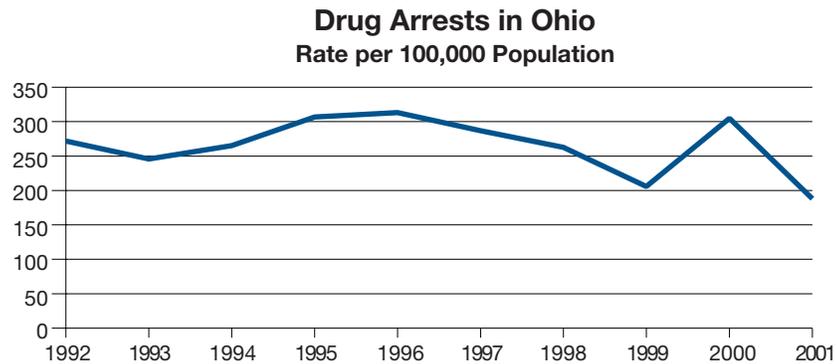
Gang Prevention Programs in Schools

Prevention Program	Percentage of Schools Engaging in Program
DARE (Drug Abuse Resistance Education)	45.6%
GREAT (Gang Resistance Education and Training)	29.6%
Safe Schools	1.6%
DARE/GREAT	8.0%
Other	15.2%

Source: Ohio Attorney General's Ohio Gang Survey, 2000

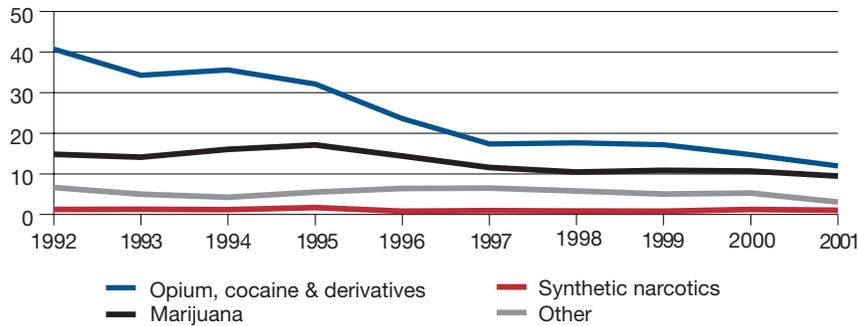
Drug Trends in Ohio

The number of drug arrests in Ohio has fluctuated from 1992 through 2001. While drug arrests decreased 31 percent when comparing 1992 data to 2001 data, it is important to note the erratic nature of drug arrests from year-to-year. The number of drug arrests increased gradually from a rate of 245.6 per 100,000 population in 1993 to a peak of 313.1 per 100,000 population in 1996, and then began a decline that lasted three years. Interestingly, drug arrests spiked in 2000, reaching a high near what was seen in 1996. In 2001, the arrest rate bottomed out at a record low rate for the ten-year period of 188.0 arrests per 100,000 population.



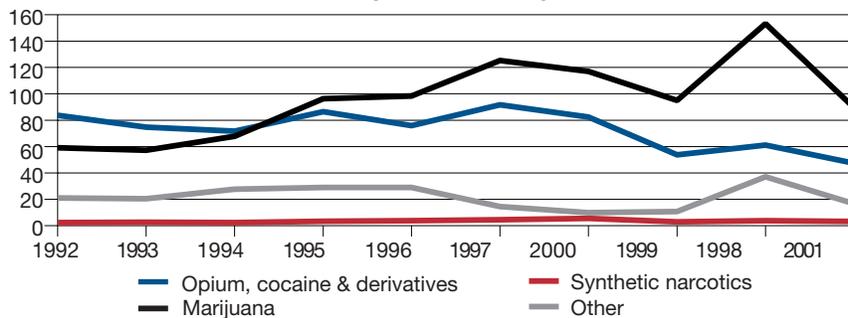
When broken into trafficking and possession arrests, different trends emerge. Trafficking arrests showed a near continuous decline throughout the ten-year period, totaling 60 percent from 1992 through 2001. The largest contributor to this decline was the decrease of nearly 71 percent for the sale/manufacturing of opium, cocaine, and its derivatives.

Trafficking Arrests in Ohio
Rate per 100,000 Population



Possession arrests, which comprise the bulk of all drug arrests, show the same erratic behavior as the total number of drug arrests. A closer look at the types of drugs involved suggests that arrests for marijuana possession seem to be the driving force behind the overall possession arrest trend. In 2000, marijuana possession arrests spiked 61 percent to a rate of 153.3 per 100,000 population, and then decreased nearly as dramatically to a rate of 89.6 per 100,000.

Drug Possession Arrests in Ohio
Rate per 100,000 Population



Arrests for possession of synthetic narcotics, including methamphetamine, increased 34 percent over the ten-year time period. Reports from Ohio’s drug task forces concur with this increase. The quantity, in weight, of amphetamines and/or methamphetamines seized increased 7.5 times from 2001 to 2002 alone; the majority of this increase appears due to methamphetamine usage.

Cybercrime affects individuals and corporations worldwide

The elements of cybercrime, as defined by the U.S. Department of Justice, Bureau of Justice Statistics include:

- 1) Unauthorized access to a computer or network or a kind of electronic trespassing for illegal purposes;
- 2) Damage to systems or records;
- 3) Theft of information contained in the computer or theft of programs or software;
- 4) Use of the computer for a dishonest purpose such as economic fraud or illegal gain.

Measuring the extent of cybercrime has been extremely difficult due to victim reluctance to report such incidents. An annual survey conducted by the Computer Security Institute (CSI) and the FBI⁴¹ finds that corporations are hesitant to report cybercrime victimization because they fear the negative publicity; they fear competitors will use the information to their advantage; they were unaware that they could report the crime; and civil remedies seemed the best recourse.

Results of the CSI/FBI survey indicate that cybercrime is actually rampant and is taking a huge financial toll on states. The 2002 survey showed that:

- 90% of respondents, primarily large corporations and government agencies, detected computer security breaches within the previous twelve months
- 80% acknowledged financial losses due to computer breaches
- 44% of respondents who were willing or able to quantify their financial losses estimated them at \$455,848,000
- 74% of respondents cited their Internet connection, as opposed to an internal system, as a frequent point of attack
- 34% reported cybercrime attacks to law enforcement.

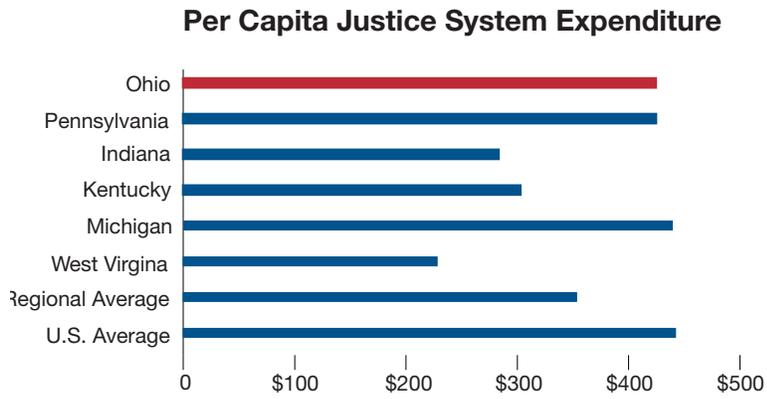
The cost of criminal justice in Ohio

Ohio spent over \$4 billion on its criminal justice system in 1999. Nationwide, state and local per capita criminal justice expenditures increased by at least 25 percent from 1995 to 1999.

Per Capita Expenditure by System Function				
Year	Police Protection	Judicial and Legal	Corrections	Total Justice System
1995	\$143.0	\$72.1	\$111.3	\$326.4
1999	\$179.4	\$95.6	\$149.3	\$424.2
Percent Increase	25.4%	32.6%	34.1%	30.0%

Source: *Justice Expenditure & Employment Extracts, 1995; Justice Expenditure & Employment in the United States, 1999*

Ohio's expenditure fell slightly below the national average of \$442, but was above the average regional expenditure of \$350 for all states bordering Ohio.



Source: *Justice Expenditure & Employment in the U.S., 1999*

ENDNOTES

- ³² The term “aggravated” sometimes causes confusion between state and federal use. The FBI Uniform Crime Report term “aggravated assault” is used for the most serious type of assault, but translates into ‘felonious assault’ in Ohio law, even though Ohio has an “aggravated assault” offense as well. The problem arises because Ohio considers felonious assault the more serious felony level.
- ³³ U.S. Dept. of Justice. Bureau of Justice Statistics. 1995. *Guns Used in Crime*. Selected findings, by M. Zawitz. NCJ 148210. Quoted in U.S. Dept. of Justice. National Institute of Justice. 2000. *Criminal Justice 2000, Volume I*.
- ³⁴ Cook, P., & J. Ludwig. 1995. *Guns in America*. Washington D.C.: Police Foundation. Quoted in U.S. Dept. of Justice. National Institute of Justice. 2000. *Criminal Justice 2000, Volume I*.
- ³⁵ U.S. Dept. of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2001. *Firearm Use by Offenders*, by C.W. Harlow. NCJ 189369.
- ³⁶ U.S. Dept. of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. *Juvenile Offenders and Victims: 1999 National Report* by H.N. Snyder & M. Sickmund.
- ³⁷ Ohio Attorney General’s Office. Bureau of Criminal Identification and Investigation. 2002. Domestic violence tables.
- ³⁸ U.S. Department of Education. National Center for Education Statistics. 1997. *Principal/School Disciplinarian Survey on School Violence*, Fast Response Survey System, 63. Quoted in U.S. Department of Justice. Bureau of Justice Statistics. 2001. *Indicators of School Crime and Safety 2001*.
- ³⁹ Ohio Dept. of Education, Ohio Dept. of Health, Ohio Dept. of Alcohol and Drug Addiction Services, Ohio Office of Criminal Justice Services Center for the Prevention of Family and Community Violence. 1999. *Ohio Youth Risk Behavior Survey: When, Why, and What was Discovered*.
- ⁴⁰ Ohio Attorney General’s Office. Bureau of Criminal Identification and Investigation. 2002. *2002 Ohio Gang Survey, Final Results*.
- ⁴¹ Computer Security Institute. 2002. *2002 Computer Crime and Security Survey*.

OFFENDERS

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Why individuals commit crimes

Researchers have developed many compelling explanations as to why people commit crimes. Although not mutually exclusive, these theories can generally be divided into those with a focus on the individual and those with a focus on society.

Individual

Individual-based theories concentrate on what it is about individuals themselves that make them commit crimes. *Biological* theories propose that dysfunctions of the brain, chromosomal abnormalities, or genetics influence criminal behavior. While this idea has fallen out of favor in recent years, others argue instead that biological deficiencies interact with other more powerful influences to cause deviant behavior. *Psychological* theories suggest that psychological problems, including difficulties in early childhood, influence deviant behavior. *Socialization* theories propose that individuals learn criminal behavior through socialization, or by observing and learning from the actions of others. Criminal behavior is also reinforced each time individuals are rewarded, not punished, for their deviant acts—such as successfully stealing a car. *Rational Choice* theories assert that individuals simply choose to commit crimes when the immediate benefits of the crime outweigh its long-term risks.

Societal

Societal-based theories study society's complex structure, including economic and power inequalities, to explain crime and criminal behavior.

No single theory can fully account for why individuals commit crimes; in fact, researchers continue exploring ways of incorporating competing data and ideas into one cohesive theory. The importance of these theories lies in their ability to help policymakers, law enforcement, service providers, and communities better understand and predict crime and criminal behavior.

Arrests in Ohio

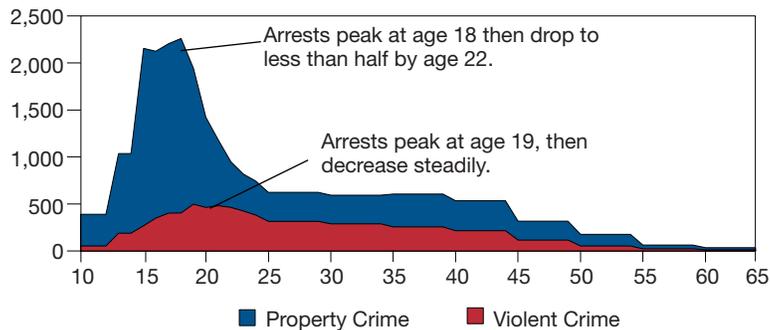
In 2001, nearly 300,000 arrests were made in Ohio, a decrease of 23 percent from 1997. Overall, arrests in the United States in 2001 showed a less dramatic, yet still substantial drop of 12 percent.

Serious violent crimes involving murder, rape, aggravated assault, and robbery constituted only four percent of all arrests made in Ohio in 2001. The property crimes of burglary, larceny-theft, motor vehicle theft, and arson made up another 12 percent of these arrests. Drug abuse violations, including selling, manufacturing and possession, accounted for nearly eight percent of arrests. The majority of all arrests were for other less serious or less frequently occurring crimes.

Ohio arrestees

Over half, or 54 percent, of all serious violent and property crime arrestees are under age 25. Males accounted for over 75 percent of all arrests in 2001, or three times the arrest rate of females. Juveniles were involved in 26 percent of serious violent and property crime arrests, and nearly 20 percent of all arrests in Ohio in 2001. Similar to adult arrestees, the majority, 71 percent, of juvenile arrestees are male, corresponding to an arrest rate 2.4 times that of juvenile females.

Arrests by Age in Ohio for 2001



FBI data tables group younger (under age 15) and older (over age 25) age groups in increments, causing the step effects on the left and right sides of the graph. For these groups, averages are used for the time periods.

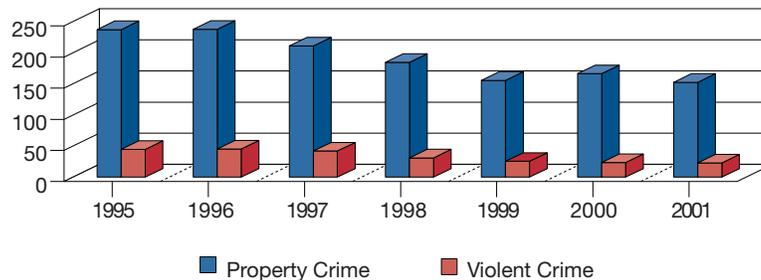
Source: Unless otherwise noted, data in this chapter comes from *FBI Uniform Crime Reports, Ohio data*.

Ohio juvenile arrests remain steady

Juvenile arrests in Ohio remained fairly steady throughout the 1990's, fluctuating from 18 percent in the early nineties to 21 percent in 1996. In Ohio, juveniles accounted for nearly 20 percent of all arrests in 2001. Nationwide, juveniles accounted for 17 percent of all arrests.

Although the proportion of juvenile arrests to adult arrests has remained steady, the number of juvenile arrests has declined since 1995 for both violent crimes and property crimes. This decline, due to arrest rates as a whole decreasing across both juvenile and adult populations, is mirrored nationwide.

Juvenile Arrests in Ohio
Rate per 100,000



Males comprise overwhelming majority of juvenile murderers

Nearly 96 percent of all murder arrestees of Ohio youth under age 18 between 1995 and 2001 were male. However, the murder arrest rates for males under age 18 have decreased steadily since 1995, and by 2001 showed only a slight increase. Murder arrest rates for females under age 18 have remained fairly constant over the same time period.



Firearms were the most popular weapons of choice among male juveniles – nearly 75 percent of all homicides were committed with a firearm. Female juvenile homicide offenders used firearms (41%) and knives (32%) most frequently.⁴²

Researchers speculate that the rapid growth in illegal drug markets, especially the crack market, beginning in the late 1980's and peaking in the early 1990's, played a role in the dramatic decline in juvenile male homicides over this seven-year period.⁴³ Youth were often recruited to carry or sell drugs, and as the drug business grew and the job became more dangerous, they were provided guns. Beyond protection, guns became a status symbol, increasing their desirability among youth outside the drug trade. It was this combination of youth, drugs, and guns that drove the homicide rate seen in Ohio and across the nation. As crack use dropped and cities increased law enforcement responses to drug-related crime in the late 1990's, the high rates of violence, including homicide, began their decline.

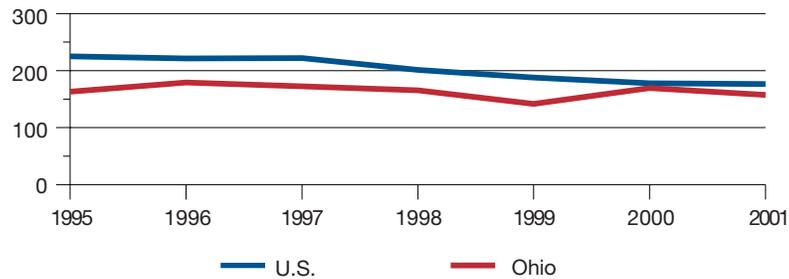
Ohio female arrest rates below national averages

In 2001, 17 percent of serious violent crime (murder, rape, aggravated assault, robbery) arrestees in Ohio were females. The arrest rate for serious property crimes (burglary, larceny-theft, motor vehicle theft, arson) for females was even higher at 31 percent.

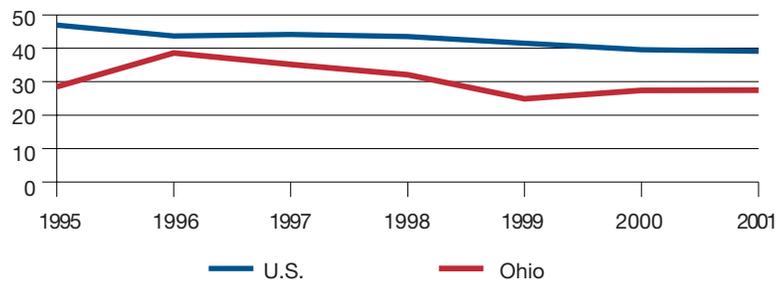
While the number of female arrests in the U.S. and Ohio has decreased since 1995, the trendline of the decrease has differed in a number of interesting ways. While the nation has shown a nearly steady decrease in both violent and property crime arrests over the seven-year period, Ohio reached its peak of female arrests in both violent and property crimes in 1996, with arrests decreasing through 1999. In

2000, Ohio showed a second, smaller peak in property crime, as well as a slight rise in violent crime. Those rates then remained steady or fell in 2001.

Female Property Crime Arrests in Ohio and U.S.
Rate per 100,000 Population



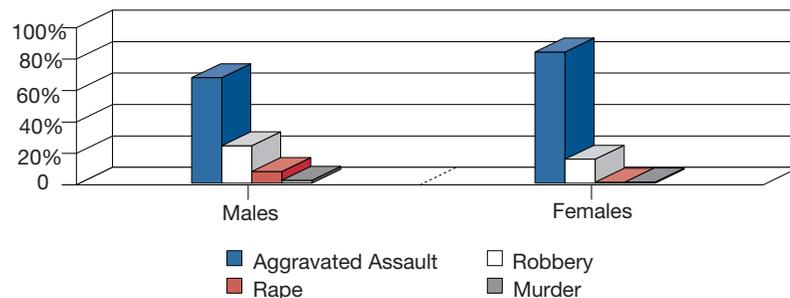
Female Violent Crime Arrests in Ohio and U.S.
Rate per 100,000 Population



Criminal activity dynamics vary for males and females

The large majority, 83 percent, of female arrests for violent crime in Ohio in 2001 involved aggravated assault. Although the majority (67%) of violent crime arrests of males also involved aggravated assault, males were more likely than females to engage in other violent crimes, such as rape and robbery.

Violent Crime by Gender in Ohio for 2001

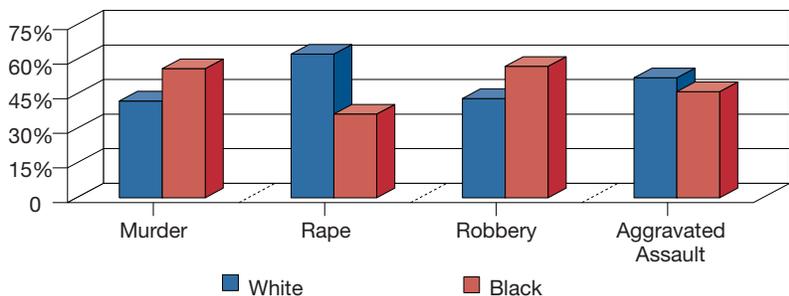


Murder makes up less than one percent of all violent crime arrests for females. Less than two percent of male violent crime arrests were for murder. National data from 1998 shows that just over 50 percent of women who were arrested for murder used a firearm, in contrast with nearly 66 percent of males whose murder arrests involved a firearm. Females were much more likely than males to use a knife or other sharp object to commit the crime. Murder victims of females also tend to differ from the victims of male offenders: women murdered their significant other at a rate 3.9 times that of male offenders.⁴⁴

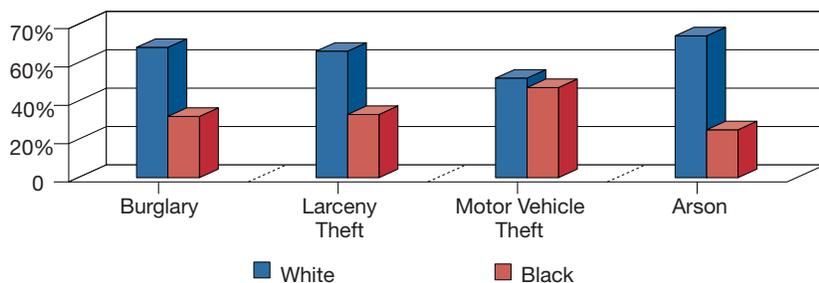
Blacks disproportionately represented in arrests

Blacks account for over 11 percent of Ohio’s total population,⁴⁵ but 28 percent of the arrestee population for all crimes. This representation holds true for both serious violent crimes and property crimes.

Violent Crime Arrests by Race in Ohio for 2001



Property Crime Arrests by Race in Ohio for 2001



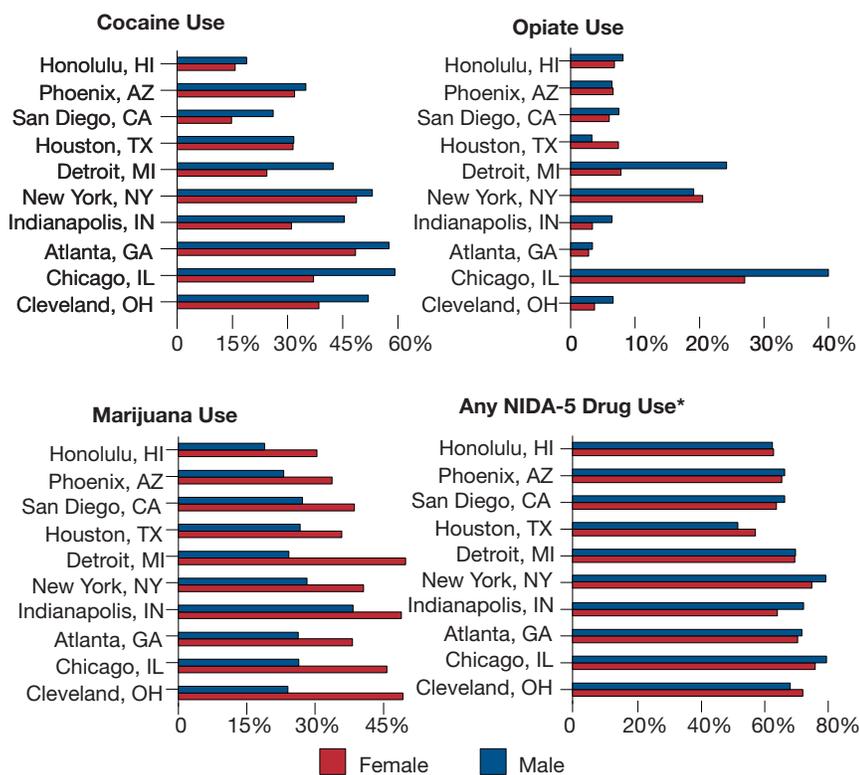
Drug use common among arrestees

The longstanding assumption of policymakers, law enforcement, and the general public is that there is a connection between criminal offenders and drugs. The nature of this relationship is not entirely clear: does drug use lead to criminal

behavior—or does criminal behavior lead to drug use? Does the relationship between the two consist of causes common to both drug use and criminal behavior, such as environmental or situational variables?

While no single model exists that fully explains the precise nature of the relationship between criminal offenders and drug use, one may look to the data for a better understanding of the extent of drug use among arrested individuals. The ADAM Program collects data from numerous metropolitan sites in the country, including Cleveland, Ohio, and offers a snapshot of arrestees and drug use at the local level. It is interesting to note the sometimes dramatic differences in drug types found among arrestees across localities. For example, opiate use, relatively uncommon among male and female arrestees in Cleveland (four percent and seven percent respectively), was found at a rate nearly seven times as great for males (27 percent) and nearly six times as great for females (40 percent) in Chicago.

Drug Use of Arrestees in U.S. Cities for 2000



*Cocaine, Opiates, Marijuana, Methamphetamine, & PCP

Source: 2000 Arrestee Drug Abuse Monitoring: Annual Report

Ohio offender population has changed little since 1996

Based on a 1998 study of large urban counties, the average conviction rate for felony and misdemeanor crimes was approximately 68 percent.⁴⁶ Of those who are convicted, fewer are sent to prison. The Bureau of Justice Statistics estimated that, at the end of 2001, 1 in 37 adults in the U.S. had been confined in prison at some time during their lives.⁴⁷ This number has been attributed in part to an increase in the rates of first incarceration and an increase in the U.S. resident population. Incarceration rates were higher for males than for females, and were highest for Black males.

An intake study by the Ohio Department of Rehabilitation and Correction (ODRC) revealed insightful facts regarding Ohio's incarcerated population. Of those incarcerated for crimes, males again constituted the overwhelming majority – 87 percent – of Ohio's offenders. Blacks made up the largest proportion of male offenders and Whites made up the largest proportion of female offenders. Nearly half of male and female offenders did not receive a high school diploma and were unemployed at the time of arrest.

While numerous similarities were identified when comparing a sampling of Ohio offenders sentenced to prison in 2001 to a sampling of 1996 imprisoned offenders, interesting differences were noted in the areas of education and employment. Not only had a greater proportion of male and female offenders in 2001 received post-high school education, but a greater proportion of offenders that year were also employed in some capacity (full-time, part-time, temporary, or seasonal) on arrest. This increase in employment was more pronounced among males, who showed nearly 10 percent higher employment rates over 1996 offenders.

Characteristics of Imprisoned Offenders

	1996		2001	
	Males	Females	Males	Females
Ethnicity				
Black	55%	57%	53%	47%
White	43%	41%	47%	53%
Average Age				
	29.9 yrs	32.0 yrs	30.8 yrs	34.0 yrs
Education				
Did not complete high school	56%	50%	48%	42%
High school/GED	36%	36%	39%	35%
Some college/college degree	7%	14%	13%	22%
Employment Status at Arrest				
Unemployed	55%	65%	46%	61%
Employed in some capacity	45%	35%	54%	39%

Source: *Department of Rehabilitation Correction Intake Study, 1996, 2001*

Offenders have troubling personal and criminal histories

A sampling of offenders in the 2001 Intake Study revealed the troubled backgrounds of Ohio's incarcerated population. Nearly 12 percent of offenders self-reported that they were physically abused as a child or adolescent. The rate of physical abuse was 2.5 times greater for females than for males. A total of 28 percent of female offenders reported being sexually abused as a child or adolescent—a rate nearly 5.5 times greater than for males. Eighty percent of males and females reported recent drug abuse, while 60 percent of males and 46 percent of females reported recent alcohol abuse. Finally, 22 percent of males and 43 percent of females reported having a history of mental health problems.

The Intake Study also revealed that any offenders are not new to Ohio's criminal justice system:

- 70% of male offenders and 41% of female offenders were age 19 or younger at the time of their first arrest.
- 55% of males and 49% of females had previous adult jail incarcerations.
- 47% of males and 36% of females had previous adult prison incarcerations.
- 42% of males and 41% of females were on probation or parole at the time of rearrest and commitment. The majority of the violations was a result of new crimes being committed.

Chronic juvenile offenders

A chronic juvenile offender is defined as a youth who has at least four contacts with the juvenile justice system. Chronic offenders comprise a small proportion of all juvenile offenders, with studies showing that 54 percent of males and 73 percent of females entering the juvenile justice system never return on a new referral.⁴⁸ Although the number of youth identified as chronic juvenile offenders is small, about 15 percent, research has shown that without proper treatment it is likely that their continued delinquent behavior escalates into serious and even violent acts.⁴⁹

A longitudinal study⁵⁰ conducted by the U.S. Office of Juvenile Justice and Delinquency Prevention suggested that chronic and violent juvenile offenders begin their behavior at an early age, and engage in a variety of other problem behaviors, including dropping out of school; owning or using a gun for protection; becoming involved in a gang; engaging in sexual activity; becoming a teenage parent; and exhibiting early independence from their families.

Researchers have identified multiple interacting risk factors for chronic juvenile offenders that can be grouped into four domains: community, school, family, and individual.⁵¹ Research shows that reducing these risk factors can reduce the incidence and severity of juvenile crime.

Community Domain

- Availability and use of drugs
- Availability of firearms
- Laws and norms favorable toward drug use
- Media portrayal of violence
- Transitions and mobility
- Low neighborhood attachment
- Extreme economic deprivation

School Domain

- Early and persistent antisocial behavior
- Academic failure beginning in late elementary school
- Lack of commitment to school

Family Domain

- Family history of problem behavior
- Family management problems
- Family conflict
- Favorable parental attitudes regarding involvement in problem behaviors

Individual Domain

- Alienation and rebelliousness
- Favorable attitudes toward problem behavior
- Early initiation of problem behavior

It is imperative that these youth are identified and that early intervention occurs, as this small but significant number of individuals is responsible for approximately 75 percent of all violent crime.⁵²

Ohio's registered sex offenders

Sex offenders can be classified based on their predilection for victims of different ages. A 1999 study of imprisoned sex offenders conducted at the Sex Offender Risk Center (SORRC) at the Ohio Department of Rehabilitation and Correction grouped sex offenders into four categories: *child molesters*, whose victims are under age 13, *teen molesters*, whose victims are between the ages of 13-17, *rapists*, whose victims are over age 18, and *multiple age victims*, whose victims are from more than one age category.

The 1999 SORRC study indicated that 46 percent of the assessed sex offenders fell in the child molester category. Another 56 percent of the sex offenders in the multiple age victim category had also molested a child under age 13.

Interesting differences can be seen in the demographics of the different categories of these sex offenders. Data from the 1999 study indicates that child molesters tend to be older than either teen molesters or rapists. Both child and teen molesters are more likely to be White, while rapists are more likely to be Black. Rapists are more likely to have never married than child molesters or, to a lesser extent, teen molesters.

As with other types of offenders, sex offenders have a low level of education and employment; 51 percent of all sex offenders in this study have not completed high school. Forty-eight percent of the assessed sex offenders are disabled, retired, or have unstable or seasonal employment. Rapists are less likely to have stable employment than child or teen molesters.

Sex Offenders in Ohio Prisons				
Offender Characteristics	Child Molesters	Teen Molesters	Rapists	Multiple-Age Victims
Average Age	37.8	32.3	32.7	37.7
Race				
White	79%	65%	40%	77%
Black	21%	35%	60%	24%
Marital Status				
Never married	34%	50%	65%	44%
Married	26%	19%	12%	22%
Separated	5%	4%	1%	10%
Divorced	26%	22%	22%	20%
Common law	7%	3%	0%	5%
Widowed	1%	1%	0%	0%
Education				
Less than high school	50%	48%	58%	46%
High school/GED	41%	38%	30%	27%
Some post-high school	10%	14%	12%	27%
Employment				
Stable, 1 year or longer	56%	53%	42%	48%
Retired, disabled	13%	7%	9%	15%
Unstable, seasonal	30%	40%	49%	38%

Source: *Profile of ODRC Sex Offenders Assessed at the Sex Offender Risk Reduction Center*

FROM THEORY TO PRACTICE

Myths and Facts About Sex Offenders

David Berenson

*Director of
Sex Offender Services*

Department of
Rehabilitation and
Corrections

As in every state in the nation, the incidence of sexual assault in Ohio has become a problem of such magnitude that it is now viewed as a public health concern that is everybody's business and responsibility. It is estimated that sex offenders under the authority of correctional agencies in the United States (Greenfeld, 1997) represent less than 10 percent of all sex offenders living in communities nationwide (Center for Sex Offender Management, 2000). Keeping that statistic in mind, consider the fact that there are currently over 9,900 sex offenders in Ohio's prisons, accounting for 21.5 percent of the prison population. Under Ohio's Sex Offender Registration and Notification law, there are currently over 9,000 sex offenders registered in Ohio, of which 1,200 are considered dangerous enough to be labeled sexual predators, mandating community notification wherever they live.

Given the great extent of sexual victimization in society, it is important that the public have a clear understanding about what we know about sex offenders. In many instances, the conventional wisdom regarding sex offenders – who they are, who they victimize, what causes them to offend – is erroneous and misleading. The Center for Sex Offender Management (CSOM) has published a document, *Myths and Facts About Sex Offenders*, in an effort to debunk commonly held misconceptions about these offenders. Our data on sex offenders in Ohio's prisons reflects the national data that

dismantles the myths and supports the facts.

One of the most enduring and widespread myths about sex offenders is that they are strangers to their victims. The fact is: *Most sexual assaults are committed by someone known to the victim or the victim's family, regardless of whether the victim is an adult or child* (CSOM, 2000). On a national level, a 1998 National Violence Against Women Survey indicated that 76 percent of women who reported being raped had been assaulted by a current or former husband, live-in partner, or date (Tjaden and Thoennes, 1998). A U.S. Bureau of Justice Statistics report revealed that 9 out of 10 rape or sexual assault victimizations involved an offender the victim had a prior relationship with as a family member, intimate or acquaintance (Greenfeld, 1997). A study of over 400 sex offenders committed to Ohio's prisons in 1999 found that 85 percent of those sex offenders knew the victims. It is important to note that 87 percent of the victims were females, and that 79 percent of the victims were age 17 or younger, while 56 percent were age 12 or younger. Overwhelmingly, victims were female children and teenagers who knew the offenders.

It is also widely believed that adult offenders were victims of sexual assault when they were children. The fact is: *Most sex offenders were not sexually assaulted as children and most children who are sexually assaulted do*

not sexually assault others (CSOM, 2000). In 1996, researchers for the General Accounting Office analyzed scientifically sound studies and concluded, “The experience of childhood sexual victimization is quite likely neither a necessary nor a sufficient cause of adult sex offending.” The researchers found two studies that tracked sexually abused children into adulthood. One study found that seven percent became sex offenders as adults; the other found that 25 percent of childhood victims grew up to be abusers. The Ohio study of over 400 sex offenders found that 10 percent of that sampling had been sexually abused as children.

Many people believe sex offenders commit sexual crimes because they are under the influence of alcohol. The fact is: *It is unlikely that an individual who otherwise would not commit a sexual assault would do so as a direct result of excessive drinking* (CSOM, 2000). Annual crime victim reports find that approximately 30 percent of reported rapes and sexual assaults involved alcohol use by the offender (Greenfeld, 1998). In the Ohio study, 25 percent of sex offenders were under the influence of alcohol or drugs when they committed the offense. The conclusion is that people who are predisposed to sexually assaultive behavior may increase the likelihood of committing an assault when drinking excessive amounts of alcohol. In some instances, the sex offender purposely uses the alcohol as a disinhibitor to facilitate a sexual assault.

Over the past fifteen years there have been significant advances in our understanding of sex offenders and sexual assault. This information is important in the development of more effective criminal justice approaches to reducing the incidence of sexual assault. Successful interventions require clear and accurate assumptions about sex offenders. At the same time, the public needs to know who sex offenders are most likely to victimize, while eschewing faulty explanations of why they commit sexual assaults.

Mentally ill offenders

In 2000, there were 6,393 mentally ill individuals in Ohio's prisons.⁵³ Of these offenders, 48 percent were categorized as severely mentally disabled, over five times that of Ohio's psychiatric hospitals that house fewer than 1,100 patients total.

The high number of mentally ill individuals in jails and prisons is not unique to Ohio. National estimates in 1998 identified that there were 283,800 mentally ill offenders incarcerated in jails and prisons.⁵⁴ In fact, county jails have become the largest institutions for the mentally ill in America.

A study conducted in Summit County, Ohio suggests that one in twelve individuals with a severe mental disorder had at least one incarceration in the Summit County jail in a one-year period.⁵⁵ Of these mentally ill individuals, the majority were also substance abusers. Another study of jail prisoners indicated that between 70-75 percent of prisoners with a severe mental disorder also had substance abuse problems.⁵⁶

FROM THEORY TO PRACTICE

Solutions for the Mentally Ill in the Criminal Justice System

The Honorable
Evelyn Lundberg Stratton

Justice
Supreme Court of Ohio

Finding effective strategies for working with mentally ill persons in the criminal justice system is important to me. As a result, the Ohio Supreme Court has formed the Advisory Committee for the Mentally Ill in the Criminal Justice System.

As a family member of a person who once suffered from depression, I am aware of the stigma of mental illness. It is not a popular subject, but it is one that I am passionate about. As a former trial judge, I saw first hand the effects of mental illness on the legal system. I am extremely concerned about keeping people with mental illness out of jail and diverted into appropriate mental health treatment.

It is the right thing to do as well as a concept whose time has come. The numbers say it all. In 1955, there were 558,239 severely mentally ill patients in our nation's public psychiatric hospitals. In 1994, there were 71,619. Based on population growth, at the same per capita utilization as in 1955, estimates are that there would have been 885,010 patients in state hospitals by 1994 (E. Fuller Torry, M.D., *Out of the Shadows: Confronting America's Mental Illness Crisis*).

Where have these severely mentally ill patients gone? The U.S. jail population of people with mental illness has swelled to 285,000. According to the U.S. Department of Justice July 1999 Report, 16 percent of state prison inmates and 16 percent of those in local jails reported either a mental condition or an overnight stay in a mental hospital. According to that

same study, half of mentally ill inmates reported three or more prior sentences. Among the mentally ill, 52 percent of state prisoners, and 54 percent of jail inmates reported three or more prior sentences to probation or incarceration. In fact, according to March 2000 statistics from the Ohio Department of Rehabilitation and Correction, there were 6,393 mentally ill inmates, 3,051 of who were classified as severely mentally disabled.

Many of the severely mentally ill who have been released into the community through de-institutionalization are now part of the 600,000 people in America who are homeless. Of these, it is believed that at least one third are mentally ill (U.S. Department of Health and Human Services, 1992).

I'll describe a typical case. Jim is diagnosed with schizophrenia while he is in college. As his mental illness grows worse, he loses contact with his family. After losing his job due to his illness, Jim is homeless. With what little money he has, he finds that drinking helps stop the voices in his head. One day, Jim is spotted in the middle of a busy city street pacing back and forth, gesturing and talking to himself. Officers arrest him for disorderly conduct and public intoxication. Jim's lawyer recognizes that Jim is mentally ill, but believing it is best for his client to keep his initial involvement with the criminal justice system to a minimum, he encourages Jim to plead guilty. Jim serves a short jail sentence and is discharged in the middle of the night with a bus token. He still has no place to live, no

medications for his illness, no doctor, no insurance, and no food. Two weeks later he is picked up again for disturbing the peace and finds himself back in jail.

This illustrates the revolving door problem that has developed in this country. Jails and prisons have become the defacto mental health system of our day. We must reverse this trend. Over the past few years, innovative diversion programs and other pioneering efforts all over the nation have met with a great deal of success in attacking this crisis.

Had Jim been fortunate enough to live in a city with a mental health docket or some other mental health diversion program in place, his lot could have been different. Jim could have received help from a team of professionals, including a judge, a probation officer, a psychiatrist, and substance abuse treatment professionals. Local experts could have linked Jim into more stable housing, employment assistance, Medicaid, and other programs to ensure that he stay on his medications to help secure his success.

Jim's situation highlights the fact that it is time in Ohio to address the need to reform the court system. To this end, the Ohio Supreme Court has formed the Supreme Court of Ohio Advisory Committee on Mentally Ill in the Courts, a task force made up of representatives from the Ohio Department of Mental Health, Ohio Department of Alcohol and Drug Addiction Services, Ohio Department of Rehabilitation and Correction,

Ohio Department of Mental Retardation and Developmental Disabilities, Ohio Office of Criminal Justice Services, judges, law enforcement, mediation experts, housing and treatment providers, consumer advocates, and other officials from across the state. Ohio is the only state to have a statewide Supreme Court committee committed to this issue.

If not for altruistic reasons, this charge is crucial in terms of the cost savings of diversion. Mentally ill inmates require far more jail and prison resources due to treatment and crisis intervention. But, this revolving door has other costs, too. Taxpayer dollars are paying for police officers to repeatedly arrest, transport and process mentally ill defendants, jail costs associated with treatment and crisis intervention, salaries of judges and court staff, prosecutors and defense attorneys, and many more hidden costs. The question becomes would we rather spend these dollars to keep mentally ill citizens homeless, cycling in and out of our criminal justice system, or would we rather spend these dollars to help them to become stable productive citizens?

I challenge interested persons to join the efforts of this Committee or create a similar group within their own local communities. There is so much we can do together. By building a partnership between courts and the mental health system, many defendants whose illness is the basis of their criminal activity can be helped, their lives improved, and taxpayer money saved.

ENDNOTES

- ⁴² Snyder, H.N., & Sickmund, M. (1999). Juvenile offenders and victims: 1999 national report. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴³ Travis, J. and Waul, M. (2002). Reflections on the Crime Decline: Lessons for the Future? Proceedings from the Urban Institute Crime Decline Forum. August 2002.
- ⁴⁴ Greenfeld, L.A. & Snell, T.L. (1999). Women Offenders. Bureau of Justice Statistics Special Report, U.S. Department of Justice. NCJ 175688.
- ⁴⁵ 2000 Census of Population and Housing, U.S. Bureau of the Census.
- ⁴⁶ Reaves, B.A. Felony Defendants in Large Urban Counties, 1998. Bureau of Justice Statistics, U.S. Department of Justice, NCJ 187232.
- ⁴⁷ Bonczar, T.P. Prevalence of Imprisonment in the U.S. Population, 1974-2001. Bureau of Justice Statistics Special Report, U.S. Department of Justice, NCJ 197976.
- ⁴⁸ Snyder, H.N., & Sickmund, M. (1999). Juvenile offenders and victims: 1999 national report. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ⁴⁹ Huizinga, D., Loeber, R., & Thornberry, T.B. (1994). Urban Delinquency and Substance Abuse: Initial Findings. Washington D.C.: U.S. Department of Justice. Cited in Howell, J.C. (1995). Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. OJJDP, U.S. Department of Justice.
- ⁵⁰ Howell, J.C. Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. OJJDP, U.S. Department of Justice.
- ⁵¹ Report of the Comprehensive Strategy Task Force on Serious, Violent, and Chronic Juvenile Offenders, Part I. May 1998.
- ⁵² Huizinga, D., Loeber, R., & Thornberry, T.B. (1994). Urban Delinquency and Substance Abuse: Initial Findings. Washington D.C.: U.S. Department of Justice. Cited in Howell, J.C. (1995). Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. OJJDP, U.S. Department of Justice.
- ⁵³ Ohio Department of Rehabilitation and Corrections, March 2000.
- ⁵⁴ Ditton, P.M. (1999). Mental health and treatment of inmates and probationers. Bureau of Justice Special Reports, U.S. Department of Justice, NCJ 174463.
- ⁵⁵ Munetz, M.R., Grande, T.P., & Chambers, M.R. (2001). The incarceration of individuals with severe mental disorders. *Community Mental Health Journal*, 37(4), 361-372.
- ⁵⁶ Abram, K.M., & Teplin, L.A. (1991). Co-occurring disorders among mentally ill jail detainees. *American Psychologist*, 46(10), 1036-1045.

VICTIMS

ROBERT SWISHER, M.A.
AUTHOR

Defining victims of crime

The Ohio Revised Code Section 2930.01 defines victims according to official reports or filings: “a person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding.”

Generally, a crime victim is the object of a criminal act. Victims can be individuals or a legally established entity such as a business, church, or government agency. Crimes are often considered violations against society, and not individual victims. Situations where the victims are seemingly voluntary participants, such as prostitution or gambling, are called “victimless crimes.”

National crime victim data

The major source of information about crime victims in the United States is the National Crime Victimization Survey (NCVS). Conducted annually by the U.S. Department of Justice, Bureau of Justice Statistics, the survey asks a representative sample of residents about their personal experiences with crime incidents and whether the crime was reported to law enforcement. In 2002, 76,050 individuals age 12 and older were interviewed for the survey.

A second important source of victimization data is the National Violence Against Women Survey (NVAW). Lasting from November 1995 – May 1996, this survey included interviews with 8,000 female and 8,000 male respondents for even more detailed information on rape, physical assault, and stalking than the NCVS.

The FBI Uniform Crime Reporting (UCR) Program and National Incident-Based Reporting System (NIBRS) collect data from local law enforcement agency reports. The UCR Supplemental Homicide Reports provide useful data on homicide victims and their relationships with perpetrators. NIBRS, collecting detailed crime data on incidents and arrests within 33 crime categories, will prove a significant source of data on victims and offenders when fully implemented in Ohio and nationwide.

There are a number of Ohio sources of information about victims. The Ohio Attorney General’s Bureau of Criminal Identification and Investigation collects data on Ohio-specific domestic violence incidents and other victimizations. Hospital emergency room admissions often provide information on victims of violent crime, and coroner offices have detailed information about homicides.

Less than half of serious crimes are reported

The amount of crime reported to officials varies by the type of offense. The 2002 National Crime Victimization Survey revealed that only about 50 percent of all violent crimes committed against U.S. residents age 12 and older were reported to law enforcement. About 40 percent of all personal and household property crimes were reported.

Victimizations Reported to Police

	Percentage of Crimes Reported	
	Violent	Property
Total	48.5%	40.2%
Male	44.6%	46.9%
African-American	48.0%	46.8%
Caucasian	44.0%	40.2%
Other	46.9%	41.5%
Hispanic	47.0%	37.5%
Non-Hispanic	44.0%	41.5%
Female	53.0%	39.5%
African-American	61.7%	44.7%
Caucasian	50.7%	38.1%
Other	65.2%	43.7%
Hispanic	55.5%	39.9%
Non-Hispanic	52.8%	39.4%

Source: *National Crime Victims Survey, 2001*

Among violent crimes where the offender was a stranger to the victim, 53 percent were reported to law enforcement, compared to 45 percent where the victim knew the offender. Other factors increasing the likelihood of the crime being reported include gender; the specific nature of the offense; an injury to the victim; a greater value of property loss; insurance coverage for the loss; the victim being threatened with a weapon; and the victim considering the crime impersonal in nature. Most common victim responses for reporting violent crimes to law enforcement indicated, “to prevent future violence,” “to stop the offender,” or “to protect others.”

According to a national study recently conducted by the U.S. Bureau of Justice Statistics, it appears that victims have become more willing to report crimes to law enforcement.

Percentage of Violent Crime Reported to Police

	1992	1993	1994	1995	1996	1997	1998	1999	2000
All Violent Crime	42%	41%	42%	42%	43%	45%	45%	44%	49%
Rape/Sexual Assault*	32%	29%	32%	31%	27%	31%	33%	25%	48%
Robbery	59%	55%	56%	55%	54%	56%	62%	55%	60%
Aggravated Assault	54%	53%	51%	54%	56%	59%	57%	54%	58%
Simple Assault	36%	35%	36%	36%	37%	39%	40%	40%	44%

*Too few cases to be statistically reliable

Source: *Bureau of Justice Statistics, Reporting Crime to the Police Special Report, 2003*

Crime victimization totals for the U.S.

The National Crime Victimization Survey estimated that there were 5,341,410 violent crime and 17,539,220 property crime victimizations in 2002 in the United States, a rate of 23 violent crime and 76 property crime victimizations per 100,000 people for residents age 12 or older. Violent crimes comprised about 25 percent of all victimizations.

Rate per 1,000 Persons Age 12 and Over for Selected Offense

Type of Crime	2002 Victimization Rates age 12 or Older
Crimes of violence	23.1
Rape/Sexual Assault	1.1
Robbery	2.2
Assault	9.8
Aggravated	4.3
Simple	15.5
Property crimes	159.0
Household Burglary	27.7
Motor Vehicle Theft	9.0
Theft	122.3

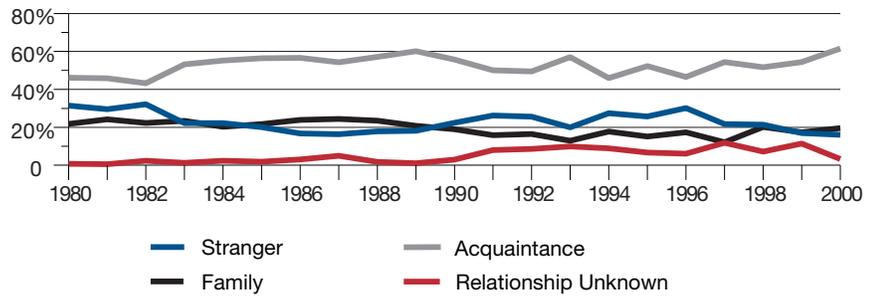
Source: *National Crime Victimization Survey, 2002*

Victim relationship to perpetrator

Murder

Data from Uniform Crime Reports for recent years shows that most Ohio homicide victims were murdered by a family member or acquaintance; indeed, 70 percent of murder victims age 4 and under were intentionally murdered by a parent.

Murder Victim Relationship to Offenders in Ohio



Source: *FBI Uniform Crime Reports, Supplemental Homicide*

Assaults

While robberies are most often committed by strangers, rape, sexual assaults, and assaults are most often committed by someone known to the victim.

Victimization and Offender Relationship*

Offense	Involving strangers	Involving non-strangers
Rape/Sexual Assault	31%	69%
Robbery	64%	36%
Assault, Aggravated and Simple	67%	33%

*Percentages cited are for cases where the victim/offender relationship is known

Source: *National Crime Victimization Survey, 2001*

FROM THEORY TO PRACTICE

Crime Victims Services Available After Offender Conviction

Karin J. Ho

Administrator

Office of Victim Services
Ohio Department of
Rehabilitation
and Correction

The Office of Victim Services at the Ohio Department of Rehabilitation and Correction (ODRC) offers a number of services for Ohio crime victims. The following services are available after offenders are sentenced, through their release from state supervision.

Victim Offender Dialogue Program.

Creating a safe environment where victims and their offenders can meet face to face, this program allows victims to ask offenders many questions they want answered. Offenders have an opportunity to apologize for their actions and they may see the crime from the victim's perspective. Dynamics of the program include:

- All requests must be made through the Office of Victim Services;
- All cases are victim-initiated and victim-driven;
- Both victim and offender participation must be voluntary;
- Participants can back out at any time;
- Preparation can take anywhere from a few months to several years;
- Dialogues are not conducted in domestic violence offenses or with offenders on Death Row;
- Offenders cannot use the program to obtain an early release from prison or supervision;

The program cannot be used to circumvent ODRC's policy limiting visitation between victims and offenders.

Victim Awareness Program (VAP).

For victims willing to meet with offenders, but not necessarily the offender who victimized them, they can participate in the Victim Awareness Program. This initiative also provides the opportunity for offenders to interact with actual victims of crime, and may help offenders take responsibility for their actions and in their choice not to re-offend.

Intensive Prison Program (IPP).

Offenders with no more than 60 months on their sentence can request consideration for an IPP program. If offenders successfully complete IPP, they may be released from prison prior to the sentence they received from the judge. Because the Office of Victim Services wants victims to be prepared for the possibility that offenders might receive a reduced sentence, any victim who wishes to provide input into an offender entering an IPP should contact the judge involved in the case.

Post Release Control (PRC). Some offenders are supervised after release from prison through PRC. Victims interested in finding out an inmate's PRC status can call the Office of Victim Services. If an inmate is not

given PRC, the Office can request it on behalf of the victim, and can also request that sanctions, like a no contact order or restitution, be added to the PRC guidelines.

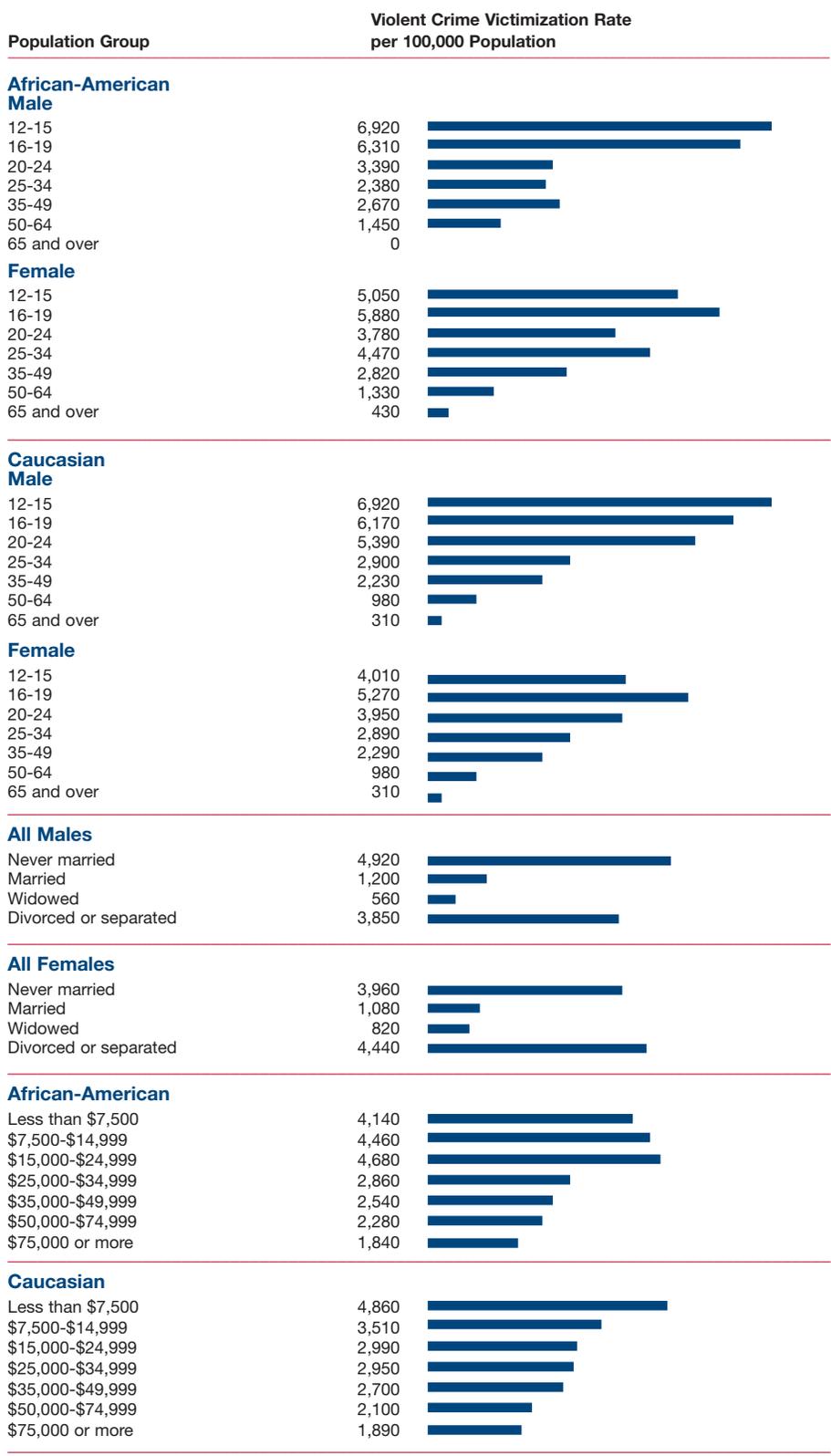
Victim Involvement in the Revocation Process. If offenders under supervision following release from prison violate sanctions or commit a new crime, a hearing officer from the Parole Board conducts a revocation hearing. The officer decides whether to return the offender to prison or order some other sanction as punishment. For violations involving harm to the victim, the victim may be required to testify at the revocation hearing. Offenders and their attorneys are present at these hearings; during the hearing, the attorney has the right to cross-examine the victim. Victims wanting support through the revocation hearing process can contact the Office of Victim Services or their local victim assistance program.

Victims and the Execution Process. The role of the Office of Victim Services is to support the victim's family members throughout the

clemency process and prepare them to witness the execution should they choose to participate. Clemency, or an appeal to spare the offender's life from the death penalty, is decided by the Governor after a clemency hearing conducted by the Parole Board. The victim's family may present testimony at this hearing. Family members of the victim wishing to participate in the execution may designate three witness representatives. Other family members may come to the prison and remain in a waiting area during the execution.

In addition to these programs, the Office of Victim Services and local victim assistance programs provide victims and their families with information regarding Ohio's corrections system and processes. The more victims and their families know about the system, the better they can exercise their rights and try to see that their needs are met. Victims can also consult the Office's publication, *The Bridge*, for more information about Ohio's corrections system and victim services.

Young, unmarried, low-income males most frequent victims



Source: National Crime Victims Survey, 2001

National violence against women survey

The National Violence Against Women Survey (NVAW) collects detailed information on rape, physical assault, and stalking. In general, the NVAW finds higher rates of victimization than the NCVS, most likely due to the differences in survey methodologies.

Persons Raped or Physically Assaulted in Lifetime, by Gender

Type of Assault	Females	Males
Completed or Attempted Rape	17.6%	3.0%
Physical Assault	51.9%	66.4%

Source: *National Violence Against Women Survey, 1998*

NVAW noted significant differences in the percentage of women victimized when race/ethnicity was taken into account. Particularly high percentages of victimization were found among Native American/Alaska Native and Mixed Race women.

Women Raped or Physically Assaulted in Lifetime, by Race/Ethnicity

	African-American	Asian/Pacific Islander	Caucasian	Native American/Alaskan Native	Mixed Race
Completed or attempted rape	18.8%	6.8%	17.7%	34.1%	24.4%
Physical Assault	52.1%	49.6%	51.3%	61.4%	57.7%

Source: *National Violence Against Women Survey, 1998*

Similar to the NCVS survey, the NVAW survey found that women are much more likely to be victims of rape or physical assault by someone known to them. In contrast, the NVAW survey showed that men are somewhat more likely to be victimized by a stranger.

Adult Rape and Physical Assault Victims, by Relationship to Perpetrator

Relationship	Female Victims	Male Victims
Intimate Partner	76.0%	17.9%
Relative other than Spouse	8.6%	6.8%
Acquaintance	16.8%	32.3%
Stranger	14.1%	60.0%

Source: *National Violence Against Women Survey, 1998*

The NVAW survey found that while the percentage of women raped before age 18 by a stranger (14%) is similar to that for female victims overall, the percentage of men raped before age 18 by a stranger (20%) is much lower than for male victims in general.

Another finding of the NVAW survey revealed high rates of rape among youth, with the majority reporting they were first raped prior to age 18. While this survey found a higher percentage of girls than boys had been raped, the survey also found that boys are at significantly greater risk of physical assault by an adult caretaker than are girls. The survey also found that women who reported being raped when younger than age 18 were twice as likely to report being raped as an adult than those who had not been raped as a youth.

Persons Reporting They Had Been Raped Sometime In Their Lives

	Age When First Raped		Total
	12	12 to 17	
Females	21.6%	32.4%	54.0%
Males	48.0%	23.0%	71.0%

Source: *National Violence Against Women Survey, 1998*

The NVAW survey found that 22 percent of women and seven percent of men reported being physically assaulted by an intimate partner at some time in their lives, and differences between female and male rates of physical assault by an intimate partner became greater as the seriousness of the assault increased. Women were two to three times more likely than men to report less serious intimate partner violence; however, women were seven to fourteen times more likely to report serious acts of violence by an intimate partner.

FROM THEORY TO PRACTICE

Family Violence Hurts Everyone

Karen S. Days

Executive Director

Columbus Coalition
Against Family Violence

Whether you are a neighbor, coworker, lawyer, physician, religious leader, police officer, or friend, family violence is not a private matter—it's a crime. Its pervasiveness makes it a reality for many in our community: one in four women will be physically abused by an intimate partner at some point in their lives. And violence is crossing generational lines, with an increase in teen dating violence. The results of a recent study published in the *Journal of the American Medical Association* found that one in five female students have reported being physically and/or sexually abused by a dating partner.

Despite these grim statistics, family violence is a crime that can be eliminated. Created by Mrs. Abigail S. Wexner in 1998, the Columbus Coalition Against Family Violence is comprised of business and organization leaders in Central Ohio committed to reforming systems to stop the cycle of violence in our community.

The Coalition's mission creates a community culture that does not tolerate abuse, and focuses its work on five touch points where victims and societal institutions intersect. The Coalition's five task forces: Business Community/Public Education, Faith Community, Health Care, Legal System, and Victim Services, work to create systemic change for victims of family violence.

The Coalition is also working to change our culture by dispelling many

of the common myths and misconceptions about this crime. The following are a few commonly asked questions about family violence, and perhaps some unexpected answers.

Isn't family violence a less serious problem than "real" violence like street crime?

Family violence is real violence. It often results in death or permanent injuries and makes the home one of the least safe places for victims. Family violence accounts for more injuries to women than rapes, muggings, and automobile accidents combined. It has been a primary factor in nearly 25 percent of all homicides committed in Franklin County since 1990.

Why doesn't she leave or ask for help? If the woman stays it must not be that bad.

Family violence is a crime that uses violence as a tool to intimidate and control the victim. Because of the complex nature of family violence, victims stay for many reasons: fear, economic dependence, confusion, loss of self confidence, not recognizing that what's happening is abuse, a belief that the abuser needs their help or will change, are just a few of these reasons. Additionally, it is dangerous for a victim to leave. Research bears out that women are more likely to be killed at the time they try to leave an abuser; in fact, 75 percent of reported spousal assaults occur after partners divorce or separate. An abuser will also threaten to kidnap the couple's

children if the victim leaves, or convinces the victim that she will never get custody if they divorce.

Even when a victim asks for help, she often encounters disbelief or outright denial of her situation, and may actually be blamed for “provoking” the violence. Staff members at health care, mental health, religious, and legal agencies may be poorly trained, uncomfortable with the issue, or too busy to understand the victim’s situation to offer effective help.

Doesn’t most family violence occur in poor or minority communities?

Abusers and victims come from all races, socioeconomic classes, ages, religious affiliations, sexual orientations, occupations, and backgrounds. Economic and social factors do, however, influence the kind of help people seek. Affluent victims may seek private help through doctors, lawyers, and even travel to “get away,” while people with fewer financial resources tend to call the police or other public agencies, resulting in lower income and minority overrepresentation and distorted public agency data. And about one-third of men counseled for battering at Emerge, a treatment program in Boston, are well-respected in their jobs and communities, including doctors, psychologists, lawyers, ministers, and business executives.

Are children in abusive homes OK if the abuse is not directed at them?

No. Children do not have to be hit or beaten to be damaged by abuse. Research reveals that children who witness family violence are affected in the same way as children who are physically and sexually abused. Additionally, child abuse is 15 times more likely to occur in families where domestic violence exists. Children from violent homes also have more trouble sleeping and they are likely to have difficulties with peer relationships and school. When grown, these children are more likely to beat their partners. The cycle of violence continues – 80 percent of violent juvenile offenders and adult prisoners come from homes where domestic violence occurred.

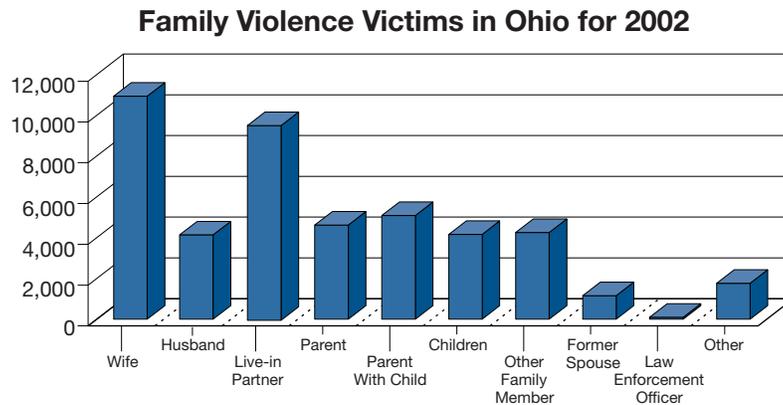
Don’t victims bring abuse on themselves and ask for it?

Abusers believe that they have the right to use, abuse, and control their victims, and see their victims as less than themselves. Victims have no control over abusers.

These are just a few of the myths and misconceptions about family violence that the Coalition is dispelling through its initiatives in our community. For more information on family violence, or for details on the Coalition’s initiatives, log on to the Coalition’s website at: www.thecolumbuscoalition.org.

Intimate partners are most frequent victims of family violence

The Ohio Attorney General’s Office Ohio Domestic Violence Year to Date Summary Report revealed that in 2002, wives and live-in partners were the most frequent victims of family violence in Ohio.



Source: Ohio Attorney General’s Office, Ohio Domestic Violence Year to Date Summary Report

The majority of these domestic violence victims were Caucasian (76 percent), followed by African-American (20 percent), Asian (0.6 percent), Hispanic (2 percent), Other Race (1 percent), and Native American (<1 percent). Most of the victims were ages 18 – 40 (71 percent); the proportions of other age groups were: 0 – 17 years (8 percent), 41 – 64 years (20%), 65 – 84 years (1 percent), and 85 and over (<1%).

Most violent crime victims take self-protective measures

Data from the NCVS showed that self-protective measures were taken for all three violent offenses: rape, robbery, and assault. Self-protection is more commonly used when offenders are non-strangers, except for rape. African-Americans are somewhat more likely to take self-protective measures than Caucasians, while males are little more likely than females to do so.

Victimization Where Victims Took Self-Protective Measures

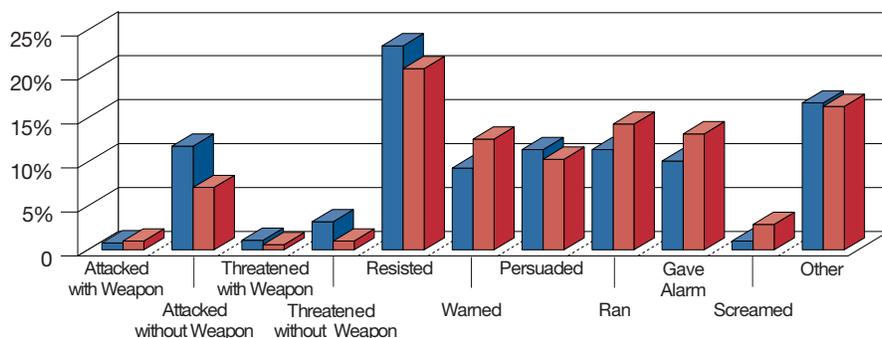
	All Crimes of Violence	Rape/ Sexual Assault	Robbery	Assault
All victimizations	70.4%	70.1%	64.4%	71.2%
Involving strangers	66.5%	77.9%	58.1%	67.9%
Involving non-strangers	74.1%	65.7%	87.5%	73.9%
Male	70.7%	84.9%	61.4%	72.1%
Female	70.1%	68.6%	70.7%	70.1%
African-American	73.2%	90.1%	52.4%	75.3%
Caucasian	69.9%	64.6%	67.6%	70.5%

Source: National Crime Victims Survey, 2001

Physical resistance frequently used by both men and women

Various types of physical resistance are used by both men and women. Not only are females as likely as males to employ self-protective measures, but the types of resistance measures employed are very similar as well.

Self Protection Employed by Victims in U.S. for 2001



Source: National Crime Victimization Survey, 2001

Violent crime victims seek medical care from various sources

The NCVS survey reported that eight percent of violent crime victims receive medical care as a result of their victimization through a variety of settings.

Location	All Crimes of Violence	Rape/ Sexual Assault	Robbery	Assault
At the Scene	7.5%	0.0%	9.9%	7.5%
At Home, Neighbor's or Friend's Home	22.1%	11.2%	19.3%	23.8%
Health Unit at Work or First-Aid Station	1.6%	0.0%	0.0%	2.1%
Doctor's Office or Health Clinic	9.9%	20.5%	11.7%	8.5%
Hospital Emergency Room; Emergency Clinic	38.0%	33.0%	37.5%	38.6%
Admitted to Hospital	15.1%	18.6%	14.1%	15.1%
Other	5.5%	16.7%	6.1%	4.4%

Source: National Crime Victimization Survey, 2001

The cost of crime to victims

The NCVS estimated that the total cost of crime to U.S. victims nationwide in 2001 was over \$14 billion, comprised mostly of tangible costs to victims like

medical expenses, and the value of lost property or earnings. Over 90 percent of this tangible loss estimate resulted from property offenses including \$5.4 billion from motor vehicle theft, \$4.4 billion from theft, and \$2.8 billion from household burglaries. The remaining 10 percent of tangible losses was from personal crimes, most notably robbery (\$695 million) and assault (\$514 billion).

The NCVS assessed victimizations that resulted in loss of time from work. When viewed by lost work time, the percentage for all property crimes is only somewhat lower than for rape/sexual assault or assault.

Victimizations Resulting in Loss of Time from Work

Crime	Percent of Victims
Rape/Sexual Assault	8.2%
Robbery	16.3%
Assault	7.3%
All Property Offenses	5.5%

Source: *National Crime Victimization Survey, 2001*

This survey also noted that of those victims who lose time from work, the amount of time is substantially longer for violent crime victims, especially rape/sexual assault.

Victims Losing Six or More Days of Work

Crime	Percent of Victims
Rape/Sexual Assault	45.6%
Robbery	23.9%
Assault	16.9%
All Property Offenses	4.5%

Source: *National Crime Victimization Survey, 2001*

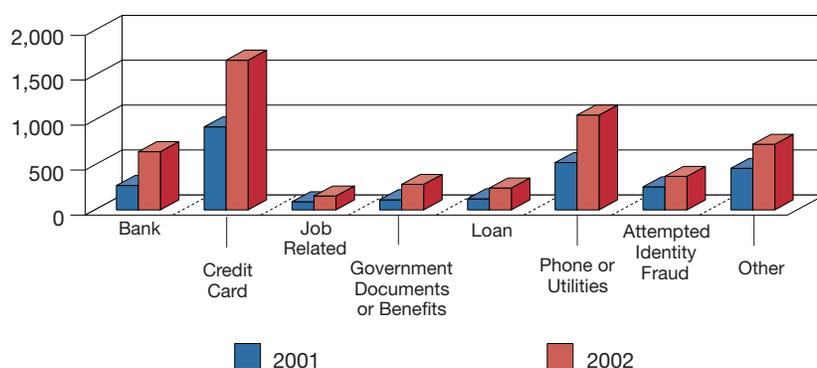
The National Institute of Justice (NIJ) estimates that the combined total of annual tangible losses to victims, as well as street and domestic crime for the U.S. is \$105 billion,⁵⁷ or an average of \$425 for every American per year. NIJ also estimates that including intangible costs such as pain, suffering, and reduced quality of life increases the total to \$450 billion. It is important to note that these cost estimates do not include crimes against business and government, personal fraud, white-collar crime, child neglect, and most victimless crimes.

Interestingly, another estimate projecting crime and victim costs on lost economic *opportunity* – how resources might have been used instead of responding to crime⁵⁸ – place the impact of crime on the nation as high as \$1.7 trillion annually.

Identity theft is rapidly increasing

Identity theft is a set of fraud offenses that involve the illegal use of a victim's identifying information such as name and credit card numbers. The U.S. Federal Trade Commission reported that during 2001 there were 2,283 complaints of identity theft from Ohio victims. By 2002, the number of complaints from Ohio victims rose to 4,065, an increase of 78 percent from the previous year. Together, credit card fraud and phone/utilities fraud accounted for over 60 percent of identity theft complaints for both years.

Identity Fraud in Ohio for 2001 and 2002
Number of Cases



Source: Federal Trade Commission Identity Theft Victim Complaint Data, 2001 and 2002 Reports

Ohio's Constitutional Amendment for victim rights

Ohio is one of 32 states with a Constitutional Amendment protecting the rights of victims. The Amendment states that crime victims shall be treated with fairness, dignity, and respect and that they have rights to reasonable and appropriate notice, information, and access throughout the criminal justice process.

These constitutional rights, as well as 21 others before, during, and after trial, are outlined for victims in a helpful booklet prepared by the Ohio Attorney General's Office.⁵⁹ For example, Ohio victims of felonies and specific personal misdemeanors have the right to:

- Information about and input into preparation of the case
- Participation in the trial, with victims submitting an impact statement and being consulted on various issues
- Making a statement at sentencing about the impact of the crime
- Reasonable return of property and partial compensation for expenses
- Information about the incarceration and parole status of the offender.

National victim assistance

The National Organization for Victim Assistance (NOVA) provides a great deal of valuable information and support for crime victims. The organization's website at: www.try-nova.org addresses both *system-based* victim assistance programs, such as those offered by law enforcement or prosecutors, and *community-based* programs provided by social service agencies.

NOVA categorizes the many types of services available to victims, based on different phases in the victimization process.

First Responders

Address physical safety issues, medical care needs, and begin the investigation. First responders include: emergency medical, law enforcement, and protective service agencies workers.

Second Responders

Address emotional support issues, ensure that appropriate referrals are made to meet victim's needs, and ensure that victims receive their legal rights. Second responders include: crisis interveners, victim advocates, and other advocates such as social service providers.

Third Responders

Address long-term stress reactions and other needs of a crime victim. Third responders include: post-trauma counselors, victim advocates, and other advocates.

NOVA notes that one of the easiest ways for victims to discover the services available to them is by asking the officer who takes the crime report. Should system-based services be unavailable in the area, officers are often able to refer victims to a community-based service. Victim advocates and other victim assistance programs can be contacted through the local prosecutor's office, and information about community services is available on the Internet, in the telephone book, or local library. Operated by NOVA, the National Crime Victim Information and Referral Hotline at: 800.879.6682 also provides information on local victim service providers.

FROM THEORY TO PRACTICE

What Domestic Violence Victims Need

Karen Scott

Executive Director

Women's Tri-County
Help Center

An informal survey of women with abusive partners indicates the service most important to them is case management. Case management provides victims and survivors of domestic violence with daily or weekly supports to help them find safe housing, employment, access to child care and other community supports, and, perhaps most importantly, emotional support. Since only about one-third of victims and survivors served use the criminal justice system, case management is an effective support mechanism for a much larger number of women.

Ohio's approach to domestic violence radically changed in 1995 when laws were passed to criminalize domestic violence, and resources were made available to expand services to victims. Unfortunately, as these laws have been implemented throughout the country, unintended consequences have arisen. Victims of domestic violence need the leadership of the domestic violence movement, including legislators, agency workers, and advocates to recognize and address these unintended consequences.

We are seeing increasing numbers of dual arrests in communities, along with sweeping changes in how victims of domestic violence interact with children's services systems, a wave of children being detained for committing acts of domestic violence, and a lack of real change in society's judgment of victims of domestic violence. We have the tools and resources we need to improve the system, we must only find the willingness to continue to work together to make the changes.

The Ohio Domestic Violence Network, our state coalition of domestic violence programs, recently received a DELTA

Grant from the national Centers for Disease Control to promote primary prevention in Ohio. Prevention, including primary targeting of general populations and secondary targeting of at-risk populations, is a key to helping victims and perpetrators understand the meaning of domestic violence, its impact, and how they can access help. Prevention also helps build alliances that improve the community response and expand resources available to individual victims. Unfortunately, the DELTA Grant and limited funding from the Family Violence Prevention Grant are many times the only funds available in the state for the creation of prevention projects.

The movement to end domestic violence is rooted in the experiences, expertise, and voice of victims and survivors. As the process has expanded both as a profession and social change movement, these voices have often been lost. In many ways, the domestic violence movement has become elitist in both its leadership and its philosophy. We have lost the opportunity to strengthen the movement and make real changes in how our society approaches violence in families by disenfranchising so many groups key to the movement. We can certainly change this course by making a serious commitment to victims and survivors, including women of color, women with disabilities, lesbians, and other minority groups. It is also imperative that we build capacity within the domestic violence movement by allying with men and boys. We must also consider alternatives to the movement's entrenched philosophies and practices, and open ourselves to new models and new ideas about domestic violence.

Ohio assistance for victims of crime

The Ohio Court of Claims provides direct assistance to the state's crime victims. Information about the Court of Claims is available at: www.cco.state.oh.us.

The Ohio Victims Assistance Grant Program, operated by the Ohio Attorney General's Crime Victim Assistance Office, supports agencies providing services to victims of crime. According to the Attorney General's Statewide Assistance Report for 2002, of the more than \$1.8 million allocated to the Ohio Victim Assistance Grant Program, 248 Service agencies were funded, 242,655 victims were served, and 741,561 services were provided. Services provided through the funding included: crisis counseling, follow-up, therapy, group treatment/support, shelter/safehouse, information/referral, criminal justice support/advocacy, emergency financial assistance, emergency legal assistance, assistance in filing compensation claims, and personal advocacy.

Finally, Ohio has excellent crisis response teams, composed of highly trained volunteers who assist victims, family members, and witnesses with their immediate needs and arrange referrals for long-term services. One of the first teams to assist New York City after the September 11, 2001 terrorist attacks and for months after, Ohio's teams respond to natural disasters and severe traffic accidents as well as crime victimizations. In Ohio, the Attorney General's Office coordinates these crisis response teams.

ENDNOTES

- ⁵⁷ “Victim Costs and Consequences: A New Look;” U.S. Department of Justice, National Institute of Justice; Washington DC 1996.
- ⁵⁸ “The Aggregate Burden of Crime;” David A. Anderson, University of Chicago’s Journal of Law and Economics; forthcoming.
- ⁵⁹ “Picking Up the Pieces: Your Rights and Responsibilities As A Crime Victim;” Attorney General of Ohio, Betty D. Montgomery.

LAW ENFORCEMENT

JEFFERY KNOWLES, M.A.
AUTHOR

The role of law enforcement

As the criminal justice system continues its slow, historic trend from corporate security toward individual safety, the role of the street officer becomes even more critical and complex. Every action – or inaction – becomes a potential threat to personal safety, careers, and the overall quality of life of the citizens being served. While law enforcement may find “shoot/don’t shoot” situations rare, countless other community issues will challenge their judgment and skills at any given moment. Unsurprisingly, Ohio’s basic training requirements for peace officers have doubled during the last generation.

At the core of the law enforcement role is the discretionary authority required to do the job. Contrary to TV shows, officers rarely have the good fortune to interrupt crimes in progress. Instead, the majority of law enforcement time is invested in before and after responsibilities, as officers work to prevent potential crimes or act on committed ones. During these and other calls, officers must decide the level of intervention necessary, whether further investigation is needed, if additional resources should be involved; in short, a comprehensive response to the community concern or crime. The vast justice system often runs on the initial, everyday decisions of law enforcement.

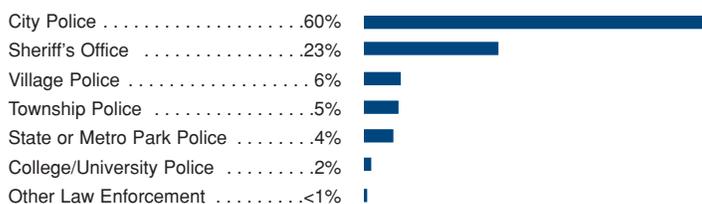
Ohio’s peace officers

During 2002 - 2003, the Ohio Office of Criminal Justice Services (OCJS) conducted an extensive Ohio Peace Officer Task Analysis of 1,475 sworn officers from hundreds of agencies. It was the third Task Analysis conducted by OCJS since 1980 and, like the others, was focused on officer perceptions of the importance, frequency, and training implications of the tasks, skills, and knowledge that define the peace officer’s role in Ohio.

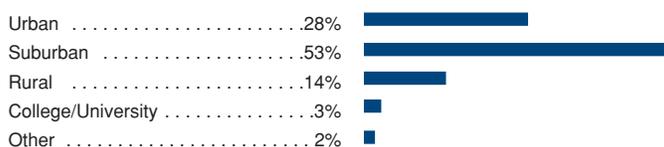
While the study was not a census of Ohio’s peace officers, OCJS researchers were careful to ensure that the individuals surveyed were representative of Ohio’s sworn officers from its wide range of law enforcement agencies and jurisdictions. Not only is participant representation important for future research, but also for planning and policymaking by the Ohio Peace Officer Training Commission, responsible for statewide standards.

Ohio Peace Office Task Analysis Respondents for 2003

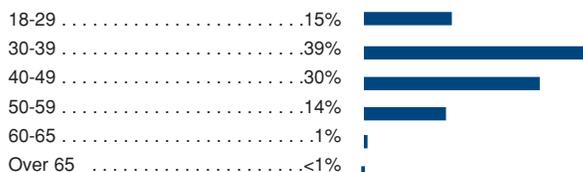
Agency Type



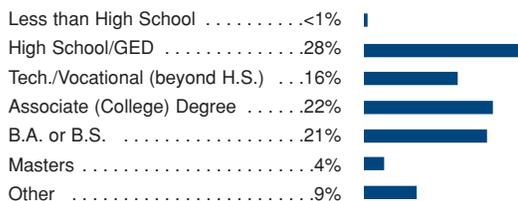
Area of Service



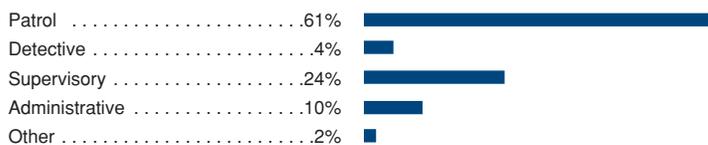
Age of Officers



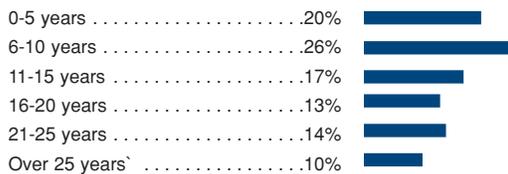
Highest Level of Education



Rank Level



Experience (total)



Percentages may not equal 100% due to rounding

What officers perceive as most important to their jobs

The single highest rated item in the Task Analysis was in agreement with the statement: “*Information is one of my two or three greatest needs as a law enforcement officer.*” Of the nearly one hundred questions concerning knowledge, skills, and abilities, Ohio officers rated the following items, listed below in order of importance, as most important to their jobs:

- Ability to maintain self control
- Ability to apply officer safety techniques during a stop and frisk
- Ability to apply the approved use of force continuum
- Knowledge of agency policy regarding use of force
- Skill in weapon retention techniques
- Ability to act in an unbiased manner
- Ability to establish probable cause
- Ability to defuse situations
- Skill in use of cover and concealment
- Ability to communicate orally

Types of law enforcement agencies in Ohio

Municipal Police Department

A municipal department enforces city and state laws within the geographical confines of a particular city. These departments comprise the majority of police personnel and include municipalities of all sizes, from urban areas to rural townships. Some municipal departments also assist municipal courts in much the same way as a sheriff’s office assists a common pleas court, serving court papers and acting as bailiffs.

Sheriff’s Office

The county sheriff’s office provides full law enforcement protection to the unincorporated areas of a county. Sheriffs also have concurrent jurisdictional rights in the various municipalities within the county. Many sheriff offices provide service under contract to incorporated areas that do not have their own municipal departments. In addition to standard police functions, most sheriff offices also provide bailiffs for courts within the county and are responsible for serving court papers and overseeing court-ordered auctions. These offices also maintain the county jail facilities, prisoner transport to court and prison, and generally perform all law enforcement duties on behalf of the county. The office of sheriff is an elected position with a four-year term. There are 88 sheriffs in Ohio.

Special Police Agencies

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

State Highway Patrol

The State Highway Patrol is responsible for the enforcement of the motor vehicle code of Ohio. The Patrol addresses violations involving penal, health and safety, street and highway, and welfare and institutions codes, as well as all investigations of code violations occurring on state property.

Law enforcement nationwide

Law enforcement is the most locally based of all components in the criminal justice system. While courts and corrections are usually state centered, city, township, and village police and sheriff offices account for 84 percent of America's more than one million law enforcement personnel. The ratio of sworn officers to civilian employees is 2.3 to 1. Of the nation's law enforcement officers, 66 percent of sworn officers are primarily involved in patrol activities.⁶⁰

Across the country, as in Ohio, a few large city agencies employ a disproportionate percentage of law enforcement. A total of 77 agencies nationwide, including Cleveland, Columbus, and Cincinnati in Ohio, employ at least 1,000 personnel. Less than one percent of the nation's agencies employ 30 percent of all sworn officers. As of October 2002, the New York City Police Department employed 53,774 persons – 37,240 of them sworn officers – giving that single agency more officers than in each of 46 other states.⁶¹

The Ohio Peace Officer Training Commission, which maintains records on peace officer appointments in the state, indicated there were a total of 33,700 appointments as of February 2002. Accounting for some officers with multiple appointments, the Commission data shows 30,085 full-time and part-time officers in 977 Ohio agencies as of that date.⁶²

Peace Officers in Ohio for 2002

Appointments	Status
24,976	Full-Time
3,706	Part-Time
2,661	Reserve/Auxiliary
2,357	Special Deputy
33,700	Total Appointments ⁶³

Civilian employees comprise a significant portion of law enforcement resources. Nearly 33 percent of Ohio's full-time law enforcement employees are civilians.

Ohio's Full-Time Law Enforcement Employees

	Percent Sworn	Percent Civilian
Local Police	80%	20%
Sheriff's Offices	53%	47%
Highway Patrol	54%	46%
Special Agencies	46%	54%
Statewide	68%	32%

Source: *Bureau of Justice Statistics 2000 Census of State and Local Law Enforcement Agencies*

Between 1992 and 2000, the number of sworn personnel increased by 16 percent nationally, a figure that ran ahead of the 13 percent increase in total population between 1990 and 2000. In 2000, Ohio and surrounding states ranked slightly below the national averages in law enforcement personnel per 100,000 population.

Law Enforcement and Personnel in the United States in 2000

State	Total LE Employees		Sworn LE Employees		Responding to Calls*	
	Number	Per 100,000	Number	Per 100,000	Number	Per 100,000
OH	36,863	325	25,082	221	15,689	138
PA	33,427	272	26,373	215	17,648	144
WV	4,148	229	3,150	174	2,387	132
KY	9,589	237	7,144	177	4,800	119
IN	17,969	296	11,900	196	7,249	119
MI	29,654	298	21,673	218	13,456	135
U.S. Total	1,019,496	362	708,022	252	425,527	151

* Basic patrol function

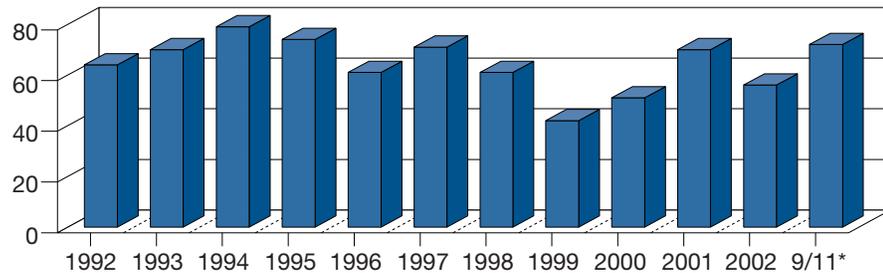
Source: *Bureau of Justice Statistics 2000 Census of State and Local Law Enforcement Agencies*

Law enforcement officers killed in the line of duty

An annual report of the FBI, *Law Enforcement Officers Killed and Assaulted* is based on data submitted to the FBI from agencies participating in the Uniform Crime Report (UCR) Program, FBI Field Division and Legal Attaché Office Reports, and the Bureau of Justice Assistance Public Safety Officers' Benefits Program. Data are grouped by officers feloniously killed, accidentally killed, and officers assaulted, with descriptions provided for officers feloniously killed.

The September 11, 2001 terrorist attacks saw more law enforcement officers killed in an hour, and on a few acres of land, than all other officers feloniously killed nationwide during 2001.⁶⁴

Law Enforcement Officers Killed in Line of Duty in U.S.



*9/11/01 date Includes one officer killed in the Pennsylvania crash

Source: *FBI Law Enforcement Officers Killed and Assaulted, 2002*

The South, representing 36 percent of the nation's total law enforcement officers, accounted for 41 percent of all officer homicide victims, compared to the West region at 20 percent and 26 percent, respectively. Meanwhile the Midwest, which supplies 21 percent of the country's officers, experienced 20 percent of all officer murders. The greatest disparity is found in the Northeast, where 22 percent of America's officers translated into only four percent of its total homicide victims.

Over 66 percent of officers slain from 1993 - 2002 had at least five years of law enforcement service; over 33 percent were officers with ten or more years of service. Personal characteristics of these officers show a majority of them to be male (95%) and white (84%), with an average age of 36. This profile has changed very little over the past ten years. Half of the officers slain were wearing protective body armor.

Officer homicide assailants

Assailant characteristics over the 1993 - 2002 period show them to be 28 years old, male (97%), and white (53%). Sixty-seven percent of the assailants had prior criminal arrests, 48 percent had prior criminal convictions, and 20 percent were on probation or parole at the time of the killing.

The majority of these assailants are arrested and charged: from 1991 – 2000, only 9 of 844 known assailants in officer murders remained at large as fugitives.

Disposition of Known Assailants 1991 - 2000

Arrested and Charged	79%
Guilty of Murder	56%
• Received Death Sentence	12%
• Received Life Imprisonment	27%
• Received Other Prison Terms	17%
Guilty of Lesser Offense	11%
Acquitted/Dismissed/Nolle Prossed	5%
Other	7%
<hr/>	
Assailant Deceased	20%
Killed by Other Person (justifiably)	9%
Committed Suicide	7%
Killed by Victim Officer	3%
Other	1%

The most lethal situations for officers are arrest situations. A study covering the period of 1993 - 2002 found that over 33 percent of officer murders took place during an arrest.

Most Lethal Situations for Officers

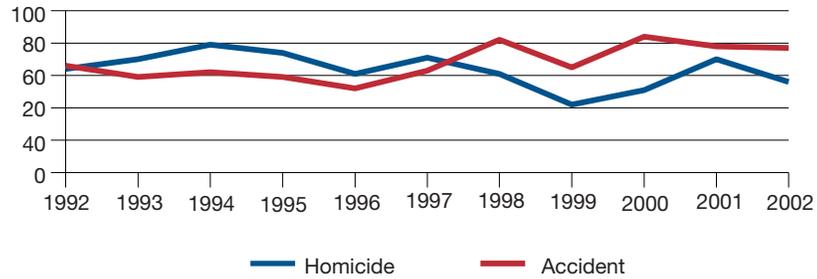
	Percent
Arrest Situations	34%
Investigating Suspicious Persons/Circumstances	16%
Disturbance Calls	15%
Traffic Pursuits/Stops	15%
Ambush Situations	15%
Other	6%

* Percentages do not add to 100 due to rounding error

Accidental officer deaths are as frequent as felonious killings

While accidental deaths of U.S. law enforcement officers are virtually as prevalent as homicides, the two show different trends over the past decade.

Law Enforcement Officer Deaths from Homicide or Accident in U.S.



Source: *FBI Law Enforcement Officers Killed and Assaulted, 2002*

By far, the leading causes of accidental officer deaths from 1993-2001 were vehicle-related, including automobile, motorcycle, and aircraft. Accidental shootings occurred relatively infrequently. The personal profiles of the officers killed accidentally during this period are nearly the same as those of feloniously killed officers.

Accidental Deaths of Officers in 2002 Causes

Causes	Percent
Automobile Accidents	56%
Struck by Vehicles	16%
Motorcycle Accidents	7%
Aircraft Accidents	8%
Accidental Shootings	4%
Other Accidents	8%

Source: *FBI Law Enforcement Officers Killed and Assaulted, 2002*

Ohio officers killed is similar to U.S. figures

Mirroring the nation’s totals, the number of Ohio’s law enforcement officers killed feloniously and accidentally during the 1993 – 2002 period was evenly split, with 21 homicide deaths, and 18 by accident. In 2001, five Ohio officers lost their lives, four accidentally, while in 2002 three officers were murdered and one accidental death occurred. During this ten-year period, only one year, 1999, reported no officer deaths.

Officer assaults reported for 2002

With approximately 75 percent of the jurisdictional population covered by the report, the FBI noted 58,066 assaults on officers in 2002. Eighty percent of these incidents involved “personal weapons” of the assailants, like hands or feet; and only five percent involved firearms or knives. Officer injury resulted in 28 percent of the incidents.

Only 12 percent of the firearm assaults on officers over the past ten years resulted in injury, compared to a 30 percent injury figure for assaults with personal weapons. However, when all attacks – murderous and assaulting – are taken together, firearms prove far more deadly. Twenty-six percent of all attacks on officers with firearms resulted in the officer's death in 2001, a figure that slips to 0.1 percent for knife attacks, 0.04 percent for attacks with other weapons, and zero percent for attacks with personal weapons. The ten years prior to and including 2002 saw firearms responsible for 591 of the 636 felonious fatalities (93 percent); and 75 percent of these involved handguns.

Ohio agencies reported 874 assaults on officers in 2002, a conservative number representing only about 66 percent of the state's jurisdictional population. The figure reflects a 43 percent drop from the 1,545 assaults reported in 2001, or more accurately, a 32 percent decrease when the smaller number of 2002 agencies is included.

Assaults on Officers by Type of Weapon for 2002

State ⁶⁷	Firearm	Knife/Cutting Instrument	Other Weapon	Personal Weapon	Total
OH	11	6	87	770	874
PA	146	26	279	1,917	2,368
KY	14	11	37	265	327
IN	33	13	68	1,100	1,214
MI	58	44	218	1,184	1,504

Source: *FBI Law Enforcement Officers Killed and Assaulted*

Most officer-community encounters involve traffic enforcement

In 1999, the Federal Bureau of Justice Statistics (BJS) completed a significant survey of U.S. citizens concerning the nature and perceptions of law enforcement-public encounters. Over 80,000 individuals age 16 and over were included in the survey, with the vast majority of these participants also involved in BJS' National Crime Victimization Survey as well. Fifty-two percent of respondents cited traffic stops as the reason for their law enforcement encounter(s) during calendar year 1999. Findings from the survey included:

- Of all driver characteristics, age proved the strongest predictor of law enforcement stops. Drivers ages 16 - 24 were nearly twice as likely to be stopped as would be anticipated based on population numbers alone. Among this age group, there was no significant difference in stop probabilities based on race; however, Blacks over age 24 were more likely to be stopped than Whites of the same age.

- Males were one and one-half times as likely to be stopped as females.
- Solid majorities of all racial, gender, and age groups believed law enforcement had a legitimate reason to stop them, and nearly all were given a reason for the stop. Blacks and Hispanics were less likely than Whites to believe that they had been stopped for a legitimate reason.
- Males ages 16-24 were at elevated probabilities for vehicle searches. Hispanics were more likely than other racial or ethnic groups to experience personal and vehicle searches.
- Among those arrested during stops there were no particular differences along racial or ethnic lines.
- Blacks and Hispanics were more likely than Whites to report perceptions of the threat or use of force during the incidents, as were males ages 16-24.⁶⁶

FROM THEORY TO PRACTICE

High Performance Policing for the 21st Century

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Most observers of law enforcement in the U.S. would agree that policing in America has improved significantly over the last ten years. Improved practices such as community oriented and problem oriented policing have resulted in better police-community collaboration and better resolution of problems. The advancement of law enforcement technology has given officers both better tools and better information to accomplish their duties. Despite these improvements, however, law enforcement and community leaders alike see the need for further development in the profession. With police agencies and local governments being faced with dwindling resources and restricted budgets, how can law enforcement agencies become more effective? In the 21st Century, increasing police performance may be less a factor of adding officers and equipment and initiating new programs, and more a matter of learning how to become more efficient with current resources.

In Mark Popovich's 1998 publication: *Creating High-Performance Government Organizations*, he defines high performance organizations as being places where, "Groups of employees produce desired goods or service at higher quality with the same or fewer resources. Their productivity and quality improve continuously, from day to day, week to week, year to year, leading to achievement of their mission." Creating a high-performance organization is not an effort to gain more resources, more personnel, and

an increased budget. Large increases in personnel and budget are unlikely for police agencies in most cities. Instead, it involves a systems approach of improving the organizational processes to improve outputs and outcomes. High-performance organizations, according to Popovich, "Are clear on their mission, define outcomes and focus on results, empower employees, motivate and inspire people to succeed, are flexible and adjust nimbly to new conditions, are competitive in terms of performance, restructure work processes to meet customer needs, and maintain communications with stakeholders." These traits are certainly consistent with community oriented policing, problem solving, and sound public sector performance.

What needs to happen in a police organization to acquire these traits of high performance? John Rau, with extensive experience as Dean of Indiana University's Business School, and CEO of Chicago's LaSalle National Bank, wrote, "Twenty years of lending to corporations led me to distinguish between the losers and those companies you never worry about . . . and most important, always pay you back." Rau himself identified the following seven characteristics of high performance organizations that are as applicable to law enforcement agencies as they are to private sector companies.

High performing companies are driven by leaders. Law enforcement agencies need to work at developing leaders. Good leaders need more than

the ability to pass promotional exams. They need good interpersonal skills, good decision-making skills, the capacity to develop their workers, and the ability to motivate those workers to effectively accomplish the agency's mission.

High performing companies relentlessly pursue a vision. Law enforcement agencies need to clearly establish their mission and communicate it both inside and outside the organization. Employees at all levels need to understand the mission and know how what they do contributes to mission accomplishment. Leaders and managers must be held accountable for using available resources to effectively accomplish organizational goals.

High performance companies are intense, performance driven and demanding. The rewards come from being a part of a winning institution. There is real accountability throughout the organization and the basic attitude that there are no excuses. While most law enforcement agencies rigidly hold members accountable for adherence to rules and procedures, often little else is measured or demanded. Rules and procedures are, of course, essential for policing in a democracy. Law enforcement agencies need to move beyond rule adherence, however, and identify what performance standards are important, how they contribute to the mission, and then demand accountability for those

standards. Serving citizens, solving their safety problems, effectively utilizing agency resources, and adhering to organizational values are at least as important as procedural compliance. Individuals should be working as a team, treating each other and the public with respect, and be truly committed to accomplishing the agency's goals. These qualities will likely produce effective police performance and job satisfaction if they become the norm within the organization.

High performance companies develop simple structures. Adherence to formal chains of command and centralized organizational structures often stifle decision-making and innovation of law enforcement agencies. Agencies must develop simpler structures and systems that decentralize decision-making, and foster innovation and involvement at lower levels of the agency. It's a challenging goal and a break with tradition, to be sure, but part of the price of high performance.

High performing companies provide world-class training. Such companies view education as a critical competitive weapon. Ongoing skill training occurs in almost every police organization. Most, however, would not call it world-class. More importantly, while skill development is important, most of what officers do day-to-day does not involve the use of force or taking official police action. Most of a typical

officer's time is spent communicating with and relating to others. These abilities become even more important as officers move into supervisory positions. Development of higher level skills of interpersonal effectiveness is the key to high performance, not enhanced technical skills. High performance requires proficiencies in interpersonal skills, goal setting, time management, problem solving, and team building, while still maintaining the technical competencies of law enforcement.

High performing companies value people skills. In the final analysis, most of what we do, in policing and life, involves relationships with others. The more effectively we interact with others, the more successful we become in accomplishing mutual goals and the more enjoyable our associations are. No single skill is more important for law enforcement officers and managers than the ability to relate effectively with others. Few agencies, however, provide training in this area, nor do most agencies require managers to possess or demonstrate these skills in their dealings with subordinates. The key to developing interpersonal skills within an agency is to both teach them and to require them of organizational leaders. Policing is a people business. Those doing it successfully need people skills.

High performing companies are entrepreneurial. What this says is that

the best big companies behave like small companies. Large organizations tend to be very bureaucratic and compartmentalized. This often results in ineffective communication, lack of shared vision, turf battles, and stifled innovation. Large police agencies usually become that way as a result of responding to increasing demands for their services. Growth in size, though, doesn't have to mean giving up the ability to respond to environmental changes, to take advantage of new technologies and information, or to foster a collaborative work culture. Leaders in larger police organizations need to work especially hard at developing the characteristics of high performance identified by Rau and discussed here. The higher level of resources and idea power in large agencies can be an advantage if properly applied.

As law enforcement agencies attempt to prepare themselves for the challenges of this new century and provide enhanced levels of public service, the concept of high performance becomes crucial. Becoming a high performance police agency does not necessarily require hiring more officers, buying more equipment, or inventing new programs. Police departments can be organizations that deliver on their mission, develop their people, and live up to the high expectations of the profession of law enforcement and the citizens they serve.

Ohio Law Enforcement Arrests in 2001

Offense	Arrests		Total
	Adults	Juveniles	
Murder	169	13	182
Rape	552	165	717
Robbery	2,087	460	2,547
Aggravated assault	6,981	981	7,962
Burglary	4,140	2,149	6,289
Larceny	19,685	7,713	27,398
Auto theft	1,097	972	2,069
Arson	199	216	415
Other assaults	22,415	7,275	29,690
Forgery/Counterfeiting	2,216	94	2,310
Fraud	3,906	84	3,990
Embezzlement	278	150	428
Stolen property (buy, receive, possess)	3,740	1,343	5,083
Vandalism	2,693	2,375	5,068
Weapons (carry, possess)	2,886	662	3,548
Prostitution	2,518	33	2,551
Other sex offenses	1,434	346	1,780
Drug abuse	21,379	3,474	24,853
Gambling	421	12	433
Offenses against family and children	14,765	1,657	16,422
Driving under the influence	23,722	353	24,075
Liquor laws	14,306	3,825	18,131
Drunkenness	9,213	280	9,493
Disorderly conduct	13,584	3,648	17,232
Vagrancy	864	86	950
All other offenses (except traffic)	73,574	16,982	90,556
Suspicion	157	62	219
Curfew and loitering law violations		3,818	3,818
Runaways		2,156	2,156
Total	248,081	61,384	310,365

*Figures represent 400, of approximately 915 total, Ohio agencies reporting data in 2001

Source: *FBI Uniform Crime Report Ohio Data, 2001*

Arrest clearance rates vary across types of crime

Among crimes known to law enforcement, murder is the most likely to be cleared by arrest or by exceptional means.⁶⁷ Burglary is the least likely type of crime to be cleared.

Percentage of Clearances, by Geographic Region in 2002

Crimes	Northeast	Midwest	South	West	U.S. Total
Violent Crime	52%	43%	47%	46%	47%
Murder	74%	56%	67%	58%	64%
Rape	51%	39%	48%	40%	44%
Robbery	31%	22%	26%	25%	26%
Aggravated Assault	65%	53%	56%	56%	56%
Property Crime	21%	16%	17%	15%	16%
Burglary	18%	11%	13%	12%	13%
Larceny/Theft	23%	17%	18%	17%	18%
Auto Theft	16%	15%	16%	11%	14%
Arson	20%	15%	19%	14%	16%

Source: *FBI Crime in the United States, 2002*

Law enforcement officers in public schools

Even before the string of school violence incidents over the last decade, public schools were beginning to bring officers into their halls on a routine basis. This considerable time commitment of law enforcement in schools provides an increased sense of security, and direct interaction, with the very population representing disproportionate numbers of both crime victims and offenders: teenagers.

Between 1996 and 1998 the Ohio Office of Criminal Justice Services conducted two major surveys of the School Resource Officer (SRO) initiative in Toledo's junior and senior high schools, including responses from 3,000 students, teachers, administrators and other school staff, and officers themselves. The results of the survey strongly suggest that far from being an intrusive presence in the school setting, a uniformed, and even armed, officer can be a very effective and accepted part of the daily educational environment. Survey responses illustrate the possibilities of this unique law enforcement role.

Perceptions of School Resource Officers in 1998

Perception	Students*		Teachers		Administrators	
	Strongly Agree	Agree	Strongly Agree	Agree	Strongly Agree	Agree
I feel safer with a police officer present.	23%	38%	52%	37%	87%	13%
Since a police officer has been present, there have been fewer violent incidents at school.*	9%	28%	29%	36%	67%	20%
The number of outside trespassers in my building has been reduced since a police officer has been at the school.*	12%	23%	26%	41%	53%	27
The presence of a police officer makes me feel uneasy or scared.*	4%	8%	2%	4%	0	0
The school officer seems as natural a part of the school as the teachers and students.	27%	44%	51%	37%	64%	36%

* A plurality of the students answered "undecided" to the second and third questions. The vast majority of all four groups responded negatively to the fourth question.

Source: *OCJS School Officer Survey*

FROM THEORY TO PRACTICE

Multijurisdictional Drug Task Forces in Ohio

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Over time, law enforcement organizations have invested significant resources in a variety of strategies aimed at arresting drug users and sellers and ultimately disrupting their markets. Traditionally, drug enforcement activities were developed and implemented by officers within one police agency or members of a single department's drug unit. In the early 1980's, significant resources were dedicated to the creation of multijurisdictional drug task forces as law enforcement officials recognized that drug markets and drug law offenders often operate across jurisdictional boundaries. Since then, the U.S. Bureau of Justice Assistance, through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, has funded the creation and maintenance of drug task forces in every state, including Ohio.

Drug task forces are organizations created for the sole purpose of increasing the enforcement of drug laws. A primary objective of drug task forces is to coordinate resources and activities of multiple agencies in an effort to accumulate the evidence needed to arrest and prosecute drug users and dealers. Coordination involves organizing the drug enforcement efforts of agencies serving different jurisdictions. A second objective, intimately related to coordination, is increased communication across jurisdictional boundaries. The basic underlying premise of drug task forces is that increased cross-jurisdictional

communication and cooperation will increase the production of drug enforcement outputs such as arrests and seizures. (McGarrell and Schlegel 1993).

Organizationally, Ohio's 28 multi-jurisdictional drug task forces (the number active at the time of the 1998 study) differ along several dimensions. The implementing agency responsible for coordinating task force activities for a majority of Ohio task forces is the county sheriff's office, followed by municipal police departments and then county prosecutors. The number of counties served by a task force ranged between one and eight, with the modal number of counties being one. The number of participating city, county, and state agencies in a task force ranged from 5 to 37, though the average task force is comprised of 12 member agencies. Thirty-eight percent of the task forces served jurisdictions that are a mixture of rural and urban areas, while 31 percent are in rural areas, 21 percent in urban areas, and 10 percent in suburban communities.

Task forces are generally decentralized with the day-to-day operations directed by a task force commander. By and large, they use traditional methods of drug enforcement with the added benefit of information sharing between agencies, increased resources, and the ability to cross jurisdictional boundaries. A survey of drug task force commanders indicated that they focus on street-level and upper-level traffickers and dealers, though most

place a greater emphasis on upper-level sellers.

Recent findings indicate that task force commanders in Ohio believe their task forces are effective in regulating the sale and distribution of drugs. Task forces that enjoy more involvement in decision-making by participating agencies also have correspondingly higher levels of perceived effectiveness. A significant relationship was also found involving commander perceptions of increased communication and cooperation and perceptions of effectiveness. In summary, task forces which are more democratic, with individuals at all levels of the organization participating in decision making, and drug units where information flows more freely among participants are perceived as more effective.

Survey responses of agencies that participate in drug task forces and agencies that do not were recently compared to determine whether they differ as to perceptions of effectiveness of drug enforcement activities. Task force member agencies reported communicating with other criminal justice agencies a greater number of times than did non-task force agencies, and this communication was more likely to be with local criminal justice agencies than state or federal agencies. Membership in a task force was also related to ratings of quality of drug arrests. In other words, members of task forces rated the quality of their drug enforcement efforts higher than

did agencies not participating in these cooperative drug enforcement efforts. Participating agencies also were satisfied with the various dimensions of the drug task force, including task force goals, composition, structure, and their involvement and resource allocation. Multijurisdictional drug task force members perceived that the task force process positively influenced their exchange of drug-related information and the task force system was effective in developing higher-quality drug cases.

In 1994, it was noted that Ohio task forces were meeting the Byrne goals of increased investigations and arrests of multijurisdictional drug traffickers (OCJS, 1994). Member agencies continue to believe they are more effective than single agency drug enforcement efforts. Preliminary studies therefore suggest that task forces are a promising strategy for dealing with cross-jurisdictional drug law violations. However, several issues still need to be addressed because of the substantial federal, state, and local resources invested annually in drug task force activities. For example, are drug task forces more successful in handling cross-jurisdictional cases than other organizational arrangements? Are drug task forces more successful in arresting and prosecuting upper-level traffickers? And, has membership on a task force increased the effectiveness of member agencies? Is membership in a task force related to better quality arrests?

Community policing in Ohio

Eight years ago the second edition of this *State of Crime and Criminal Justice in Ohio* noted that community policing (COP) was the wave of the future in law enforcement. Since the last *State of Crime*, the federal Community Oriented Policing Services Office has provided resources to promote the philosophy nationwide; the ambitious program to put 100,000 new law enforcement officers on the streets in the 1990's was tied directly to COP principles. Today in Ohio, many, if not most, agencies subscribe to some aspect of community policing.

The national Community Policing Consortium describes COP as “a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems.” Furthermore, COP works by “combining the efforts and resources of the police, local government, and community members.” Whatever else COP may mean it clearly centers on the expanding and collaborative roles of the community, the neighborhood officer, and agencies of government not traditionally associated with law enforcement.

Although community policing clearly distinguishes itself as a philosophy, and not just another program, agencies often claim a COP orientation based on creating a bicycle patrol, freeing officers from some of their dispatch obligations, or referring citizens to social service agencies for help. While these are meaningful COP initiatives in themselves, they do not ensure the most important tenet of COP: meaningful community involvement in identifying and solving crime problems.

Ohio law enforcement executives and COP

Frequency and importance ratings suggest that most Ohio officers are not yet fully engaged in COP, but their chiefs and sheriffs reflect a commitment to the concept. OCJS Ohio Peace Officer Task Analysis response averages from the 1,475 officers surveyed indicated fairly minimal importance, and even less frequency, for several of the tasks often associated with COP. The “Community Interaction” task segment of the analysis drew the lowest importance ratings of the 12 areas queried, and the lowest of any segment in all five of the survey sections. The 119 chiefs of police participating in the survey, however, gave significantly higher importance ratings to COP tasks, and in general rated this category higher than most of the other task categories. Several possibilities suggest themselves for these differences; necessarily the chief must be sensitive to corporate community voices. Likewise, officers will be more concerned with job logistics that are primarily oriented along traditional law enforcement lines.

Importance of COP in Task Analysis

	IMPORTANCE		FREQUENCY	
	0	Not part of job	0	Never done
	1	Not important	1	Once a year/less
	2	Minor importance	2	Several times a year
	3	Important	3	Monthly
	4	Very important	4	Weekly
	5	Critically important	5	Daily

	Importance Average		Frequency Average
	All Officers	Police Chiefs	All Officers
Conduct community relations programs (e.g., attend blockwatch meetings, teach DARE classes)	2.420	3.353	1.346
Employ alternative patrol techniques (e.g., foot, bicycle, watercraft)	2.378	2.647	1.615
Interact with citizens (e.g., deliver messages, check on well-being, give directions)	3.258	3.311	3.564
Survey citizens to determine neighborhood problem priorities	2.207	3.134	1.274
Develop problem-solving plans to address neighborhood problem priorities	2.357	3.471	1.214
Work with other service agencies to address community problems (e.g., children services, zoning board)	2.523	3.445	1.601

Source: *OCJS Task Analysis, 2003*

As law enforcement is discovering, community surveys can be an important indicator of citizen input regarding crime priorities in the neighborhood. Another critical task toward implementing COP to reduce and prevent crime is the development of problem solving plans. POP, Problem-Oriented Policing, is a method of utilizing the principles of COP to target specific community safety issues by 1) partnering with the community to both identify and solve specific problems; 2) marshalling all necessary resources, including nontraditional law enforcement sources, to address the problem; and 3) allowing patrol level officers discretionary latitude beyond traditional limits.⁶⁸

How COP worked in Toledo

One of the nation's more aggressive assessments of COP began in 1996 in Toledo, Ohio. Focusing particularly on community partnerships and multi-governmental resources, the three-year study specifically targeted an inner-city residential neighborhood known as *BUMA*, for the four streets bordering the area. A

comprehensive citizen attitude survey was first conducted to supplement input generated at several public meetings attended by community and law enforcement representatives. Although expensive and logistically challenging in an area with only a few thousand residents, the telephone survey ensured that the entire community would be represented in the residents' top safety concerns. Among 15 crime and safety issues typical for an inner-city neighborhood such as BUMA, including stolen cars, gangs, vandalism, burglaries, assaults and robberies, the top three safety concerns were:

- Garbage and litter in the streets
- Rundown property
- People selling drugs

At the bottom of the list, and of least concern, was "attacks and robberies." These resident responses reflected what "Broken Windows" crime theorists suggested 20 years ago: crime follows disorder, not the other way around. The apparent unconcern for quality of life concerns, coupled with the criminal opportunity afforded by vacant houses, suggested to residents a far greater threat than specific criminal incidents. With this critical information, BUMA COP planners, including residents and Toledo's Nuisance Abatement Division, designed a neighborhood refurbishing project that was among the most aggressive the city had seen in years. In 1997, ten rundown structures identified by the COP planners were destroyed in a six-month period, representing virtually half of all demolitions carried out during that period in a 7-census tract area including BUMA.

Two measures hint at the possible impact of the BUMA demolition program. The first is the level of calls and complaints received by the police during the period of greatest nuisance abatement activity: the calls and complaints were at their lowest during the project impact period.

BUMA Calls/Complaints

Time Period	Number of Calls
1995	
Jan.- June	1,451
July- Dec	1,659
1996	
Jan.- June	1,451
July- Dec	1,402
1997	
Jan.- June	1,227
July- Dec	1,347

A second measure reflected attitude or fear shifts from 1996 – 1998 when a follow-up survey was administered to BUMA residents. Foremost among the shifts were changes in the ranking of safety issues. The demolition project initiated by the COP planners appeared to have at least partly alleviated resident concerns about BUMA's deterioration image.

BUMA Residents Perception of Importance

Problem	Severity ranking	
	1996	1998
Litter in streets	1	5
Run-down property	2	4
People selling drugs	3	2
Youths hanging out	4	3
People using drugs	5	1

There were several other questions aimed at measuring attitude shifts during the project period. Again, the results do not translate into absolute correlations – comparison neighborhoods tended toward similar though less pronounced trends – but the shifts are notable.

BUMA Residents Perception of Neighborhood

	June 1996	June 1998
Better	18%	23%
Gotten worse	32%	14%
About the same	49%	61%
Don't know	1%	0%

FROM THEORY TO PRACTICE

Agency Factors Influencing COP Implementation

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During the past few decades, the use of community policing (COP) has proliferated throughout American policing. Despite numerous case studies there is very little empirical evidence as to how implementation varies among police agencies. The research described here not only assessed the effects of the agency organizational context, structure and commitment on COP implementation, but also explored the relationships among these various factors.

The research drew upon data from the 1997 Law Enforcement Management and Administrative Statistics (LEMAS) survey; the 1990 U.S. Decennial Census; organizational surveys conducted by Edward Maguire and William King—two well-known police organizational scholars; and the federal Office of Community-Oriented Policing Services. Merging these data created a sample of 401 large municipal police organizations that comprises approximately 83 percent of the total number of such agencies in the United States.

Concern about traditional measures of COP implementation that were generally simplistic and overly reliant on agencies' claims of implementation led to a new measure that pooled information regarding the extent to which each police organization engaged in multiple COP-like activities, including: interacting with citizens by training them in COP, conducting citizen surveys, and meeting with community groups; fixing patrol and detective functions

geographically; engaging in problem-solving; employing community-oriented patrols; utilizing citizen surveys for multiple purposes; and sharing information via mapping crime statistics, making the statistics available in multiple levels and forums, and maintaining an official website.

The measure revealed that organizational commitment to COP had the largest influence on COP implementation. The strongest factors influencing COP implementation were:

- Organizational commitment
- Formalization of organizational policies
- Geographic region
- Income heterogeneity of the community
- Number of functional units in the police organization
- Police chief turnover
- Population mobility in the community
- Centralization of decision-making within the police organization
- Funding to facilitate COP

Interestingly, funding to assist COP efforts, while statistically significant, was not substantively significant, which suggests funding is not a panacea to facilitate COP. Furthermore, organizational structure did not maintain a pervasive role in COP implementation, but the relationships that do exist indicate that mechanistic-type structures, that is bureaucratic and complex, coincide with greater COP implementation.

Several contextual and structural variables have no direct association with COP implementation but nonetheless exhibit an indirect effect on COP implementation through the various relationships with other determining factors. Notably, hierarchical (extent of rank structure) and spatial (number of stations and beats) differentiation did not directly impact COP implementation, but the organizational context explained a fairly large proportion of the variance in these variables. Despite popular belief, these findings coupled together indicate that making arbitrary changes in spatial and hierarchical differentiation to facilitate COP implementation will not only have little effect on COP implementation, but may make the organization less able to respond to the organizational context.

Within this sample of data were nine police organizations in Ohio. On average in 1997, Ohio agencies implemented COP at a level not statistically different from the national average. In other words, overall, Ohio did not appear to either “lead” or “lag” the average implementation of COP by large municipal police organizations in the country. It is illustrative to break the COP implementation measure into its component parts to ascertain the sort of activities in which the Ohio agencies engaged. Out of these nine police organizations, the data indicate:

- Five trained new recruits in COP, 7 trained in-service sworn officers in COP, 1 trained civilian personnel in COP, and 8 trained citizens in COP
- Eight implemented COP through a full-time unit, and one assigned personnel (without a formal unit) to implement COP
- Eight maintained a formally written COP plan
- Six mapped crime data, four provided more than one way for citizens to access crime data (e.g., internet, newspaper), and five offered more than one level by which citizens could obtain crime data (e.g., city, neighborhood)
- Five maintained an official website
- All engaged in fixed assignment for either patrol or detective functions or both
- Five either encouraged patrol officers to engage in problem solving, included problem solving in the evaluation of patrol officers, formed formal problem solving partnerships with the community, or employed a combination of these activities
- Five surveyed citizens to obtain information, and three utilized this information for more than one purpose (e.g., allocating resources, prioritizing problems)
- All met with more than one community group to address crime-related problems
- The average amount of funding each agency received as of June 30, 1997 from the Office of Community-Oriented Policing Services to facilitate the implementation of COP was \$2,538,109 (the least amount received was \$244,751, while the most received was \$6,028,863).

ENDNOTES

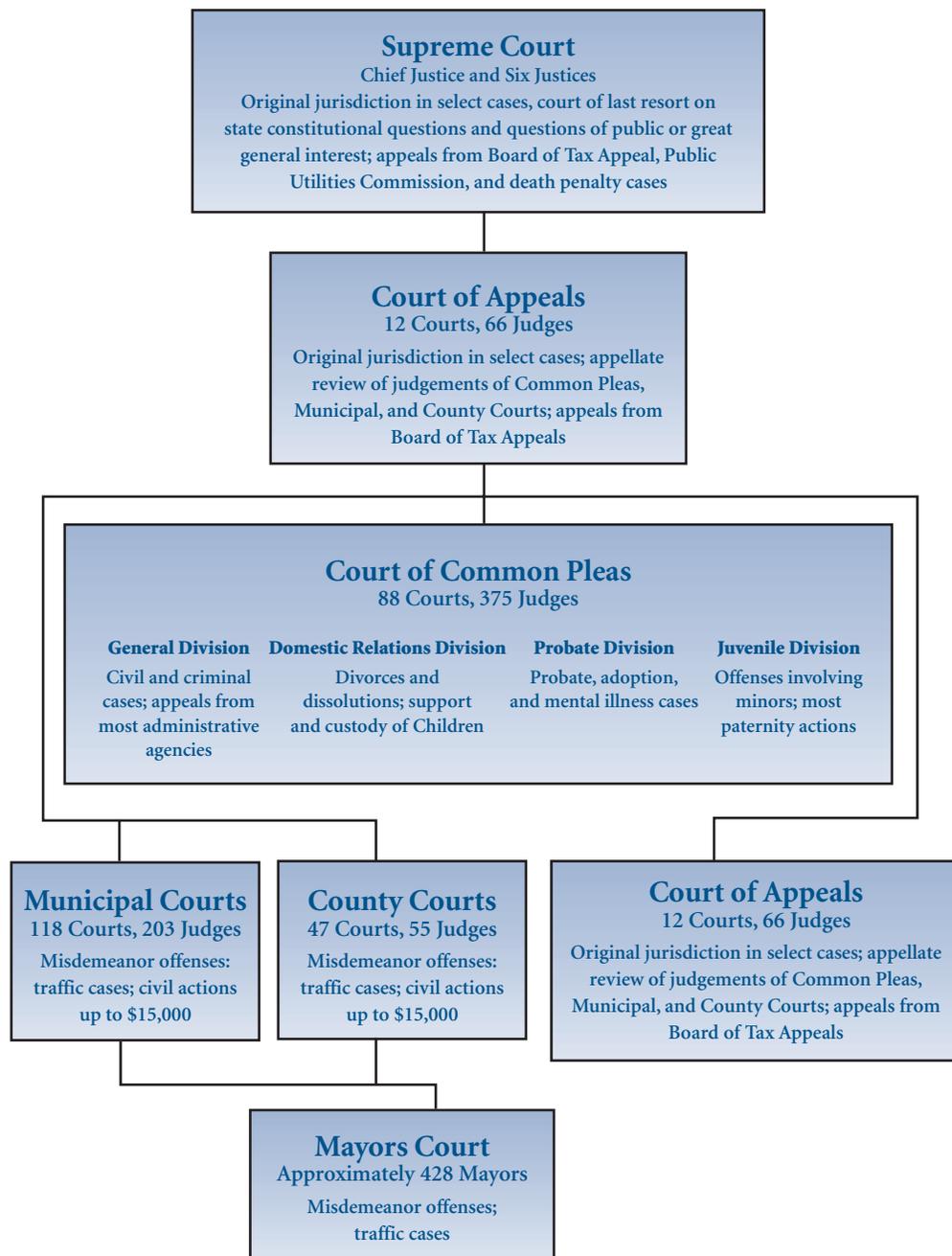
- ⁶⁰ Brian A. Reaves and Matthew J. Hickman, “Census of State and Local Law Enforcement Agencies, 2000” (Washington, D.C.: Bureau of Justice Statistics, October, 2002).
- ⁶¹ *Crime in the United States, 2002* (Washington, D.C.: FBI, October, 2003), Tables 77 and 78.
- ⁶² The actual number of Ohio law enforcement officers at any given time is uncertain. While the BJS census listed 25,082 full-time Ohio officers in 845 agencies in 2000, including the Highway Patrol and other special agencies, OPOTC figures indicated 24,976 full-time sworn officers in 977 agencies in 2002. It is possible that OPOTC focuses more on police departments and sheriff offices, while BJS data reflects the various types of agencies and officers.
- ⁶³ Conser, James A., and Boggs, Paula, “Ohio’s Peace Officer Community: Recent Baseline Data Developments, *Ohio Police Chief*, (2003).
- ⁶⁴ *Law Enforcement Officers Killed and Assaulted 2002* (Washington, D.C.: FBI, 2003).
- ⁶⁵ West Virginia data not available in this publication.
- ⁶⁶ Erica Leah Schmitt, Patrick A. Langan and Matthew R. Durose, “Characteristics of Drivers Stopped by Police, 1999” (Washington, D.C.: Bureau of Justice Statistics, March, 2002).
- ⁶⁷ This category includes cases in which the identity and whereabouts of the suspect are known to the police, but an arrest is precluded by special circumstances (e.g., suspect is dead, being held in another jurisdiction, etc.)
- ⁶⁸ The late Robert Trojanowicz is viewed as the leading developer of COP, while Herman Goldstein is generally credited with the development of POP.

COURTS

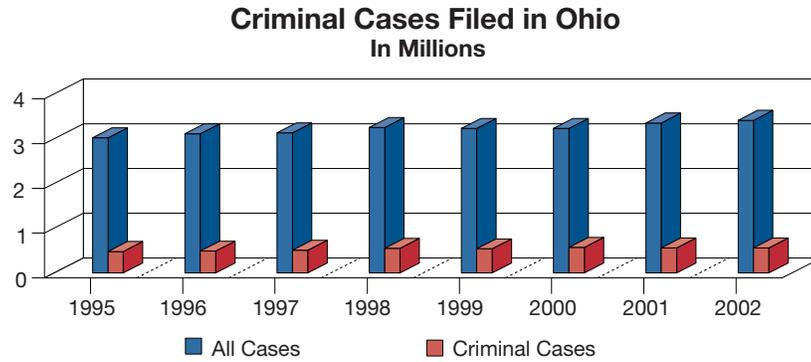
DIANA RAMOS-REARDON, M.P.A., J.D.
AUTHOR

The role of courts in Ohio's justice system

Ensuring the checks and balances of a democratic process, Article IV Section 1 of the Ohio Constitution defines the structure of the state's courts and selection of judges. To preserve judicial integrity and fairness, Ohio's court system includes a multi-level review or appellate process. The Ohio General Assembly, as allowed by the state's Constitution, later expanded the court system by statutorily creating municipal, county, and mayors courts.



A comprehensive review of cases flowing through Ohio’s court system reveals that Ohio experienced a 13 percent increase in the number of new cases, including civil actions, filed in the state’s courts over an eight-year period. New criminal filings, both felonies and misdemeanors, constituted 16 percent of the overall volume of cases. The state experienced modest increases in new criminal case filings from 1996 – 1998, which leveled off in 2000.



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

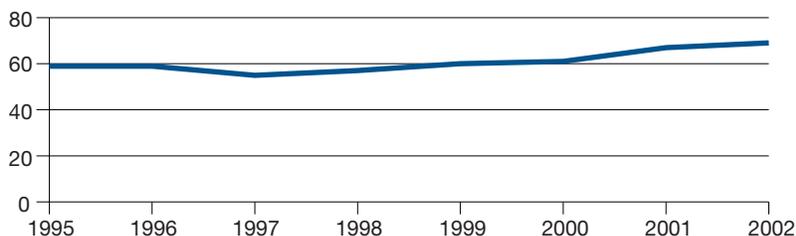
Common pleas courts have jurisdiction over criminal felonies

Depending on the severity of the charge, a criminal case may come before a common pleas, municipal, or county court in Ohio. There is one common pleas court in every one of Ohio’s 88 counties. Common pleas judges are elected in odd-numbered years for a six-year term on a non-partisan ballot.

Common pleas courts are the only trial courts created by the Ohio Constitution, which also permits the creation of specialized divisions within the courts as necessary. The General Assembly has created four specialized divisions: General; Domestic Relations; Probate; and Juvenile. Most Ohio counties, with the exception of Adams, Henry, Morgan, Morrow, Noble, and Wyandot, have at least one specialized division.

Common pleas courts have original jurisdiction, or authority to rule on a case in the first instance, over all felony level criminal matters as well as over civil matters where the amount at issue “exceeds the exclusive original jurisdiction of county courts and appellate jurisdiction from the decisions of boards of county commissioners.”⁶⁹ Felony level criminal cases are heard in the General Division. Since 1997, Ohio has experienced a steady increase in the number of new felony cases filed.

Felony Cases Filed in Common Pleas Court in Ohio In Thousands

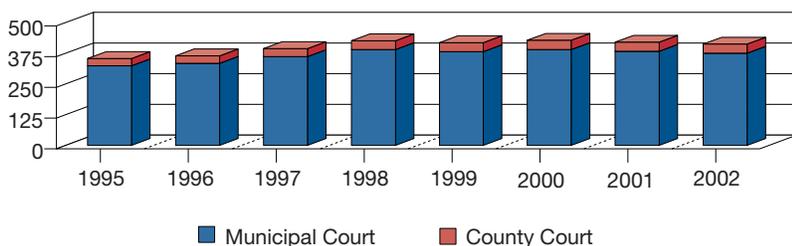


Source: Supreme Court of Ohio, Ohio Courts Summary, 1995 - 2002

Municipal and county courts have jurisdiction over misdemeanors

Ohio’s municipal and county courts are statutorily created, with the Legislature specifying in which municipal corporations municipal courts should be established. The General Assembly has further specified that county courts be established in counties where a municipal court does not exist, or where the territorial jurisdiction of the municipal court(s) in the county is not coextensive with the boundaries of the county.⁷⁰ These courts have original jurisdiction over criminal misdemeanors; conduct preliminary hearings in felony cases; bind over defendants to common pleas court; and hear civil matters where the amount in question does not exceed \$15,000. Similar to common pleas judges, municipal and county court judges are elected for a six-year term on a non-partisan ballot.

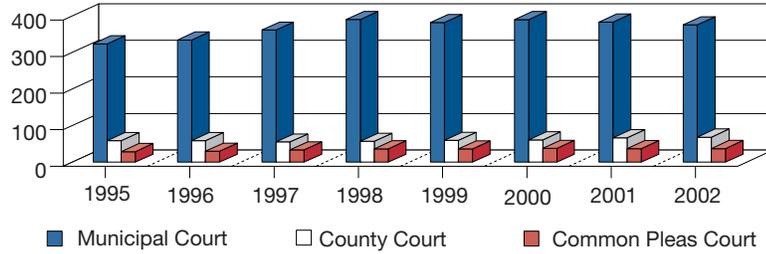
Misdemeanor Cases Filed in Municipal and County Courts in Ohio In Thousands



Source: Supreme Court of Ohio, Ohio Courts Summary, 1999 - 2002

In the last few years, Ohio has experienced a slight increase in the number of new criminal cases filed in common pleas, county, and municipal courts. While municipal and county courts had six times more new criminal cases filed than common pleas courts in 2002, criminal cases constituted less than 20 percent of the new cases filed in municipal courts, and approximately 14 percent of those filed in county courts. In contrast, criminal cases account for approximately 36 percent of all new cases filed in the courts of common pleas general division.

Municipal, County, and Common Pleas Courts Filings in Ohio In Thousands

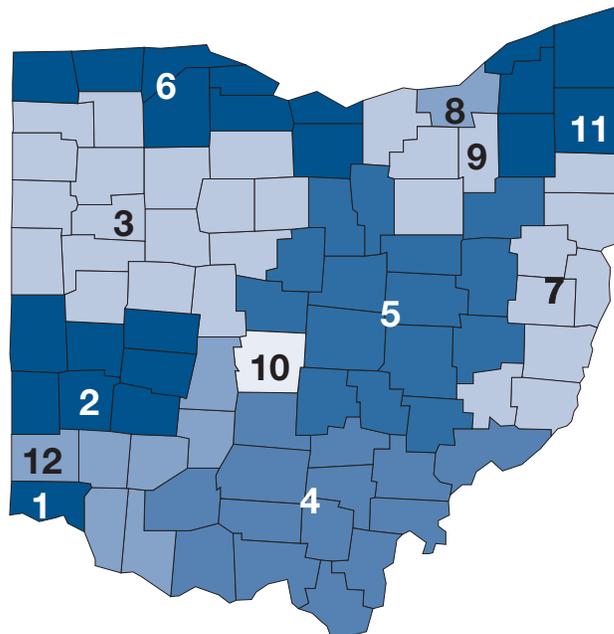


Source: Supreme Court of Ohio, Ohio Courts Summary, 1999 - 2002

Courts of appeal serve an intermediate court function

Ohio is divided into twelve appellate districts, with a court of appeals located in each district. Serving as the intermediate appellate body between trial courts and the Supreme Court of Ohio, courts of appeal have original jurisdiction over cases providing certain remedies, most notably the *writ of habeas corpus*, or a complaint alleging unlawful imprisonment or commitment; final orders or judgments of inferior state courts – common pleas, municipal, and county – when allowed by law; and final orders or actions of state administrative officers or agencies. Courts of appeal do not have jurisdiction over appeals arising from death penalty judgments, which are made directly to the state Supreme Court. A three-judge panel presides over these appeal cases, with judges elected for a six-year term on a non-partisan ballot in even-numbered years.

Court of Appeals Districts in Ohio for 2002



Source: Ohio Revised Code Section 2501.01

The Supreme Court of Ohio is the court of last resort

Article IV of the Ohio Constitution establishes the Supreme Court as having jurisdiction over cases involving specific remedies including the *writ of habeas corpus*; interpretation of the state Constitution; questions of public or great general interest; death penalty case appeals; and conflicting decisions on similar issues from courts of appeal. The Court also has jurisdiction over all court administration through the Rules of Court Superintendence, and matters affecting the legal profession, such as admission to practice law and attorney disciplinary grievance hearings. The Supreme Court is also responsible for issuing *Ohio's Rules of Criminal Procedures*, guidelines for criminal trials that carry the force of law.

The Ohio Constitution provides for a Chief Justice and six justices for its Supreme Court. Justices are elected statewide for a six-year term in even-numbered years on a non-partisan ballot. Justices must be admitted to the practice of law in Ohio and have practiced law for at least six years prior to their election.

The Supreme Court of Ohio	
Chief Justice Thomas J. Moyer Term expires: 2004	
Justice Paul E. Pfeifer Term expires: 2004	Justice Francis E. Sweeney Term expires: 2004
Justice Evelyn Lundberg Stratton Term expires: 2008	Justice Alice Robie Resnick Term expires: 2006
Justice Maureen O'Connor Term expires: 2008	Justice Terrence O'Donnell <i>Appointed by Governor Taft to fill Justice Deborah Cook's seat until 2004</i>

A judge signals the impartiality of the proceeding

In 2002, there were 708 elected judges in Ohio, including its seven Supreme Court justices. The principal duty of judges is to ensure the fairness of the trial by ruling on questions of law; deciding on the admissibility of evidence; overseeing the proper questioning of witnesses; guiding the trial procedure; and sentencing. Judges are guided in the sentencing process by the trial jury's recommendations, or by unanimous agreement of a three-judge panel if the defendant waived the right to a jury trial,⁷¹ in cases where the sentence imposed is death; life imprisonment without the possibility of parole; life imprisonment with the possibility of parole after 25 full years served; or life imprisonment with the possibility of parole after 30 full years served.

Recognizing the extensive authority given to judges by the legal system, a growing movement in the 1970's began to examine the fairness of sentences. *Truth-in-sentencing* noted both the inconsistency of criminal sentences for similarly situated offenders, and the parole board's discretion over offenders' early release. As a

result of the movement’s efforts, the Ohio Legislature overhauled the criminal felony sentencing law in 1996 and instituted *guided sentencing* principles.

Prior to truth-in-sentencing, Ohio judges worked from two paradigms when imposing sentences: *indeterminate* sentencing for violent offenders and *determinate*, or flat time, sentencing for non-violent offenders. Non-violent offenders were released without community supervision after serving a minimum of their sentence, while violent offenders relied on the Ohio Department of Rehabilitation and Correction’s Parole Board to determine the length of their incarceration. Once the judge imposed the sentence, the offender was unlikely to have any other contact with the sentencing judge.

In contrast, Ohio’s current guided sentencing requires judges to impose a specific sentence of time to be served rather than maximum or minimum sentences. Judges may take into account the frequency and gravity of offenses during sentencing, with the presumption that minimum sentences be imposed for first time offenders. Another major change of the current law eliminated the Parole Board’s ability to grant early release, vesting the authority through *judicial*

Felony Sentencing Table						
Felony Level	Sentencing Guidance §2929.13(B)-(E)	Prison Terms §2929.14(A)	Maximum Fine §2929.18 (A)(2) & (3)	Repeat Violent Offender Enhancement §2929.14(D)(2)	Post-Release Control Required? §2967.28 (B) & (C)	Post-Release Control Period §2967.28(B) & (D)(2)
F-1	Presumption for prison. Also applies to “in favor” drug offenses	3, 4, 5, 6, 7, 8, 9, or 10 years	\$20,000	1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 years	Yes	5 years, no reduction
F-2	No guidance other than purposes and principals. Also applies to “Div.(C)” drug offenses	2, 3, 4, 5, 6, 7, or 8 years	\$15,000	For F-2 involving attempted serious harm or for involuntary manslaughter: 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 years; otherwise none	Yes if sex or violent offense; otherwise optional	If sex offense, 5 years, no reduction; otherwise, 3 years, reducible by Parole Board
F-3	If any of 9 factors and not amenable to other sanction(s), guidance for prison.	1, 2, 3, 4, or 5 years	\$10,000	None	Yes if sex offense; otherwise optional	
F-4	If none of 9 factors, guidance against prison. Also applies to “Div. (B)” drug offenses	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months	\$5,000			
F-5		6, 7, 8, 9, 10, 11, or 12 months	\$2,500			

Source: Ohio Criminal Sentencing Commission

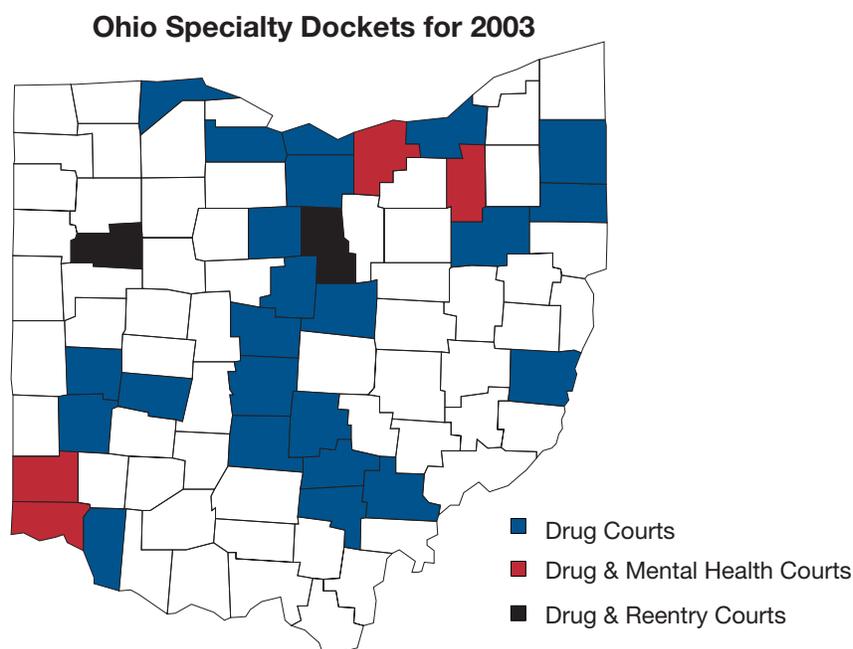
release⁷² in the sentencing court. Ultimately, judges must meet the overriding purpose of the felony sentencing laws: “to protect the public from future crime by the offender and others, and to punish the offender.”⁷³

Ohio’s specialty dockets

The judge’s traditionally well-defined role has evolved as the legal system has become increasingly involved in behavioral treatment for offenders.⁷⁴ This new trend is exemplified in the development of drug treatment, mental health, and reentry courts, or *specialty dockets*. Although mental health courts and reentry courts are developing across the state, Ohio has the longest experience with its many drug courts.

Drug courts have established a system that allows judges, in collaboration with treatment providers, to design individualized plans to divert low-level drug offenders from prison. Since 1995, over 40 drug courts in approximately 25 counties have emerged in Ohio. Beyond this growth, however, the question remained: do drug courts lower recidivism?

Research conducted by the University of Cincinnati (UC) in 2002 affirmed the effectiveness of this judicial treatment model, finding that 68 percent of drug court participants in common pleas courts did not reoffend in two years – a 19 percent decrease compared to offenders receiving conventional sentences. The UC study noted a similar result for drug courts in municipal courts, with over 50 percent of those drug court participants remaining crime free in two years.⁷⁵



Source: Supreme Court of Ohio

FROM THEORY TO PRACTICE

Specialized Dockets in the Ohio Judicial System

Melissa A. Knopp, Esq.

*Program Manager for
Specialized Dockets*

The Supreme Court
of Ohio

History of *Specialized Dockets*. The concept of coordinating and integrating treatment services with intensive monitoring in the criminal justice system is based on the specialized docket model. The specialized docket model was developed in 1989 with the establishment of the drug court in Broward County, Florida. The basic premise of the drug court program was to develop community collaborations for a complete system approach in handling cases with the highest rates of recidivism. By providing wrap-around treatment services, intensive monitoring of offender progress, and immediate sanctions when offenders failed to follow terms of probation or treatment protocols, the Broward County Court found that offenders not only successfully completed requirements of probation, but also had a lower rate of recidivism.

Ohio Background of Specialized Dockets. In Ohio, Hamilton County was first to utilize the specialized docket model with the creation of its drug court program in 1995. The authority for an Ohio court to create a specialized docket is based on the superintendence power delegated to the Supreme Court in the Ohio Constitution. Article IV, Section 5(A)(1) of the Ohio Constitution charges the Supreme Court of Ohio, and the Chief Justice specifically, with general superintending power of the courts. To this end, the Constitution directs the Supreme Court to promulgate rules. In order to fulfill the mandate of the Ohio Constitution, the Supreme Court has promulgated the Rules of Superintendence for the Courts of Ohio with the stated purpose of serving the public interest that mandates prompt disposition of all cases, at all times, in all courts of this state.

According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) and (C) allows courts and judges the flexibility to create “particular sessions” or “specialized dockets” for cases involving the same subject-matter as long as the basic criteria outlined in the rule are met for the type of case involved. Based on the authority granted to courts in Superintendence Rule 36, trial courts in Ohio have created specialized dockets for the highest recidivating offenders to address such collateral issues as substance abuse, mental health, and domestic violence.

Supreme Court of Ohio Involvement. The Supreme Court of Ohio has been a staunch supporter of the development of specialized dockets in Ohio trial courts. The Supreme Court has promoted the creation of these dockets primarily through offering technical assistance in developing community collaborations to create a continuum of services to address offenders’ needs. In addition, the Supreme Court has developed, funded, and hosted training events both statewide and in individual communities for key personnel and stakeholders involved with the specialized docket programs. The key to the Supreme Court’s success in the specialized docket area has been its collaboration and partnership with key state stakeholders, such as the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Department of Job and Family Services, the Ohio Department of Mental Health, the Ohio Judicial Conference, and the Ohio Office of Criminal Justice Services.

Prosecutors represent the interests of society as a whole

Authorized by law to represent their community in all complaints, suits, and controversies in their jurisdiction,⁷⁶ prosecutors are responsible for investigating criminal violations, determining appropriate charges, and negotiating plea bargains. Cases not resolved through plea bargaining are litigated by prosecutors who carry the burden of proving a defendant *guilty beyond a reasonable doubt*, a protection afforded by the U.S. Constitution's due process clause.

A national survey of prosecutorial functions in general jurisdictions, similar to those of Ohio's common pleas courts, was conducted by the U.S. Department of Justice in 2001. Survey results indicated that 96 percent of prosecutor's offices prosecuted domestic violence cases, and 93 percent of the offices prosecuted child abuse cases.⁷⁷ Prosecutor's offices in large communities were more likely to prosecute special felonies than those in smaller communities. For example, only 18 percent of prosecutors in small communities prosecuted hate crimes, compared to 91 percent of prosecutor's offices in large communities.

The decision to prosecute special felonies may be driven in part by available resources. The Justice study also revealed that the combined national budget for these prosecutors' offices was \$4.68 billion, an amount representing a nearly 61 percent increase from 1994 – 2001. Considering only small districts with populations under 250,000 – similar to the size of most Ohio counties – the median prosecutorial budget was \$379,000, compared to \$32 million in large districts with populations of 1,000,000 or more.

Percent of Prosecutor's Offices That Reported Prosecuting Specific Crimes

	All Offices	Large Districts (pop. over 1,000,000)	Medium Districts (pop. under 999,999)	Small Districts (pop. under 250,000)
Hate Crime	20%	91%	56%	18%
Domestic Violence	96%	100%	100%	97%
Elder Abuse	42%	97%	75%	42%
Stalking	61%	94%	88%	63%
Child Abuse	93%	100%	99%	95%
Health Care Fraud	22%	56%	38%	23%
Bank or Thrift Fraud	45%	73%	66%	47%
Telemarketing Fraud	10%	50%	25%	9%
Illegal Sale/Possession of Firearms	83%	97%	94%	87%
Police Use of Excessive Force	8%	65%	28%	7%

Source: U.S. Bureau of Justice Statistics *Prosecutors in State Courts, 2001*

Defendant rights are constitutionally protected

Both the U.S. and Ohio Constitutions provide specific protections to ensure that the rights of individuals accused of a crime, defendants, are observed throughout the criminal justice process.

4th Amendment

Protecting individuals against unreasonable search and seizure of property or person by the state, the 4th Amendment also outlines the necessity of obtaining a warrant based on probable cause before searching a place or seizing a person or thing.

5th Amendment

The 5th Amendment establishes the need for obtaining a Grand Jury indictment; prohibits subjecting a person to double jeopardy; protects against self-incrimination; and creates the right of due process of law.

6th Amendment

Exclusive to criminal cases, the 6th Amendment provides defendants with the right to a speedy trial by an impartial jury; knowledge of the charges; and assistance of counsel.

8th Amendment

The 8th Amendment provides protection against excessive bail or cruel and unusual punishment in criminal matters.

Representation of the accused in criminal cases

The Sixth Amendment of the U.S. Constitution guarantees assistance of counsel in all criminal matters. Indigent defendants receive legal representation through the county public defender's office, court-appointed counsel, or the state public defender's office.⁷⁸ Defense counsel must zealously represent clients, the accused, while protecting their constitutional rights and preserving the integrity of the judicial system.⁷⁹

State and county public defenders generally provide representation to indigent adults or juveniles charged with an offense or act if the penalty or adjudication could result in the loss of liberty. The court looks first to the county public defender's office to provide representation at trial for an indigent defendant, and will appoint a local attorney in counties without public defenders. County public defender's offices act independently from the state public defender's office, which will, on request, provide the county with technical assistance.

Ohio's state public defender's offices are also called on for trials in major cases, such as capital murder; where local representation is inadequate for a particular case; where the county lacks a public defender's office; and for its two branch offices, the Trumbull County Branch Office and Multi-County Branch Office for Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross and

Washington counties. Most state public defender's work takes place in post-conviction proceedings, with the office's intake section reviewing the validity of offenders' appeals.

The role of the grand jury

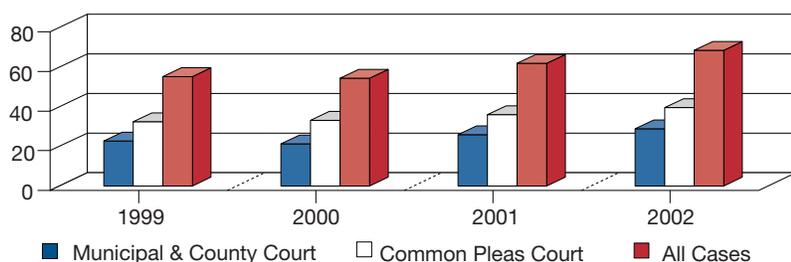
When a prosecutor believes there is sufficient evidence to charge an individual with a felony-level crime, the case is brought before a grand jury that ultimately determines whether the information presented by the prosecutor is sufficient for a formal charge. Grand jury proceedings take place in private, outside the sight or sound of the defense counsel. The grand jury consists of nine members including the foreperson, and up to five alternate grand jurors.⁸⁰ Decisions are reached by the concurrence of at least seven members of the jury; when sufficient evidence exists, an indictment is issued to formally charge the individual. Following an indictment by the grand jury, the prosecutor cannot terminate the case without the court's approval.

A reduced charge or a no contest plea obviates the need to bring a felony case before the grand jury. A criminal case is diverted from trial when the prosecution and defense negotiate a plea, including reducing or eliminating charges in exchange for the defendant's guilty plea, which effectively waives the defendant's right to trial. While a guilty or no contest plea to a reduced charge may take place *before* the grand jury indicts, the defense and prosecution may enter into plea negotiations at *any* time during the case disposition.

Plea bargaining

From 1999 – 2002, there was a 22 percent increase in Ohio's municipal and county court cases where defendants pled guilty or no contest to a reduced charge, entering pleas to charges with less than the total potential penalties of those in the original charging instrument. During the same period, common pleas courts experienced a six percent increase in these cases. In 2002, pleas to a reduced charge accounted for 37 percent (28,871) of the total closed cases in common pleas courts, and seven percent (39,593) of the total closed cases in municipal and county courts.

**Criminal Cases Plea Bargained in Ohio
In Thousands**



Source: *Supreme Court of Ohio Courts Summary, 1999 - 2002*

Court diversion

A prosecutor may determine that justice is better served by offering first-time, non-violent offenders the opportunity to participate in a diversion program in lieu of trial. By agreeing to participate in the program, a defendant waives the right to a speedy trial; other time limits imposed on the prosecution are also suspended during the diversion process. Prosecutors must notify victims when defendants are diverted from trial, as a “substantial delay in the prosecution of the case” may occur.⁸¹ A victim may file objections to diversion with the court, which will evaluate the prosecutor’s initial request in light of the objections.

Because participation in most diversion programs does not include confinement, the defendant’s liberty is unrestrained as long as the defendant meets the program’s criteria. On successful program completion, the prosecutor will petition the court to drop all charges against the defendant. If the defendant fails to meet the program’s criteria, however, the prosecutor may reinstate the original criminal charge and proceed with the trial.

The defendant’s appearance before the court

During the defendant’s initial appearance, the defendant is advised of the charges, as well as the rights to counsel, a preliminary hearing, and jury trial if charged with an offense where incarceration may be imposed. If charged with a felony, defendants are not required to plead; for misdemeanor charges, however, the court may ask defendants to enter a plea. Bail is also set at this time.

Following the initial appearance, the court determines a date for a preliminary hearing, which may be waived by the defendant only in writing. During this hearing, the prosecution states its case, examines witnesses, and presents evidence. The defendant or defendant’s counsel may cross-examine the state’s witnesses and examine the evidence. The court must inform defendants not represented by counsel that anything said during the hearing may be used against them at the trial. At the conclusion of this hearing, the court decides if probable cause exists to believe the defendant has committed the alleged crime; if so, the case is bound over to the common pleas court.⁸²

Bail types

Defendants in Ohio are entitled to bail except in capital cases. A judge determines the amount of bail based on a defendant’s danger to the community and likelihood of appearance for trial. Bail in Ohio includes: a *recognizance or unsecured appearance bond*, releasing the accused in exchange for his promise to appear in court at a designated time; an *appearance bond*, secured by the deposit of ten percent of the amount of the bond in cash, with 90 percent of the deposit returned if all conditions are met; and a *surety bond*, secured by real estate, securities, or a cash deposit for the full amount of the bond at the option of the defendant.

Court hearings and procedures

Once a grand jury indictment is issued, a number of legal procedures are triggered: arraignment, pretrial conference, and trial. During the arraignment, the defendant is brought before the court and informed of the charges, advised of the right to counsel, and given an opportunity to enter a plea. Indigent defendants will be assigned a county public defender or court-appointed counsel, and the court will decide the type of bail to be set.

Following arraignment, the court may schedule a pretrial conference⁸³ where the prosecution and defense may discuss the defendant's plea. If these plea bargaining negotiations result in a guilty plea, the judge may order a pre-sentence investigation report and set a sentencing date.⁸⁴ The court will also rule on pretrial motions during the pretrial conference.

Should the pretrial conference not result in a plea bargain, the case proceeds to a bench or jury trial.

Empanelling the jury

Because the defense and prosecution must be given time to select a jury, jury trials take longer than bench trials. Each county establishes its jury pool from eligible voters and individuals with a driver license;⁸⁵ from this pool a subset of individuals, the *venire*,⁸⁶ is drawn for the prosecution and defense to select jurors during *voir dire*. During this process, the defense and prosecution ask questions of the potential jurors to ascertain their ability to rule fairly on the case.

Although both the prosecution and defense have limited opportunity to excuse potential jurors, they may not do so based on race or gender, for example. Individuals may be excused during *voir dire* if the potential juror:

- Has been convicted of a crime for which he must be disqualified from serving on a jury;
- Is a chronic alcoholic or drug dependent person;
- Was a member of the grand jury that found the indictment in the case
- Served on a jury in the same case against the same defendant, and such jury was discharged after hearing the evidence or rendered a verdict which was set aside;
- Served as a juror in a civil case brought against the defendant for the same act;
- Has an action pending with the State of Ohio or the defendant;
- Is a party, or spouse is a party, to another action pending in any court in which an attorney in the case on trial is an attorney either for or against him;
- Has been subpoenaed in good faith as a witness in the case;

- Expressed such animosity or bias toward the defendant or the state, and the court is not satisfied the juror will render an impartial verdict based on the law and the evidence presented at trial;
- Is related by blood or affinity within the fifth degree to the victim or the defendant;
- Is the victim or the defendant;
- Is the employer or employee, or the spouse, parent or child of the employer or employee, or the counselor, agent, or attorney, of the victim or the defendant;
- English is not the potential juror's native language, and his knowledge of English is insufficient to permit him to understand the facts and the law in the case; or
- Is otherwise unsuitable for any other cause to serve as a juror⁸⁷

Potential jurors may also be excused without cause, except as prohibited by law, through *peremptory challenges*. Each side can excuse three jurors in misdemeanor cases; four in felony cases; and six jurors in capital cases. When multiple defendants are represented in a case, counsel may excuse the same number of jurors per defendant.⁸⁸

Twelve jurors are empanelled for felony cases and eight jurors for misdemeanor cases.⁸⁹ Once the jury has been selected, the jurors are sworn-in. Jurors receive a modest stipend not to exceed \$40 per day, with each county board of commissioners determining the exact amount.⁹⁰

The jury trial

With the penalty for felony offenses involving confinement, most jury trials in Ohio occur in common pleas courts. Defendants charged with a felony offense who do not want a jury trial must waive the right in writing.⁹¹ Those accused of criminal misdemeanors must request a jury trial, except where the potential penalty includes incarceration for more than six months.⁹²

Number of Jury Trials in Ohio

Court	1999	2000	2001	2002
Common pleas courts (felonies)	1,680	1,589	1,747	1,711
Municipal courts (misdemeanors)	758	742	795	761
County court (misdemeanors)	183	175	114	219

Source: *Supreme Court of Ohio Courts Summary, 1999 - 2002*

Bench trials

Criminal defendants have the right to be tried by a judge instead of a jury. If the defendant requests a bench trial, the judge serves as both the fact finder and rules on questions of law.⁹³ A three-judge panel is assembled for bench trials where the sentence may include capital punishment. Nearly 75 percent of all criminal trials held in Ohio from 1999 – 2002 were bench trials.

Number of Bench Trials in Ohio

Court	1999	2000	2001	2002
Common pleas courts (felonies)	727	623	712	741
Municipal courts (misdemeanors)	8,174	8,015	7,646	8,040
County court (misdemeanors)	1,303	1,665	1,271	1,338

Source: *Supreme Court of Ohio Courts Summary, 1999 - 2002*

The right to a speedy trial

In Ohio, the revised code defines the time limits courts must follow in scheduling criminal cases. The right to a speedy trial rule states the court must set all felony criminal cases for trial within two hundred and seventy days if the defendant is not held in jail, or ninety days if held in jail. In cases involving misdemeanors, the case must be scheduled by ninety days for a M1 or M2, forty-five days for an M3 or M4 and thirty days for a minor misdemeanor (M5). The timeline may be extended through court-approved continuances only. If not, the case is dismissed and may not be prosecuted further.⁹⁴

Dismissals Due to Lack of Speedy Trial

Court	1999	2000	2001	2002
Common pleas court (felonies)	97	108	110	99
Municipal court (misdemeanors)	483	798	1,424	752
County court (misdemeanors)	141	152	80	147

Source: *Supreme Court of Ohio Courts Summary, 1999 - 2002*

County and common pleas court statistics have remained static in the number of cases dismissed due to lack of speedy trial. Municipal courts experienced a sharp increase in 2001, primarily due to a significant backlog of cases awaiting *journalization*, or recording of concluded events for the official court record, of one large municipality. Interestingly, even in 2001 over 99 percent of the cases were processed expeditiously in municipal courts.

Sentencing options

The sentencing hearing is often the last critical contact the defendant has with the court. The defendant found guilty of the criminal charge returns to court to hear the sentence. Since the passage of Senate Bill 2 in 1996, judges must impose a determinate or definite sentence.

For most non-violent offenders, judges are guided in sentencing by the pre-sentence investigation (PSI) report prepared by a probation officer. The PSI usually includes information about the crime, as well as the defendant's criminal record and employment history. Details of these reports vary among jurisdictions to include a criminal background check and interview with the defendant and information gathered from victims, witnesses, law enforcement officers, and even the defendant's family members. Judges rely on the PSI for accurate information regarding offenders during the sentencing process.

During sentencing, judges also determine whether defendants found guilty on several criminal charges should serve *concurrent* or *consecutive* terms. Consecutive terms are typically imposed when the gravity of the crime or the felon's record warrants a longer prison term. Conversely, offenders receiving concurrent terms will serve their prison terms at the same time for their various offenses.

Mentally retarded offenders

While the U.S. Supreme Court has established that the death penalty sentence *per se* does not constitute unusual or cruel punishment, the Court's 2002 decision in *Atkins v. Virginia* refined its ruling to hold that the execution of a mentally retarded person does constitute cruel and unusual punishment, a violation of the 8th Amendment.

In 2002, the Supreme Court of Ohio reexamined this issue in *State v. Lott*, and outlined substantive and procedural standards lower courts must follow when ruling on a convicted defendant's mental retardation claim. To prove the defendant is mentally retarded, the defense must show the defendant has significantly subaverage intellectual functioning; significant limitation in two or more areas such as communication, self-care, and self-direction; and that the limitations existed prior to the defendant turning age 18. The Court also held that when a defendant has an IQ higher than 70 there is a rebuttable presumption that the defendant is not mentally retarded.

The cost of public defense services

Ohio's indigent defense caseload accounted for over 300,000 of its one million criminal cases in both 2001 and 2002.

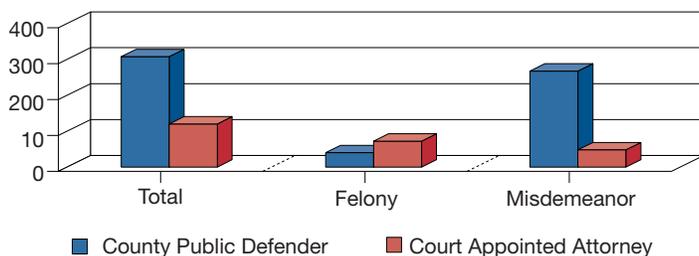
Ohio Indigent Defense Counsel Representation

	Total	State Public Defender	County Public Defender	Appointed Counsel
FY 2001	322,662	9,931	209,129	103,602
FY 2002	322,601	9,302	200,285	113,014

Source: *Ohio Public Defender Commission Annual Report, 2001-2002*

Indigent defendants charged with a felony are two times more likely to be represented by a court-appointed counsel than a county public defender, whereas defendants charged with a misdemeanor were six times more frequently represented by a county public defender than a court-appointed counsel.

**Criminal Case Representation in Ohio for 2002
In Thousands**



Source: *Ohio Public Defender Commission Annual Report, 2001-2002*

Court-appointed counsel accounts for approximately 50 percent of the cost of legal representation to indigent defendants. Felony and misdemeanor costs handled by court-appointed counsel account for about 25 percent of the total costs of all indigent representations, including appointed counsel, county public defenders, and services provided by the Ohio Public Defender. In addition to felonies and misdemeanors, the system provides representation for juveniles, appeals, and post-conviction matters.

The cost of providing public defense services is actually growing faster than the number of cases being managed. In 2001 – 2002, the combined cost of Ohio’s county public defender offices and court-appointed counsel for defense to indigent individuals increased 13 percent, while the combined caseload rose less than 1 percent.

Indigent Cases, Hours, and Total Cost						
Year	Felonies			Misdemeanors		
	Cases	Hours	Total costs	Cases	Hours	Total costs
FY 2001	28,472	398,181	\$14,735,589	22,330	113,218	\$4,296,572
FY 2002	30,844	432,532	\$16,676,454	25,522	130,297	\$5,057,906

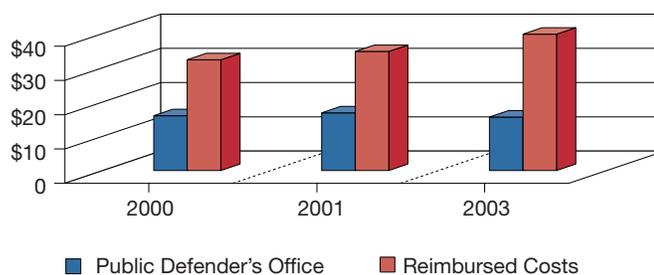
Source: Ohio Public Defender Commission Annual Report, 2001 - 2002

The cost to operate county public defender offices increased 18 percent from \$33 million in 2000 to \$39 million in 2002. While the expense, function, and scope of a county public defender’s office is largely determined at the county level, by law the Ohio Public Defender’s Office can reimburse county offices up to 50 percent for allowable costs.⁹⁵

Ohio Costs of Defense		
	FY 2001	FY 2002
Combined Number of Cases	312,731	313,299
Aggregate Cost	\$71,876,683	\$81,894,366
Average Cost per Case	\$229.84	\$261.39

Source: Ohio Public Defender Commission Annual Report, 2001-2002

Public Defender Office Costs in Ohio In Millions



Source: Ohio Public Defender Commission Annual Report, 2001 - 2002

Juvenile courts in Ohio

In 72 counties in Ohio, the juvenile court is combined with either the probate or domestic relations divisions in the common pleas courts. Another nine counties – Butler, Cuyahoga, Greene, Hamilton, Lake, Lucas, Mahoning, Montgomery, and Summit – have a juvenile division with exclusive jurisdiction over juvenile justice matters. Generally, juvenile courts have jurisdiction over all

complaints concerning individuals under age 18. Law enforcement agencies, parents, schools, and social service agencies may all refer cases to juvenile court – a few cases are even self-referrals.

Juvenile courts differ from adult courts in many ways. Juvenile court proceedings are more informal, and the court is empowered with greater discretion than with adult courts. Court expressions also differ; for example, juvenile courts address *petitions* rather than *complaints*; accept *admissions* or *denials* instead of *guilty* or *not guilty pleas*; conduct *hearings* not *trials*; *adjudicate* rather than *find guilt*; and order *dispositions* not *sentences*.

Juveniles have a constitutional right to most of the same due process safeguards as adult offenders, with the most notable differences being the right to trial, the right to counsel, and the right to release on bail.

Intake

Intake officers are employees of local juvenile courts who review cases entering the court system. In Ohio's smaller counties, court staff often serve as both intake and probation officers. To determine whether a case should pursue to court, intake officers interview the accused juvenile and contact the juvenile's arresting officer, parents, family members or victim if necessary. Pursued cases result in a formal petition being filed against the juvenile in juvenile court. In the alternative, juveniles may be diverted to treatment or supervised status without going through the formal court process. Minor offenses are generally diverted in cases where the juvenile is not considered a risk to the community, and the best interests of the juvenile do not warrant formal court proceedings.

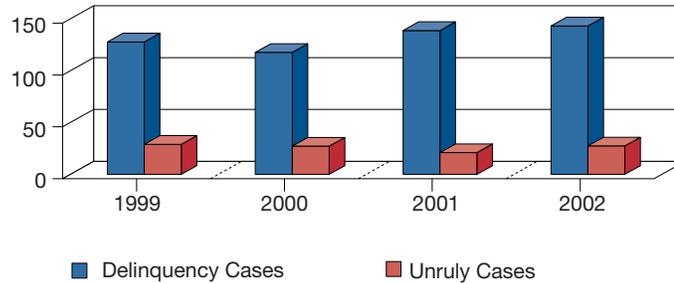
Most accused juveniles are not detained after a formal petition is filed. Prior to adjudication, juvenile courts may order that juveniles be held in a secure facility if they are considered a threat to themselves or the community, are likely to run away, or leave the court's jurisdiction. With both state and federal laws favoring the use of appropriate and least restrictive placement, most accused juveniles are simply released or placed in the custody of their parents or guardians. Ohio law requires that juveniles held in detention receive a detention hearing within 72 hours to determine if detention is appropriate and should be continued.

Offenses

Delinquency offenses are acts juveniles would be charged with under the Ohio criminal code if they were adults. Technically, juveniles are charged with being delinquent by reason of having committed such an act. The number of delinquency cases filed in Ohio's juvenile courts increased 12 percent between 1999 (127,614) and 2002 (143,075).

Unruly offenses are illegal acts only juveniles can be charged with, like school truancy, curfew violations, run-away, and incorrigibility. The number of new unruly cases filed in juvenile courts in Ohio decreased 5 percent between 1999 (28,995) and 2002 (27,384).

Delinquency and Unruly Cases Filed in Ohio In Thousands



Source: *Supreme Court of Ohio Courts Summary, 1999-2002*

During this same period, delinquency and unruly offenses combined accounted for about 33 percent of all criminal case filings in Ohio’s juvenile courts.

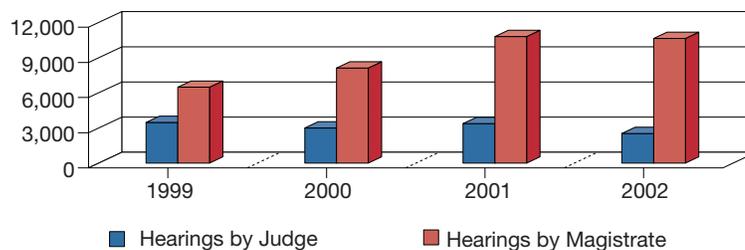
Juvenile Court Filings in Ohio

	1999	2000	2001	2002
All Juvenile Court Filings	419,104	427,800	464,171	473,615
Delinquency Filings	127,614	117,554	138,637	143,075
Unruly Filings	28,995	27,216	20,950	27,384

Source: *Supreme Court of Ohio Courts Summary, 1999-2002*

Magistrates, non-elected hearing officers, heard 75 percent of delinquency cases and 68 percent of unruly cases filed in juvenile courts.

Delinquency and Unruly Hearings in Ohio



Source: *Supreme Court of Ohio Courts Summary, 1999-2002*

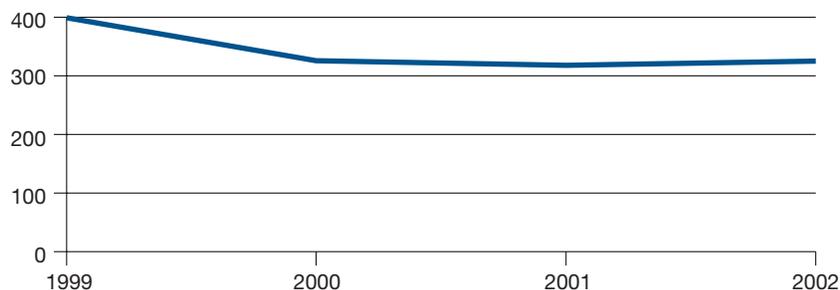
Dispositions

Over the past few years, there has been a concerted effort to reform juvenile laws to meet the needs of youth entering the justice system. Senate Bill 179 recently changed the overriding purpose of Ohio's juvenile law, requiring courts to: protect the public interest and safety; hold the offender accountable for his or her actions; restore the victim; rehabilitate the offender; and provide for care, protection, and mental and physical development of children.

Under S.B. 179, courts were instructed to no longer consider removing the consequence of crime and the taint of criminality for juvenile offenders, subsequently lowering the age to 10 of youth who may be committed to the Ohio Department of Youth Services (DYS). The law also clarified the parameters for *bindovers*, increased penalties for serious felony cases, and created a new *blended sentencing* option.

Through bindover, juvenile courts have discretion under certain circumstances to transfer juveniles ages 14 – 17 to adult court. Juvenile court judges pursuing bindovers must state, on the record, the specific factors considered in the decision. Judges are required to bindover juveniles ages 14 – 17 charged with murder, aggravated murder, or attempted aggravated murder previously committed to DYS for certain heinous, violent crimes. From 1999 – 2002, the number of juvenile cases bound over to adult court decreased nearly 19 percent.

Delinquency Cases Transferred to Adult Court in Ohio



Source: *Supreme Court of Ohio Court Summary, 1999-2002*

Blended sentencing allows juvenile court judges to try juveniles in certain cases and impose sentences as if the juveniles were adults. In these cases, juveniles have additional rights, including the right to counsel; indictment by a grand jury; speedy trial; bail; and the application of the *Rules of Criminal Procedure*. A juvenile court judge's discretion is removed and an adult sentence must be imposed for juveniles ages 14 – 17 found guilty of murder, aggravated murder,

attempted aggravated murder, or other felony 1 crime with at least one enhancing factor, such as a firearm used during the crime.

A magistrate hears most juvenile cases and rules on petitions. A juvenile judge reviews the magistrate's decision and may adopt the decision if appropriate. Sentencing options for juveniles found to have committed offenses include: admonish and release; court-supervised probation; house arrest; restitution through monetary payment to the victim, community service or direct service to the victim; placement in a social service program such as alcohol or drug abuse treatment, mental health counseling, or family counseling; confinement in a local rehabilitation facility; commitment to DYS for confinement in a state youth correctional facility; or any other disposition deemed appropriate by the court.

FROM THEORY TO PRACTICE

Legal Rights of Juvenile Delinquents: Are They Different?

The Honorable
James Rapp

Judge

Probate & Juvenile
Divisions

Hardin County
Common Pleas Court

Today, every state has established juvenile courts. The first such court in the nation was established under Illinois law in 1899, and Ohio followed thereafter in Cuyahoga County in 1902 and statewide in 1904. Before this reform, child offenders were subject to criminal prosecution and punishment without distinction from adults. The original philosophy behind the justice system's transformation was that child offenders should not be treated as criminals. The role of the new court, in theory, was to reform children by providing care, education, and protection, and to "protect the public interest in removing the consequences of criminal behavior and the taint of criminality from children committing delinquent acts..." (Wording of ORC 2151.01 until amended effective January 1, 2002). The theory that the state acted as the ultimate parent of offending children, or *parens patriae*, in civil, non-criminal court proceedings was used to justify confidential summary court proceedings where Ohio's children had no right to bail, a jury trial, the privilege against self incrimination, or legal counsel.

The U.S. Supreme Court dramatically started the reform of the juvenile court "reform" movement. In the 1967 case, *In re Gault* 387 U.S. 1, the Supreme Court concluded that incarceration is a deprivation of liberty whether it is called "criminal" or "civil." It held that the doctrine of *parens patriae* does not justify the absence of procedural safeguards for a

child in delinquency proceedings. These rights, now expanded by other Supreme Court decisions, by other courts, by the Ohio Rules of Juvenile Procedure, and by Ohio statutory law, include the right of the child and parents to legal counsel at all stages of juvenile court proceedings. In most circumstances, children do not have the right to bail in that they can be detained for their own protection and are not entitled to a jury trial.

Four significant statutory changes enacted in Ohio in recent years appear to place a high priority on punishment/ graduated sanctions and community safety, which, together, arguably either undermine or balance the original philosophy of the juvenile court:

First, House Bill 1, effective January 1, 1996, lowered the age from 15 to 14 years at which a child could be transferred from juvenile court jurisdiction to criminal court jurisdiction. It mandated transfer of jurisdiction of the child for some offenses and authorized discretionary transfer for less serious felony level offenses.

Second, Senate Bill 179, effective January 1, 2002, lowered the age from 12 to 10 years at which a child could be committed to the Ohio Department of Youth Services. It maintained the transfer provisions of House Bill 1 and overlapped "blended sentences" for certain felony offenses. A "blended sentence" allows a juvenile court to retain jurisdiction of a child and impose both a juvenile

disposition and an adult sentence. The adult sentence can be invoked for misconduct or violation of parole during the juvenile disposition. In drafting Senate Bill 179, the Legislature recognized the need to provide for jury trials when the penalty includes a possible criminal sentence.

Third, Senate Bill 3 is Ohio's version of Megan's Law for juvenile sex offenders, and became effective January 1, 2002. Mirroring the adult version of the law are the three classifications or labels: "sexual predator," "habitual sex offender," and "juvenile sex offender registrant." Children may, and in some cases must, be labeled as a "sexual predator" when a court finds that the child is likely to commit another sexually oriented offense in the future. Also mirroring the adult version of the law, a child labeled as a "predator" must re-register with the sheriff every 90 days for the remainder of the child's life and notification must be given to specific members of the public of the child's presence in the neighborhood or community. Classified adults are entitled to a jury trial, but some classified children may not be.

Fourth, House Bill 400, effective April 3, 2003, authorizes placement of a delinquent child in a detention facility for a definite time up to 90 days as an order of disposition. If a child turns 18 before or during disposition, this bill authorizes detaining the delinquent

child in jail as an order of disposition. Also, a child alleged to be delinquent for a felony may be held in jail prior to disposition once the child reaches 18. While the statute acknowledges the right to bail for pre-adjudication confinement to jail, it makes no provision for a jury trial, although a possible jail sentence entitles an adult to a jury trial. Jails and detention centers are not required to provide any rehabilitative treatment and, thus, the justification for not providing the right to a jury trial is weakened.

As the distinctions between juvenile and criminal courts are diminished, the debate continues as to whether these legislative changes to Ohio's juvenile justice system achieve an appropriate balance between the community's, the victim's, and the child offender's actual needs, or serve as a get-tough response to the public's perception of juvenile violence. Underlying the controversy surrounding the passage of these measures is the fact that, after a period of significant increase, serious crime declined during the 1990's. Will the apparent trend to "criminalize" juvenile justice continue?

Now the controversy continues with the release of the March 2003, report: *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio*. Sponsored by the American Bar Association, the Ohio State Bar Foundation, the Columbus

Bar Foundation, the Cincinnati Bar Foundation, Ohio's Juvenile Justice Coalition and others, the report detailed several conclusions: large numbers of poor youth waive, to their detriment, the right to an attorney because judges and magistrates fail to conduct a proper colloquy with the child to make sure the child understands the role of defense counsel and the child's right to appointed counsel; defense counsel do not understand their role as advocates; funding constraints contribute to a court culture that devalues the importance of defense counsel; and there is a lack of meaningful defense representation at the various stages of juvenile court proceedings. The report further opined that Ohio lacks leadership on juvenile justice issues. Expect the Ohio Association of Juvenile Court Judges and the Ohio Department of Youth Services to adamantly disagree with these conclusions.

The report's listing of risk factors for involvement in juvenile court concluded that "the politics of [Ohio] are also a major factor which brings children into the [juvenile justice] system," citing the recent legislative changes described above and the judges in "law and order" courts. While critics of the report may point out a bias in its presentation and conclusions there is, as the expression goes, "plenty of meat to chew on." A March 19, 2003 editorial in the

Cleveland Plain Dealer with the provocative (and grossly exaggerated?) caption: *Ohio's Juvenile Injustice* concluded "[T]his study demands the attention and action of members of Ohio's legislature and judiciary. A faulty branch of the justice system cannot be ignored." Now that this report has been issued, it will be interesting to watch how leadership of the judiciary, the bar, and the legislature respond.

ENDNOTES

- ⁶⁹ Revised Code 2305.01
- ⁷⁰ Revised Code 1907.01
- ⁷¹ Revised Code 2929.03(C)(2)(b)(i) and (ii)
- ⁷² Revised Code 2929.20 describes how and when judicial release may be used.
- ⁷³ Revised Code 2929.11(A)
- ⁷⁴ Wexler, David and Bruce J. Winick, *Putting Therapeutic Jurisprudence To Work: The Term May Sound Academic, But It Embodies A Hands-on Approach To Solving Problems Rather Than Simply Winning Cases*, 89 ABA J 54, May 2003
- ⁷⁵ Shaffer, Deborah Koetzle et al, *A Description of Ohio's Drug Courts*, Center for Criminal Justice Research, University of Cincinnati, March 2001
- ⁷⁶ Revised Code Chapter 309
- ⁷⁷ DeFrances, Carol, *Prosecutors in State Courts' 2001*, Bureau of Justice Statistics, May 2002
- ⁷⁸ Revised Code 120.06 and 120.16
- ⁷⁹ Cannon 7, Ohio Code of Professional Responsibilities.
- ⁸⁰ Ohio Rules of Criminal Procedure 6
- ⁸¹ Revised Code 2930.08
- ⁸² Ohio Rules of Criminal Procedure 5(B)(1)
- ⁸³ Ohio Rules of Criminal Procedure 17.1
- ⁸⁴ Ohio Rules of Criminal Procedure 32.2
- ⁸⁵ Revised Code 2313.06
- ⁸⁶ Revised Code 2313.21
- ⁸⁷ Ohio Rules of Criminal Procedure 24(B); Revised Code 2945.25
- ⁸⁸ Ohio Rules of Criminal Procedure 24(C); Revised Code 2945.21
- ⁸⁹ Ohio Rules of Criminal Procedure 23(B)
- ⁹⁰ Revised Code 2313.34(B)(1)
- ⁹¹ Ohio Rules of Criminal Procedure 23(A); Revised Code 2945.05
- ⁹² Ohio Rules of Criminal Procedure 23(A); Ohio Rules of Criminal Procedure 2(C)
- ⁹³ Ohio Rules of Criminal Procedure 23(C)
- ⁹⁴ Revised Code 2945.71
- ⁹⁵ Revised Code 120.18

CORRECTIONS

CANDACE PETERS, M.A.
AUTHOR

Ohio's correction system is based on a sanctions continuum

Adult and juvenile offenders awaiting trial or convicted of a criminal offense in Ohio are the responsibility of the state correctional system. Despite ongoing discussions regarding its purpose, it is generally agreed that Ohio's system exists to provide a balanced combination of rehabilitation and punishment to adult offenders.

During the sentencing process, Ohio judges customarily impose the least restrictive sanctions available to punish offenders while ensuring public safety. This gradual withdrawal of freedom, or *continuum of sanctions*, incrementally restricts freedom of movement until the most restrictive sentence, adult prison or juvenile institution, is ordered. Offenders may be sentenced to more than one sanction at a time.⁹⁶

Adult sentencing changes of 1996

Prior to 1996, *indeterminate sentencing* permitted judges to sentence offenders to minimum and maximum sentences, with the Ohio Parole Board later determining when offenders were ready for release. For example, a burglar could be sentenced to anywhere from eight to fifteen years. In 1996, the Ohio legislature revised sentencing, providing that judges set a specific sentence. Today, the burglar would be sentenced to a set number of years in prison and serve that entire term.



Ohio Prison Sentences by Felony Type

Felony Level	Range of Basic Prison Terms	Increments of Increasing Minimum	Repeat Violent Enhancement Control	Maximum Post-Release
1 st Degree	3 to 10 Yrs	1 Yr	1 to 10 Yrs	5 Yrs
2 nd Degree	2 to 8 Yrs	1 Yr	1 to 10 Yrs	3 Yrs
3 rd Degree	1 to 5 Yrs	1 Yr	N/A	3 Yrs
4 th Degree	6 to 18 Mos	1 Mo	N/A	3 Yrs
5 th Degree	6 to 12 Mos	1 Mo	N/A	3 Yrs

Source: *Ohio Criminal Sentencing Commission*

The legislation also allows judges to sentence felony offenders directly to one or more community sanctions, compared to previously when community sanctions were a condition of probation following a suspended prison sentence.

Prior to the new law, parole was a term of community supervision set by the Parole Board for offenders completing minimum sentences on their release from prison; should offenders fail to successfully complete parole, the Board could impose the remaining time of their sentences. All offenders whose crimes were committed before July 1996 are subject to parole if they are released earlier than the expiration of their maximum sentences.

The new sentencing structure replaced parole with *post-release control*, a period of supervision following the expiration of a prison sentence required for all first, second, and violent third degree felons, and sex offenders. Post-release control is optional for all other offenders. Presently, the Parole Board reviews an offender's conduct while in prison, then sets the post-release control term for a period from one to five years. Felony 1 offenders and sex offenders have a mandatory five year post-release term; felony 2 and violent felony 3 offenders have a mandatory three years; and non-violent felony 3, felony 4 and felony 5 can receive from one to three years. A few months prior to the expiration of post-release control, parole staff review cases to extend terms when indicated. The Parole Board revokes post-release control should the offender commit a new felony, or violates post release conditions. Once post-release is revoked, an offender can be returned to prison.

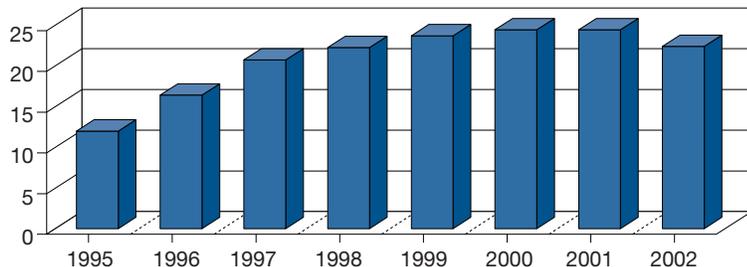
Judges may shorten the prison sentence through *judicial release*, a one-time hearing to determine if additional prison time is required to appropriately punish the offender. If judicial release is granted, the offender is placed under community control and is supervised by the local or state probation department.

Community sanctions may be residential, nonresidential, or financial and cannot exceed five years. If the court sentences an offender to a community sanction, the judge must also place the offender under the control and supervision of probation. *Residential sanctions* specified by law include community based correctional facilities; jails; halfway houses; and alternative residential facilities. *Nonresidential sanctions* include day reporting; electronic monitoring with or without house arrest; community service; drug treatment; basic or intensive supervision; monitored time; drug and alcohol monitoring; curfew; required employment; required education or training; victim offender mediation, with the victim's consent; and/or a license violation report. *Financial sanctions* include restitution; fines; day fines, indexed to the offender's daily wage; and treatment reimbursement costs. The court may attach the offender's wages to satisfy financial sanctions.

Local diversion programs

In 1979, the Ohio General Assembly passed the Community Corrections Act (CCA), allowing the state to provide financial assistance to local county governments for the expansion of community correctional programming. To receive funding, the Act requires counties to establish local corrections planning boards and local correctional plans, including an analysis of the county's current correctional system; identification of local needs; and proposed initiatives to meet those needs. In 1996, with the change to the presumption of local sentencing for 4th and 5th degree felons, there was a large infusion of CCA funding to local communities for new programming. This funding increased until 2000, when cost

Community Corrections Subsidy Funding in Ohio In Millions



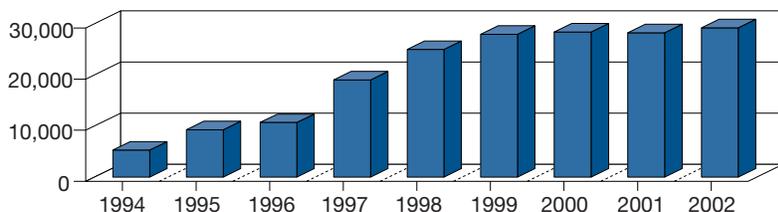
Source: Ohio Department of Rehabilitation and Correction, unless otherwise noted adult offender information is from this source.

of living adjustments decreased the amounts for 2001 and 2002. Recent economic conditions have also impacted the resources available for community correctional programs.

According to CCA data, the number of offenders who receive services through these funds has increased substantially, with 29,196 offenders served by both prison and jail diversion funds in 2002. Currently, 79 of Ohio's 88 counties have local planning boards and receive state funding for probation or jail diversion programs.

The successful completion rate of offenders from prison diversion programs has varied significantly over the past four years, from a high of 83 percent in 1999 to only 42 percent in 2000. Jail diversion programs have had consistently successful termination rates in the 70 percent range for the past five years.

Adult Offenders Served by Subsidies in Ohio



Offenders in the *prison* diversion program during 2002 were mostly male (79 percent), White (53 percent), and convicted of a 5th degree felony (52 percent). In contrast, *jail* diversion offenders were predominantly White (72 percent) sentenced misdemeanor (75 percent) males (77 percent), and predominantly property offenders. Offenders in prison diversion programs were also more likely to have committed drug offenses than those in jail diversion programs.

Offenders participating in community diversion programs are required to maintain employment to support restitution and court costs. Over the past four years, CCA programs became increasingly more effective in collecting funds from employed offenders. In 2002, Ohio offenders earned \$41,395,595, with \$5,248,445 paid in court costs, \$1,160,240 in child support, and \$1,981,867 in restitution.

Jails incarcerate offenders with short-term sentences

Operated by the county sheriff or police departments, Ohio jails hold both pretrial and sentenced offenders. The Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention Facilities inspects all jails annually.

Ohio has four classifications of jails; three of the classifications provide 24-hour care for extended periods. *Five-day jails* provide short term holding for prisoners, and lack the range of treatment and other services a *full-service jail* provides pre-trial and sentenced prisoners. Sheriffs' offices operate most of Ohio's full-service jails. Designed in response to the long waiting lists for Driving Under the Influence (DUI) offenders, *minimum-security jails* were built at a considerably lower cost than full-service jails, and originally held only DUI offenders receiving substance abuse treatment during their sentences. Legislative changes in recent years now allow other nonviolent felony and misdemeanor offenders to be sentenced to minimum-security jails. *Twelve-hour facilities*, operated by municipal police departments, hold alleged offenders until their court appearance or transfer to another facility. There are 94 full-service; 14 minimum-security; 94 five-day; and 31 twelve-hour jails in Ohio.

Jail bookings

In 2001, Ohio's full-service jails booked 472,595 individuals, an increase of 31,839 from the previous year. In contrast, five-day jail bookings decreased seven percent for the same period. Of the four jail classifications, minimum-security bookings were the lowest for 2001 (13,222), reflecting the requirement that only sentenced offenders are incarcerated in these facilities. Overall, Ohio jails booked 590,215 persons in 2001 – a six percent decrease from 2000.

Ohio Jail Bookings

Jail classification	Bookings 2000	Bookings 2001	Change
Full Service	440,753	472,592	+7%
Five-Day	135,072	75,372	-44%
Minimum Security Jails	16,370	13,222	-19%
Twelve Hour	38,678	29,029	-23%
Total	630,873	590,215	-6%

Jail populations

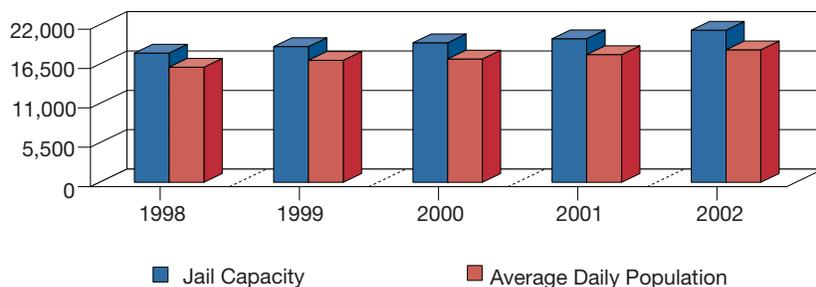
During the 1980's and early 1990's, Ohio's full-service jails experienced tremendous crowding and long waiting lists of individuals needing to serve sentences. With only the most serious offenders housed in limited jail space, larger jurisdictions often found it difficult to assure the appearance of misdemeanor and lower level felony defendants for trial. By the late 1990's, an increase in funding for jail construction helped increase the capacity of these full-service jails. Today, waiting lists for offenders to serve time have virtually disappeared.

Ohio Jail Capacity

	1998	1999	2000	2001	2002
Full Service Jails	14,959	15,951	16,113	16,664	17,445
Minimum Security Jails	735	704	719	762	683
Five Day Jails	377	380	371	420	372
Twelve Hour Jails	29	43	51	51	37
Total	18,098	19,077	19,254	19,898	20,539
Increase By Year		5.4%	0.9%	3.3%	3.3%

Ohio's occupied jail capacity ran lower than the nation's (93%); however, increases in Ohio's jail populations were higher than the national average,⁹⁷ rising 14 percent between 1998 and 2002. In 2002, Ohio's full-service jails were at approximately 89 percent capacity; minimum-security jails at 74 percent; and five-day jails at 45 percent capacity.

Jail Population and Capacity in Ohio



The majority of prisoners held in full-service jails in 2002 were pre-trial (52 percent) rather than sentenced (38 percent). Most of the sentenced offenders in these jails were misdemeanants; 86 percent were male.

Full Service Jail Population for 2002

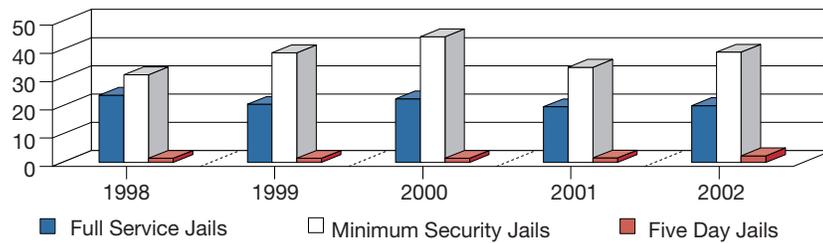
Status	Felon	Misdemeanor	Total
Unsentenced	43.4%	8.5%	51.9%
Sentenced	10%	27.8%	37.8%

Percentages do not total 100% due to other offenders in jail awaiting transport or revocation

Jail stays

Over the past five years, the average length of stay in Ohio’s full-service jails decreased slightly, from 23.8 days in 1998 to 22.5 days in 2002. With minimum-security jails holding offenders serving a sentence, not awaiting trial, the average length of stay for minimum-security jails increased to 39 days from 31 days for the same period.

**Average Length of Stay for Jails in Ohio
In Days**



Jail staffing

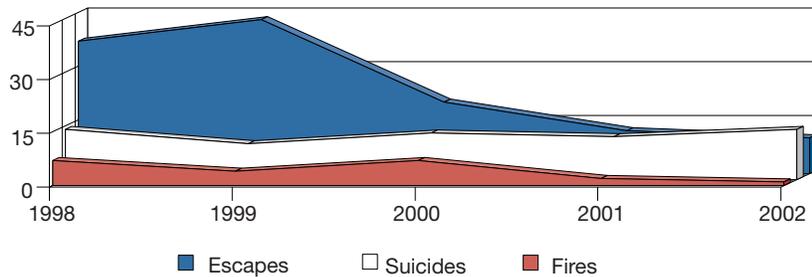
Just as Ohio’s jail capacity has maintained pace with its increasing offender population, full-time staffing levels have increased as well. Ohio continues to have a lower ratio of prisoners to staff than the national average. In 1998, the national ratio was 5:2, compared to Ohio’s ratio of 3:4. By 2001, the nation was at 4:8 and Ohio at 3:3. The number of corrections officers in jails has steadily increased, from 4,783 officers in 1998 to 5,259 in 2002 – a 10 percent increase. Female officers represent 28 percent of all full-time jail corrections staff.

Critical incidents

The number of critical incidents – suicides, escapes, and fires – in Ohio jails was relatively low. In 2002, a total of 233 jails reported 14 jail suicides. There were 20 reported jail escapes, mainly walk-aways failing to return from work release or other programs, up from 12 in 2001. Only one fire in a five-day facility was reported, the lowest number of fires since 1998.

In 1998, the Bureau of Adult Detention Facilities began collecting information on Ohio *inmate-to-staff* and *inmate-to-inmate* assaults. In 2002, there were 843 inmate-to-inmate assaults compared to 750 in 1998. There were 317 inmate-to-staff assaults in 2002, up from 242 in 1998.

Critical Incidents for Jails in Ohio



Jail costs

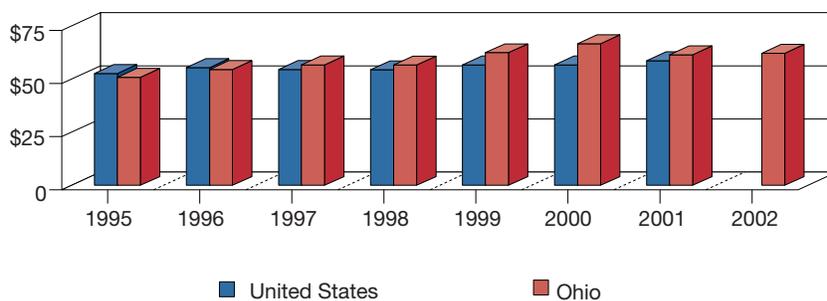
Housing costs for Ohio jails have not substantially increased in the last four years. With figures based on an average per facility, per diem costs decreased from 2000 to 2001 due to shrinking revenues available at the local level.

Average Jail Bed Cost

	1998	1999	2000	2001	2002
Full Service	\$56.63	\$62.43	\$66.68	\$61.43	\$62.19
Minimum Security	\$53.08	\$56.77	\$66.45	\$52.74	\$52.92
Five Day	\$58.06	\$76.80	\$75.69	\$60.61	\$64.57

Over the past five years, full-service and five-day jail costs increased only slightly, by 10 percent and 11 percent respectively. The national average per diem cost for the same period was \$58.62.⁹⁸

Per Diem Rate in Ohio and the U.S.



FROM THEORY TO PRACTICE

What Works in Reducing Recidivism?

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Professor & Head
Division of Criminal Justice
University of Cincinnati

“**W**hat Works” is not a program or an intervention, but a body of knowledge based on over thirty years of research that has been conducted by numerous scholars in North America and Europe. Also referred to as evidence-based practice, the *What Works* movement demonstrates empirically that theoretically sound, well-designed programs that meet certain conditions can appreciably reduce recidivism rates for offenders. Through the review and analysis of hundreds of studies, researchers have identified a set of principles that should guide correctional programs.

The first is the risk principle, or the *who* to target – those offenders who pose the higher risk of continued criminal conduct. This principle states that our most intensive correctional treatment and intervention programs should be reserved for higher-risk offenders. Risk in this context refers to those offenders with a higher probability of recidivating. Why waste our programs on offenders who do not need them? This is a waste of resources, and more importantly, research has clearly demonstrated that when we place lower-risk offenders in our more structured programs, we often increase their failure rates, and thus reduce the overall effectiveness of the program. There are several reasons this occurs. First, placing low-risk offenders with higher-risk offenders only serves to increase the chances of failure for the low risk. For example, let’s say that your teenage son or daughter did not use drugs, but got into some trouble with the law. Would you want them in a

program or group with heavy drug users? Of course you wouldn’t, since it is more likely that the higher risk youth would influence your child more than the other way around.

Second, placing low-risk offenders in these programs also tends to disrupt their prosocial networks; in other words, the very attributes that make them low risk become interrupted, such as school, employment, family, and so forth. Remember, if they do not have these attributes it is unlikely they are low risk to begin with. The risk principle can best be seen from a recent study of offenders in Ohio who were placed in a halfway house or community based correctional facility (CBCF). The study found that the recidivism rate for higher risk offenders who were placed in a halfway house or CBCF was reduced, while the recidivism rates for the low risk offenders that were placed in the programs actually increased.

The second principle is referred to as the need principle, or the *what* to target – criminogenic factors that are highly correlated with criminal conduct. The need principle states that programs should target crime producing needs, such as anti-social attitudes, values, and beliefs, anti-social peer associations, substance abuse, lack of problem solving and self-control skills, and other factors that are highly correlated with criminal conduct. Furthermore, programs need to ensure that the vast majority of their interventions are focused on these factors. Non-criminogenic factors such as self-esteem, physical conditioning, understanding one’s culture or history,

and creative abilities will not have much effect on recidivism rates. An example of a program that tends to target non-criminogenic factors can be seen in offender-based military style boot camps. These programs tend to focus on non-criminogenic factors, such as drill and ceremony, physical conditioning, discipline, self-esteem, and bonding offenders together. Because they tend to focus on non-crime producing needs, most studies show that boot camps have little impact on future criminal behavior.

The third principle is the treatment principle, or the *how* – the ways in which correctional programs should target risk and need factors. This principle states that the most effective programs are behavioral in nature. Behavioral programs have several attributes. First, they are centered on the *present* circumstances and risk factors that are responsible for the offender's behavior. Second, they are *action* oriented rather than talk oriented. Offenders do something about their difficulties rather than just talk about them. Third, they *teach* offenders new, prosocial skills to replace the anti-social ones like stealing, cheating and lying, through modeling, practice, and reinforcement. Examples of behavioral programs would include structured social learning programs where new skills are taught, and behaviors and attitudes are consistently reinforced, cognitive behavioral programs that target attitudes, values, peers, substance abuse, anger, etc., and family based interventions that train families on appropriate behavioral

techniques. Interventions based on these approaches are very structured and emphasize the importance of modeling and behavioral rehearsal techniques that engender self-efficacy, challenge of cognitive distortions, and assist offenders in developing good problem-solving and self-control skills. These strategies have been demonstrated to be effective in reducing recidivism. Non-behavioral interventions often used in programs would include drug and alcohol education, fear tactics and other emotional appeals, talk therapy, non-directive client centered approaches, having them read books, lectures, milieu therapy, and self-help. There is little empirical evidence that these approaches will lead to long-term reductions in recidivism.

Finally, a host of other considerations will increase correctional program effectiveness. These include targeting responsibility factors such as a lack of motivation or other barriers that can influence someone's participation in a program; making sure you have well trained and interpersonally sensitive staff; providing close monitoring of offenders' whereabouts and associates; assisting with other needs that the offender might have; ensuring the program is delivered as designed through quality assurance processes; and providing structured aftercare. These program attributes all enhance correctional program effectiveness.

If we put it all together, we have the *who*, *what*, and *how* of correctional intervention, also known as "*What Works*."

Community Based Correctional Facilities

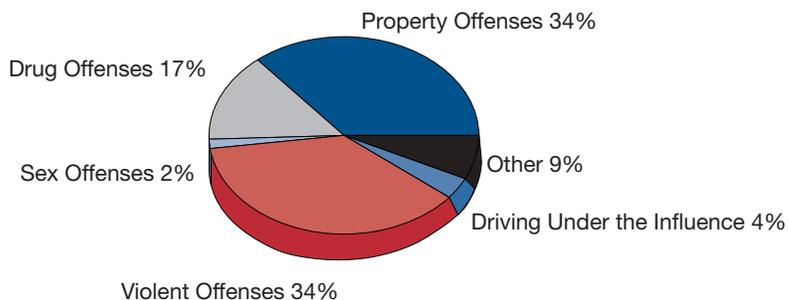
A Community Based Correctional Facility (CBCF) is a state residential sanction designed to be more secure than a halfway house, but less restrictive than prison. Ohio’s first CBCF, established in Dayton in 1978, was designed and funded as a probation alternative by the Ohio Department of Rehabilitation and Correction. CBCFs serve as the last option before incarceration in prison in Ohio’s range of graduated community sanctions.

To be eligible for a CBCF, offenders must be convicted of a nonviolent felony. Offenders may be sentenced to a CBCF for a term up to six months, and are confined in the CBCF during the first thirty days of their term for assessment and intensive programming. CBCF offenders are gradually released to the community for education, job training, treatment programming, and employment. On release from the facility, offenders are usually placed on probation for continued community supervision.

CBCF offenders

Providing services to 87 of Ohio’s 88 counties, CBCFs continue to relieve Ohio’s prison system with their services. In 2002, there were 5,075 offenders in CBCF facilities, with the majority sentenced for 4th and 5th lower level felonies (79 percent). Offense types included property offenses (34 percent); drug offenses (17 percent); violent offenses (34 percent); sex offenses (2 percent); DUI (4 percent); and other offenses (9 percent). Demographics of offenders admitted to CBCFs in 2002 were Black (34 percent); White (63 percent); and other minorities (3 percent). The majority of offenders – 81 percent – successfully completed CBCF programs, with only 13 percent terminated for technical violations and six percent committing a new crime.

**Community Based Correctional Facility
Commitments for 2002 In Ohio**



CBCF programming emphasizes an offender’s responsibility to the court, community, and victim, and requires offenders to obtain/maintain employment as well. During 2002, CBCF offenders completed 181,653 hours of community service, and paid \$302,324 in court costs and fines; \$488,642 in federal, state, and local income taxes; \$58,516 in restitution to victims; and \$27,095 in back child support. The annual budget for all Ohio CBCFs in 2002 was \$53,015,353.

Ohio's prisons house serious offenders and protect communities

Ohio Department of Rehabilitation and Correction (DRC) is responsible for the operation and supervision of prisons in Ohio. DRC operates a total of 33 state prisons: 28 for males, three for females, one inmate medical facility, and one intensive psychiatric treatment facility. Ohio opened its first high maximum-security prison in 1998 to provide housing for offenders who could not be maintained with the general population. Prison security levels range from minimum-security level 1 to a very high security level of 5.

Ohio Prison Capacity

Prison	Security Level	Bed Capacity	Population June 30, 2002	Percentage of Capacity
Allen Correctional Institution	2	844	1,173	139%
Belmont Correctional Institution	1, 2	1,607	2,080	129%
Chillicothe Correctional Institution	2	1,673	2,264	135%
Corrections Medical Center ³	5	210	103	49%
Correctional Reception Center	3	900	1,858	206%
Dayton Correctional Institution	2	482	474	98%
Franklin Pre-Release Center ¹	1, 2	361	468	130%
Grafton Correctional Institution	1, 2	939	1,334	142%
Hocking Correctional Facility	1, 2	298	423	142%
Lake Erie Correctional Institution ⁴	1, 2	1,124	1,369	122%
Lebanon Correctional Institution	3	1,481	1,625	110%
Lima Correctional Institution	1, 2	1,515	1,566	103%
London Correctional Institution	1, 2	1,810	2,009	111%
Lorain Correctional Institution	2	756	1,632	216%
Madison Correctional Institution	1, 2, 3	1,915	2,063	108%
Mansfield Correctional Institution	3	1,564	2,276	146%
Marion Correctional Institution	1, 2	1,656	1,705	103%
Montgomery Education and Pre-Release Center	1	352	327	93%
North Coast Correctional ⁴ Treatment Facility	1	352	327	93%
Noble Correctional Institution	2	1,855	1,854	100%
North Central Correctional Institution	1, 2	1,855	2,080	112%
Northeast Pre-Release Center ¹	1, 2	640	631	99%
Oakwood Correctional Institution ²	2	191	173	91%
Ohio Reformatory for Women ¹	1, 2, 3, 4	1,246	1,765	142%
Pickaway Correctional Institution	1	2,065	2,057	100%
Richland Correctional Institution	1, 2	1,855	2,271	122%
Ross Correctional Institution	1, 3	1,403	2,114	151%
Southeastern Correctional Institution	1, 2	1,072	1,434	134%
Southern Ohio Correctional Facility	4	1,538	1,399	91%
Trumbull Correctional Institution	1, 3	902	1,429	158%
Toledo Correctional Institution	1, 3	904	766	85%
Warren Correctional Institution	3	679	1,120	165%
Ohio State Penitentiary	5, 4, 1	684	508	74%
Total		36,936	44,917	121%

¹ Female institutions

² Male and female in need of intensive psychiatric treatment

³ Male and female medical hospital

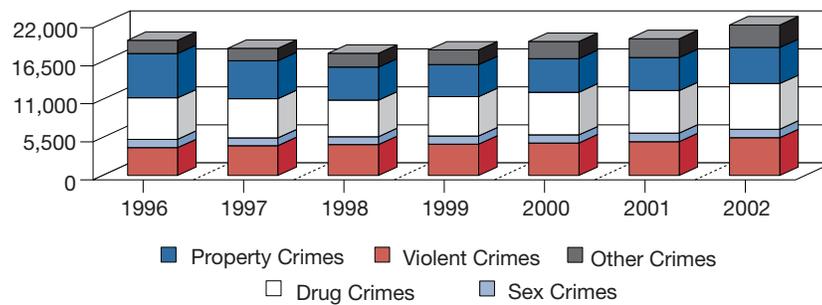
⁴ Privately Operated

Despite construction of new prisons over the last twenty years, 25 of these prisons operated with populations above design capacity, due to the increasing number of offenders committed to the state system.

Prison intakes

Intakes to the Ohio Department of Rehabilitation and Correction (DRC) continue to be mainly first time prison commitments. Although first time commitments dropped from 61 percent in 1998 to 54 percent in 2002, third time or more commitments increased from 18 percent to 24 percent during the same period.

Prison Commitments by Fiscal Year in Ohio



From 1996 – 2002, DRC’s annual prison intake peaked at 20,594 in 1992; decreased to 17,681 in 1998, then increased to an all time high of 21,787 in 2002. Annual intakes continued to be overwhelmingly lower level felonies, with 63 percent of intakes for 2002 consisting of 4th and 5th degree felony offenders.

Blacks comprised 51 percent of offenders committed to state prisons. Since 1997, the number of female offenders committed to Ohio’s prisons remained constant at about 12 percent of total intakes. Female offenders are more likely than males to have been sent to prison for drug and property offenses.

Commitments by Gender for 2002

Offense Type	Male	Female	Total
Drug Offenses	30%	36%	30%
Crimes Against Persons	32%	21%	31%
Crimes Against Property	24%	25%	24%
Other Offenses	15%	17%	15%

Ohio's prison population

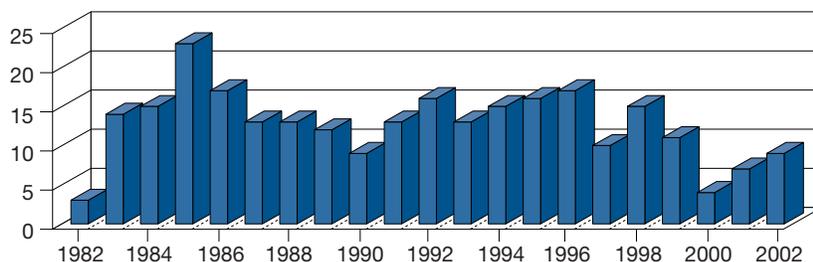
In 2000, the Bureau of Research at DRC completed an intensive intake study of commitments during a two-month period, to capture a snapshot of Ohio's prison population:

- 96 percent pled guilty at the time of their adjudication
- 70 percent acted alone in the commission of the offense
- 67 percent had never married
- 7 percent reported sexual abuse
- 22 percent had a history of mental health problems
- 79 percent indicated recent drug abuse, with 81% having a drug abuse history
- 86 percent had never been committed to a state juvenile institution, or juvenile probation (87 percent)
- 72 percent had a prior adult misdemeanor conviction
- 74 percent had at least one prior term of adult probation
- For offenses involving victims, approximately 33 percent of victims were family, and another 33 percent strangers. About 75 percent of the victims were not physically injured in the commission of the offense, but 50 percent indicated psychological harm.

Death row

A total of 269 offenders have received the death penalty since it was reinstated in Ohio in 1981. Death penalty sentencing has varied over the years, with a high of 23 cases in 1985, to a low of four in 2000. As of June 2003, there were 208 offenders on Ohio's death row.

Adult Offenders Sentenced to Death in Ohio



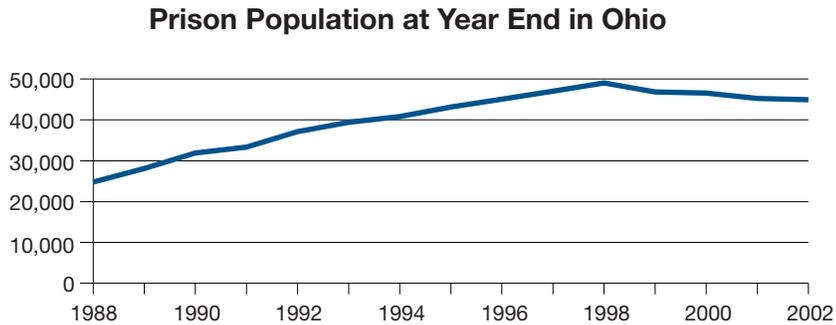
Source: *Ohio Public Defender Commission*

Of those receiving the death penalty in Ohio, 49 percent were White, and 48 percent were Black, compared to the national average of Whites (55 percent) and Blacks (43 percent).⁹⁹ Over half – 56 percent – of Ohio's offenders were under age 30 at the time of the offense. The vast majority (72 percent) of death penalty offenders had murdered one victim; another 20 percent had murdered two victims.

Since 1981, 61 offenders have left death row; of these, ten had their sentence reversed, 18 had their sentence vacated, three were found to have inappropriate sentences, eight had their sentence commuted, seven were executed, 14 died by other causes, and one was granted a new trial. Sixty-one percent of those removed were white and 39 percent were minorities. The average length of stay on death row before removal was 5.6 years, with a range of less than one year to 19 years. Ranging from 9 to 19 years, the average length of stay for offenders executed was 15.9 years.

Incarceration rates

With an incarceration rate of 395 per 100,000 in 2002, Ohio is the seventh largest state prison system in the nation. Ohio’s prison population increased from 1990 – 1998, then gradually decreased until 2002.



The impacts of Ohio’s 1996 sentencing changes are still being experienced. As serious and violent offenders receive longer sentences than prior to 1996, the prison population reflects the longer sentences with first and second-degree felons comprising more of the population. Ohio’s prison population is projected to exceed 50,000 in the next eight years. With its present capacity of 36,936, DRC’s population projections indicate crowding will continue unless changes are implemented.

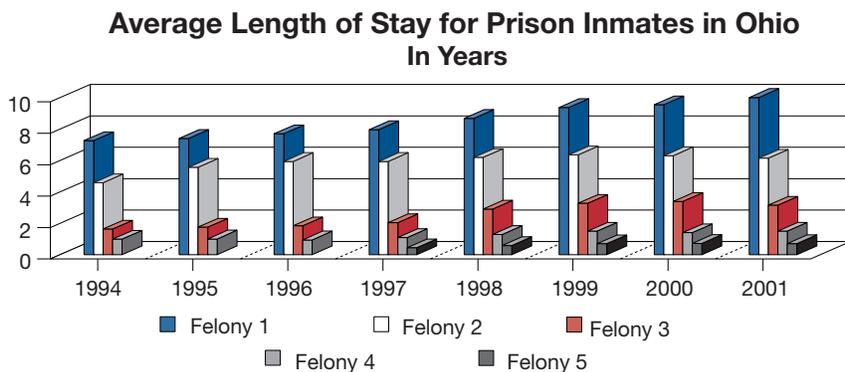
DRC Prison Population Projections for July 1, 2003 – July 1, 2011

Date	Male	Female	Total
12/2/2002*	42,142	2,881	45,023
7/1/2003	42,325	2,845	45,170
7/1/2004	42,888	2,943	45,831
7/1/2005	43,642	3,005	46,647
7/1/2006	44,301	3,103	47,404
7/1/2007	44,645	3,167	47,812
7/1/2008	45,158	3,258	48,416
7/1/2009	46,044	3,336	49,380
7/1/2010	46,665	3,309	49,974
7/1/2011	47,031	3,309	50,340

* Actual population on December 2, 2002.

Time served

Ohio's 1996 sentencing changes also affected the release pattern of offenders. Throughout the development of the new legislation, the Ohio Sentencing Commission wanted to ensure that more serious felony offenders would serve longer sentences. Parole guidelines were later revised to reflect this intent and to reduce sentencing disparity of inmates convicted prior to the changes. The average length of stay for the most serious felonies – felony 1 – have increased by almost 2.5 years since 1996.



While the *length of time served* by offenders and prison *release type* have varied over the past eight years, the average for all inmate releases at the *expiration of their sentences* has decreased since 1996. The total number of inmates released on supervision increased by more than 10,000.

Offenders Released from Prison by Release Type

Release Type	1994	1995	1996	1997	1998	1999	2000	2001
Expiration of Sentence	10,980	11,547	11,908	10,260	8,026	8,383	8,221	8,534
Parole/Post-Release Control	4,330	4,307	3,856	4,630	9,300	11,757	12,984	14,152
Shock Parole	501	385	253	139	70	81	56	15
ITD/Transitional Control	310	279	341	224	45	1,004	1,708	1,318
Shock Probation/Judicial Release	2,594	2,738	2,499	2,109	2,079	1,481	1,565	1,634

Felony offenders who committed crimes prior to July 1, 1996 are serving more time than offenders who committed crimes after the sentencing changes of 1996.

Time Served in Years for Offenders on Post Release Supervision				
Felony Level	1997		2001	
	Pre 1996 Crime	Post 1996 Crime	Pre 1996 Crime	Post 1996 Crime
Felony 1	7.95		11.10	3.38
Felony 2	5.72		7.9	2.89
Felony 3	4.27	0.78	6.48	1.89
Felony 4	3.37	0.53	5.33	1.11
Felony 5		0.46	1.81	0.73

From 1997 – 2001, the total number of Ohio Parole Board hearings decreased by 13.6 percent. The total number of offenders released also decreased during the same period.

Year	Hearings Resulting in Parole Release
1998	37%
1999	43%
2000	48%
2001	39%
2002	39%

Sex offender recidivism

A 2001 study by the Ohio Department of Rehabilitation and Correction tracked 14,261 sex offenders for ten years following their release from prison in 1989. The majority of offenders involved in the study were White (66 percent) and the rest were Black; almost all the offenders were male (98.9 percent). Most of the offenders were released because their sentences had expired (44.7 percent) or were on parole (38.6 percent). The study showed that the combined recidivism rate for new crimes and technical violations in the ten-year period was 34 percent.

Sex Offender Recidivism Offenses		
Type of Recidivism	Percent	Total Percent
Recommitment to Prison for a New Crime		22.3%
Committed a Sex Offense	8.0%	
Committed a Non-Sex Offense	14.3%	
Recommitment to Prison for a Technical Violation		1.7%
Committed a New Sex Offense	1.3%	
Behavior Indicated May Commit Sex Offense	1.7%	
Committed a Non-Sex Offense	8.7%	

Source: *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases*. Paul Konicek, Bureau of Evaluation, Ohio Department of Rehabilitation and Correction, April 2001.

With the average sex offense recidivism at 11 percent, recidivism rates differed considerably based on victim typology. Data also indicated that those offenders recidivating with new sex offenses were most likely to do so within the first three years following their release from prison. Paroled offenders successfully completing treatment experienced lower recidivism rates than those who did not.

Sex Offender Recidivism

Sex Offender Type	General Recidivism	Sex Recidivism
Rapists - Adult Victims	56.6%	17.5%
Child Molester - Extra Familial	29.2%	8.7%
Child Molester - Incest	13.2%	7.4%

Source: *Ten-Year Recidivism Follow-Up of 1989 Sex Offender Releases*. Paul Konicek, Bureau of Evaluation, Ohio Department of Rehabilitation and Correction, April 2001.

Prison industries

The first penal industry program, implemented in 1834 at the Ohio Penitentiary, reflected the needs of the time: blacksmithing, glassblowing, barrel making, and shoe making. Today, penal industry programs have been expanded to provide inmates with skills that can transfer beyond the prison setting. Operating much like any functional business, inmate employees receive on-the-job-training in shop skills, safety, quality assurance, production scheduling, mathematics, and inventory control. Prison industry programs currently manufacture and sell furniture, health-tech products, institutional and jail products, flags and emblems; provide automotive/vehicle repair, and business and computer services; and offer refurbishing services. In 2002, Ohio's prison industries employed 2,682 inmates.

Following 744 inmates released from prison in 1992, DRC conducted an evaluation of the impact of its prison industry program on recidivism. Completed in 1995, the study indicated that meaningful participation in an industries job while incarcerated reduced recidivism by almost 20 percent. Participation in prison industries substantially narrowed the gap in recidivism seen between Blacks and Whites.¹⁰⁰ The evaluation also showed that inmates who worked in high skill jobs reduced their recidivism rates by 50 percent.

Community service

In 1991, Governor George Voinovich initiated a unique program for offenders to contribute something positive to Ohio during their incarceration. Through *community service*, minimum-security inmates, supervised by DRC employees, donate their labor to local government, nonprofit, and charitable organizations. Offenders whose security level precludes them from working in the community are often assigned service projects within the prison.

When the program began, inmates provided 50,000 hours of labor. By 2001, offenders had volunteered 5.3 million hours of service to communities, with over 25 million hours of service provided since 1991. In 2001 alone, one of the most well known of these service projects, Pilot Dogs, received 923 dogs trained by inmates for placement with disabled Ohioans.

Educational programs

The Ohio Department of Rehabilitation and Correction provides extensive educational programming to assist offenders reintegrating into communities on their release from prison. Many offenders enter the system with poor educational skills. In 1997, the average reading level of incoming inmates was just over 7th grade, and 30 percent of male and 20 percent of female inmates tested with reading so low they were considered functionally illiterate. Only 24.7 percent of other inmates held a high school diploma, and 13.3 percent a General Education Development (GED diploma). In 1998, 26,885 (56 percent) inmates were enrolled in DRC's school system.

To measure the impact of its educational programs on recidivism, DRC completed an evaluation in 1995 and found:

- Obtaining a GED appeared to have the greatest effect on recidivism when followed by a college or vocational program.
- While Adult Basic Education (ABE) programs generally appeared to increase the rate of return to prison when considering all participants, ABE seemed to have a more positive effect on older offenders; female offenders; inmates who had served the longest; and sex offenders.
- College programming had the greatest impact on female, young, high school graduates at the time of their commitment; those incarcerated for first degree felonies; drug offenses; non-violent offenses; and prisoners with no prior Ohio incarcerations.
- Participation in an education program appeared to have a greater impact on reducing recidivism for offenders convicted of more serious felonies.¹⁰¹
- The highest reduction in recidivism was seen among female, Black, young offenders incarcerated for drug offenses, with one prior incarceration.

Vocational education has also become an integral part of Ohio's prisons, with DRC currently offering 33 different training programs for incarcerated offenders. A statewide Vocational Advisory Committee and occupationally specific Crafts

Councils provide input to validate the appropriateness of DRC's vocational programming. In 1998, a total of 3,511 inmates participated in these programs, with 1,187 receiving certificates.¹⁰²

Mental health services

Like other states, in the early 1990's Ohio's prison system was under intense scrutiny regarding the delivery of services to mentally ill offenders. By 1995, DRC was providing a wide range of mental health services to inmates. According to the U.S. Department of Justice, Bureau of Justice Assistance, 1,042 inmates were under 24-hour care; 7,165 received therapy and counseling; and 4,921 were prescribed psychotropic medications. With more mentally ill individuals in correctional institutions than mental health facilities, Ohio's 33 prisons are divided into clusters to provide assessments; evaluations; treatment; and crisis intervention for mentally ill offenders.

FROM THEORY TO PRACTICE

Offender Reentry in the Ohio Department of Rehabilitation And Correction

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In 2002, the Ohio Department of Rehabilitation and Correction (DRC) issued a comprehensive report called: *The Ohio Plan for Productive Offender Reentry and Recidivism Reduction*. The publication of the *Ohio Plan* represented the culmination of nine months of planning by six Reentry Action Teams operating under the guidance of a Reentry Steering Committee.

DRC has adopted a new vision, mission, and slogan governing offender reentry. At the heart of DRC's approach is the view that reentry is a philosophy, not a program. Reentry calls for a broad systems approach to managing offenders returning to the community. It is a commitment that starts with the question: What is needed to prepare this offender for successful reentry? The slogan adopted in the Ohio Plan: *Reentry Means Going Home to Stay*.

The Ohio Plan contains 44 recommendations targeting six major areas in which reentry changes will be made. Reentry Implementation Teams are presently working on the implementation of each of these recommendations. The Plan's six major focuses are:

1. **Offender Assessments and Reentry Planning:** The reception assessment process has been augmented under the new system of reentry to include a formal risk assessment, a needs assessment, and a new case-planning tool known as the *Reentry Accountability Plan* (RAP). RAP

provides the core document guiding offender programming throughout the reentry transition. Reentry Management Teams in the institutions and parole regions will monitor offender Reentry Accountability Plans as they move from confinement to discharge into the community.

2. **Offender Programming:** This programming will target the criminogenic needs, or dynamic risk factors of offenders that can be changed through appropriate treatment and intervention. A new program policy has been adopted incorporating the principles that drive effective correctional programming. This new policy will require the evaluation of existing programs to determine the extent to which they address criminogenic needs of offenders. An *Ohio Offender Performance Merit System* is also under development that, when adopted, will recognize prosocial behavior demonstrated by offender participation in reentry programming.

3. **Family Involvement:** DRC has developed new avenues for engaging families during an offender's incarceration through the adoption of a *Family Orientation Program* at all three of its Reception Centers. The formation of a Family Council, and innovative policy changes for greater family involvement during confinement and any community supervision that follows, are underway.

4. *Employment Readiness and Discharge Planning:*

New policies have been adopted: *Release Preparation Program* and *Transitioning the Offender*, to ensure that thorough discharge planning takes place well in advance to prepare offenders for release to the community. Other innovative actions are being taken including the establishment of *Reentry Resource Centers* in each institution and parole region; career exploration programs for offenders; and enhanced marketing strategies for ex-offenders.

5. *Offender Supervision:* The Adult Parole Authority is in the process of adopting a philosophy of supervision that calls for a balanced approach to working with offenders. Community collaboration will be secured through an expansion of Citizens' Circles, involving local citizens in the rehabilitative and reentry process. Linkages with institutional staff are being established as well through reentry orientation sessions conducted by parole officers prior to an offender's release.

6. *Community Justice Partnerships:*

DRC has long embraced community justice as a governing framework. A Faith-Based Advisory Council has been created to further involve the community. Regional councils have been formed and will be linked with the institutions and parole offices to establish viable connecting points across the prison-community divide. Victim safety planning is

being addressed as well for designated higher risk offenders through the Office of Victim Services.

DRC's commitment to reentry and the Ohio Plan is long-term. It speaks to a redirection that views reentry holistically; that is, as a philosophy governing changes in practice that impact each and every phase of the entire correctional process.

Ohio was awarded a three-year, \$2 million federal reentry grant under the *Serious and Violent Offender Reentry Initiative*. With DRC serving as the lead agency, the Ohio Departments of Mental Health, Alcohol and Drug Addiction Services, Job and Family Services, Education and Criminal Justice Services serve as the state partners on a Reentry Steering Committee to oversee the rollout of the grant. This committee also includes the Cuyahoga County Department of Justice Affairs for the Cleveland area, and Community Connection for Ohio Offenders in Franklin and Allen Counties. The grant will target approximately 200 offenders who have served at least 12 consecutive months and who are in the age range of 18 – 35. The grant is designed to address high-risk, serious, and violent offenders. Many of these offenders will have substance abuse histories, mental health problems, and a limited work experience or history. Offenders will be screened and selected for participation in the grant from a small cluster of institutions; three parole regions will supervise participating offenders returning to

Cuyahoga, Franklin, and Allen counties. An evaluation design has been developed to assess the results of this project.

Finally, Ohio is one of only nine states to have implemented a reentry court program. Involving an active partnership between DRC and the Richland County Common Pleas Court, the Reentry Court has been in operation since 2001. In a manner comparable to drug courts, the Richland County Common Pleas Court, the Adult Parole Authority, and a designee of the Parole Board manage the return of offenders released from prison

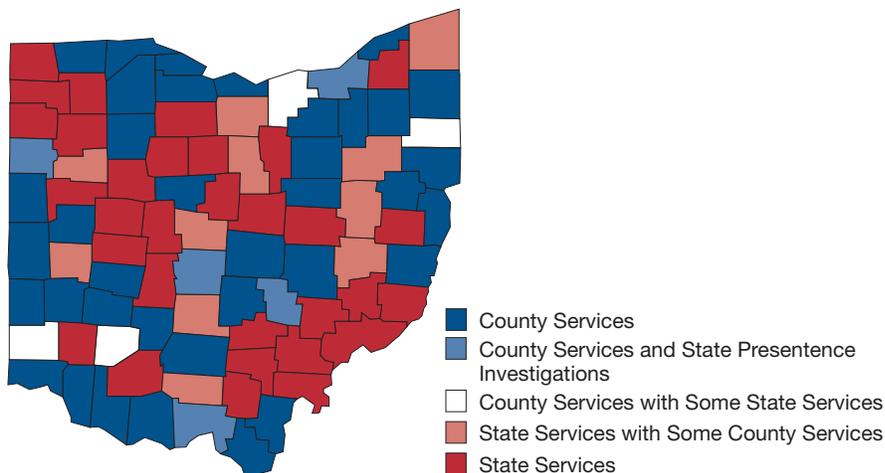
through monthly reentry court appearances. A reentry court case manager completes an initial needs assessment and periodically meets with the offender and institutional staff to develop and monitor offenders' progress on their reentry plan, which includes rehabilitative programs consistent with their plan. An evaluation is underway to determine the results and outcomes achieved through the intervention of the Reentry Court. The preliminary findings look very promising.

Supervising offenders after incarceration

The Ohio Parole Board at DRC is responsible for *parole* and *post-release control*, after 1996. Offenders who committed a crime prior to July 1, 1996, and therefore have indeterminate sentences, require a parole hearing and approval of the Parole Board prior to release from prison. All other offenders have a hearing near the end of their determinate sentence, at which time the Parole Board sets the terms of their post-release control.

A statewide effort during the 1970's ensured that all 88 Ohio common pleas courts now have probation services, including contractual services provided to some courts by DRC's Adult Parole Authority. For courts receiving probation services from the state, the probation officer reports directly to the state Parole Authority instead of the local common pleas judge. State parole officer caseloads may include probation; parole; post release control; transitional control; community control; compact cases; and intermediate transitional detention cases. In addition to supervising offenders, most supervision units offer related services, such as presentence and parole board investigation reports. Caseloads are comprised of approximately 75 offenders per officer.

Felony Probation Services for 2003 in Ohio



Pre-hearing investigations provide the Parole Board with the information needed to make informed decisions regarding offender supervision. Released offenders are under county or state supervision for periods from a few months to several years, and may also be required to spend time in community sanctions like halfway houses or alternative residential facilities.

From 1997 – 2000 the number of offenders on parole and post release control increased by nearly 200 percent, while the number of probationers rose only 4.5 percent. During the same period, the number of officers available to supervise offenders also decreased.

Community control

Community control, the new expression for probation in Ohio, involves the supervision of offenders and is the basis for community sanction sentencing in the state. Locally operated probation departments within the court of common pleas supervise the majority of offenders on local control sanctions; county or municipal courts supervise misdemeanor offenders.

A 2001 survey of state and local probation departments conducted by the U.S. Department of Justice, Bureau of Justice Statistics¹⁰³ revealed that the number of probationers and rate per 100,000 had increased in Ohio during the previous eight years. The large increase in probationers between 1997 and 1998 may be due to probationer estimates by the Bureau of Justice Statistics for non-reporting agencies. At the close of 2002, there were 211,237 probationers under supervision in Ohio.

With a rate of 2,469 probationers per 100,000 adult residents, Ohio ranked seventh in the nation for offenders on probation in 2002. While Ohio and Michigan have similar rates for probationers, Ohio ranks fourth in the total number of persons on probation behind Texas, California, and Florida.

Probation Populations in Midwest

State	Probation Population December 31, 2002	Percentage Change in Population During 2002	Rate per 100,000 Adult Residents
Indiana	108,587	2.4	2,325
Michigan	173,940	1.7	2,330
Ohio	211,237	8.2	2,469
Illinois	141,544	0	1,506
Pennsylvania	130,786	3.9	1,388
Kentucky	24,856	9.0	804
West Virginia	6,244	1.1	446

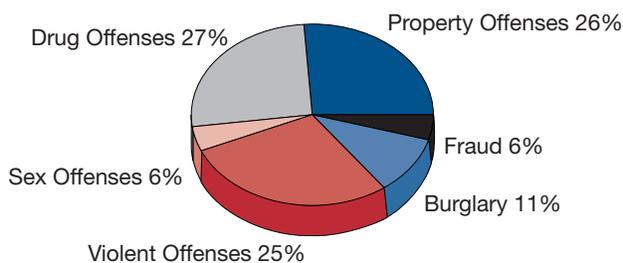
Source: *Probation and Parole in the United States, 2002*

Ohio's supervised offender population

The Ohio Department of Rehabilitation and Correction completed an in-depth review of offenders supervised by the Department as of January 1, 1998, and found:

- 81 percent of supervised offenders were male.
- 63 percent of supervised offenders were Caucasian; 34 percent were African American; 2.4 percent Hispanic; 0.1 percent Asian; and 0.1 percent Other.
- 23.9 percent of crimes involved drug offenses, followed by property offenses (23.3 percent); offenses against persons (21.9 percent); burglary (10.4 percent); fraud (5.8 percent); and sex offenses (5.1 percent).
- 27.1 percent of probationers were female, compared to female parolees at 7.6 percent. Probationers tended to be lower level felonies (59.7 percent felony 4 and 21.8 percent felony 3) than parolees (40.6 percent felony 2 and 20.5 percent felony 1). Probationers were more likely to be caucasian (79.2 percent); parolees were more likely to be African American (60.4 percent). Probationers were more likely to have been convicted of a property offense (34.4 percent), and parolees were more likely to have been convicted of an offense against persons (43.6 percent).
- 45 percent of all cases were under basic medium supervision; 24 percent were under basic low; and 20 percent were under basic high supervision.

Commitment Offense for Adult Offenders On State Supervision in Ohio for 1998



Citizen Circles

A component of Ohio's new reentry initiative, Citizen Circles engage the broad based support of the local community as offenders reintegrate back into the community. The Circle works with offenders and their families to develop a plan for release, stressing that community acceptance requires certain obligations and responsibilities from offenders themselves. Citizen Circles currently operate in Marion, Lorain, Richland, and Lucas counties.

Circle successes

Willie

Living in an area halfway house, Willie arrived at the Mansfield Citizen Circle in need of a job. Although the Circle helped Willie find employment at a local factory close to the halfway house, his hours required him to walk through a crime-infested area in late evening. Learning of this obstacle, the Circle found a way to provide Willie with transportation from work in the evening. When Willie told the group about the specialized computer training he had received in prison, the Circle, including the director of a local adult learning center, encouraged him to pursue computer certification training. Willie, gainfully employed and attending computer training, attributes his reentry success to the men and women of the Mansfield Citizen Circle.

Namon

Frustrated with his inability to obtain employment using his culinary skills, Namon presented his concerns to his Lorain Citizen Circle. The Circle's stakeholders worked with Namon to formulate a plan of action specifically designed to increase the probability of employment, including updating Namon's resume, practicing interview techniques, and compiling a list of potential leads. Within three weeks, Namon was employed, sharing that his Circle provided the support he needed "to not give up."

William

Testing positive for marijuana, unemployed, and in a custody battle with his ex-wife, William's behavior violation could have easily sent him back to prison. Instead, William was referred to the Marion Citizen Circle. Circle members not only helped William with job interviews, but also scheduled an appointment with the local legal aid society. Today, William is employed – earning a performance bonus for attendance – and has resolved the custody issues regarding his daughter. Successfully terminated from community supervision in 2002, William has had no subsequent violations, and even helps with the Citizen Circle when his work schedule permits.

Randy

Released from prison with no family or friends who would allow him to live with them, Randy arrived in Marion homeless, with \$75 in his pocket, and only a 14-day supply of psychotropic meds for his mental illness. After Randy's parole officer referred him to the Marion Citizen Circle for support, Circle members helped him find housing, obtain an appointment with the local treatment agency, and link up with a mentor through a local church. Randy, successfully terminated from community supervision, continues to volunteer at the church and Citizen Circle, now offering advice to other offenders having difficulties adjusting to their lives in the community.

Each local Circle develops its own criteria for acceptance into the program, with members ranging from community religious leaders, law enforcement, probation and parole, to business owners, victims and social services agencies. Once accepted into the program, offenders, along with any family members, participate in monthly Circle meetings to discuss goals, obstacles and achievements. Offenders with alcohol or drug problems are assisted in finding sponsors, who will often attend meetings as well. As the real life scenarios show, Citizen Circles help offenders meet critical life needs, while developing positive behaviors for long-term success.

Halfway Houses

Halfway houses are an intermediate residential sanction used by sentencing judges and the Parole Board once offenders are sentenced or released from prison. Providing a semi-secure placement where offenders live at the facility but work and attend programs outside the facility, halfway houses assist offenders in developing new ways of behaving, and thinking, to reduce the likelihood of recidivism. Offenders on probation may be sentenced to a halfway house for up to six months, with no maximum limit on stays for parolees or offenders on post-release control. The average length of stay for offenders in 2000 was 84 days.

Unless a local probation department has a direct contract with the facility, the majority of halfway house referrals are coordinated through DRC's Centralized Placement Office. Many of these halfway houses also have contracts with the federal Bureau of Prisons. There are 32 halfway houses in Ohio, operated by 25 separate private, nonprofit organizations. In 2002, Ohio halfway houses received \$33,997,018 in state funding, with additional support provided through federal and local government contracts. Both the total number of beds available and per diem costs for halfway houses have increased since 1996.

Halfway House Bed Distribution

Status	Male	Female	DUI	Total
Transitional Control	326	55		381
Parole/Post Release Control	521	123		644
Community Control	371	80		451
Mental Health Transition	50	6		56
Intensive Program Prisons	35	10	49	94
Grand Total	1303	274	49	1,626

A total of 7,351 Ohio offenders participated in Halfway House programs in 2002. Offenders were primarily male (88 percent); African American (54 percent); unmarried (82 percent); had completed 11th grade; and averaged 34 years of age. Forty-nine percent were felony offenders convicted of 1st, 2nd or 3rd degree felonies, with 27 percent convicted of violent offenses; 31 percent property; and 28 percent drug offenses. A full 65 percent of halfway house participants had been convicted of at least one prior felony; another nine percent were convicted of five or more prior felonies.

Offender employment at the time of release is a major focus of halfway houses. In 2002, offenders earned \$6,637,013; paid \$32,308 in restitution to victims; \$73,828 in court costs; and \$90,828 in child support. All halfway house participants must also complete community service, which in 2002 totaled 48,546 hours.

In 1999, the University of Cincinnati began an evaluation of offenders in Ohio's halfway houses and community based correctional facilities. Following nearly 7,500 offenders, as well as a matched comparison group, through early 2002, the study found that CBCFs, using standardized assessment instruments and providing a variety of programs including cognitive behavioral treatment, were most successful with medium and high-risk offenders. Halfway houses had the greatest treatment impact on high-risk offenders.¹⁰⁴

Ohio's juvenile sentencing changes of 2002

Prior to January 2002, juvenile dispositions focused on the treatment and rehabilitation of offenders. While juvenile offenders typically received treatment within the community, they could be sentenced to state facilities if shown to be violent or dangerous. The increasing visibility of violent juvenile crimes such as school shootings prompted legislators nationwide to enact increased penalties for juveniles, and lower the age juveniles can enter the criminal system.

Modeled more closely to the state's adult system, these legislative changes shifted the foundation of Ohio's juvenile justice system to: protect public interest and safety; hold offenders accountable for their actions; restore the victim; rehabilitate offenders; and provide for the care, protection, and mental and physical development of children. The new sentencing structure relies on the age of the juvenile at the time of the crime and the type of crime committed, and requires juvenile judges to impose one of the following dispositions:

- Mandatory or discretionary transfer of the juvenile to the adult system;
- Mandatory or discretionary blended sentence where part of the sentence is in the juvenile system and part of the sentence is in the adult system;
or
- Traditional juvenile treatment including a range of services from court run programs to state commitment.

Since 2002, *blended sentences* also allow juvenile courts to impose an adult sentence, holding it in abeyance provided the young offender successfully completes the juvenile disposition. Sixteen youth were committed to DYS during 2002 for blended sentences and 23 youth were committed during the first six months of 2003.

Juvenile Sentences by Age and Transfer Eligibility

Offense	Transfer Eligible		Not Transfer Eligible	
	17 & 16	15 & 14	13 & 12	11 & 10
Aggravated Murder/Murder	mandatory transfer	mandatory transfer or blended	discretionary blended	discretionary blended
Att. Aggravated Murder/Murder	mandatory transfer	mandatory transfer or blended	discretionary blended	discretionary blended
1 st Degree Violent Felony & Enhancement	mandatory transfer	discretionary blended or blended	discretionary blended	discretionary blended
1 st Degree Non Violent Felony & Enhancement	discretionary blended	discretionary blended	discretionary blended	traditional treatment
1 st Degree Felony	discretionary blended	discretionary blended	traditional treatment	traditional treatment
2 nd Degree Felony Enhanced	mandatory transfer or blended	discretionary blended	discretionary blended	traditional treatment
2 nd Degree Felony	discretionary blended	discretionary blended	traditional treatment	traditional treatment
3 rd Degree Felony Enhanced	discretionary blended	discretionary blended	traditional treatment	traditional treatment
3 rd Degree Felony	discretionary blended	traditional treatment	traditional treatment	traditional treatment
4 th & 5 th Degree Felony Enhanced	discretionary blended	traditional treatment	traditional treatment	traditional treatment
4 th & 5 th Degree Felony	traditional treatment	traditional treatment	traditional treatment	traditional treatment

Source: *Ohio Criminal Sentencing Commission*

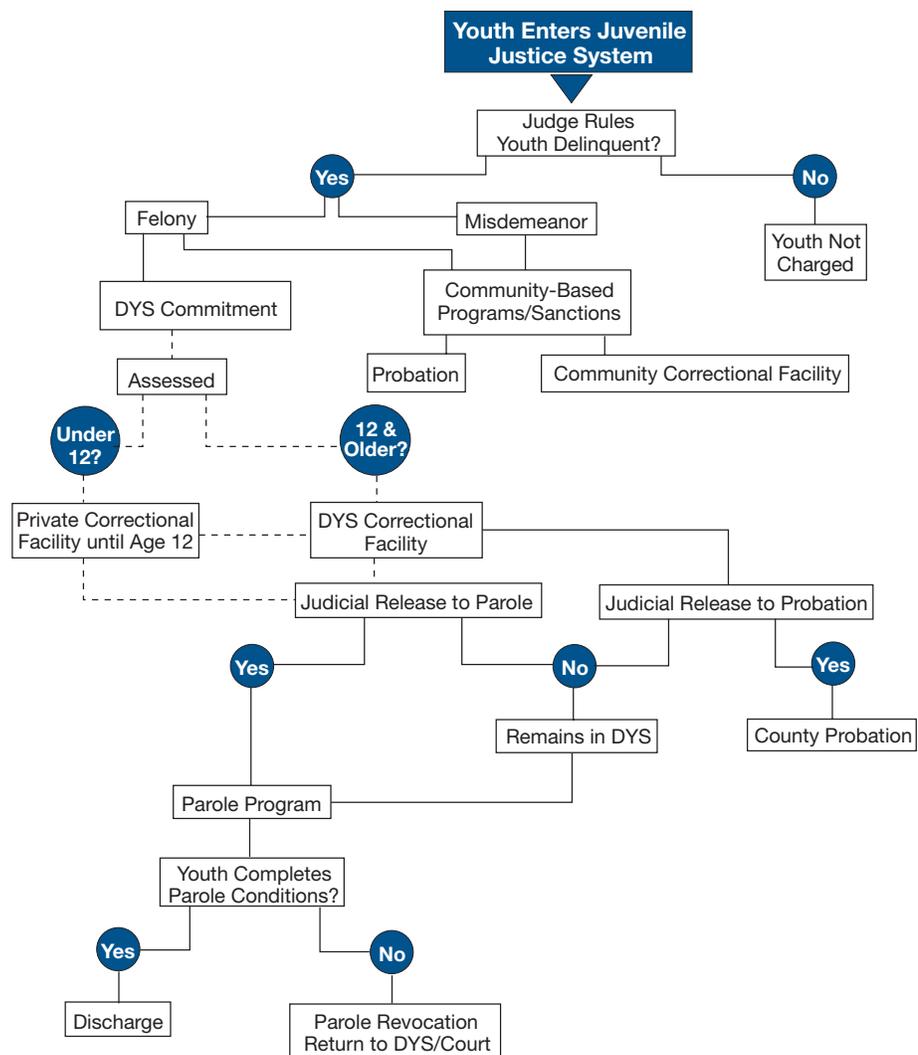
Enhancements

Enhancements are a way of increasing the severity of juvenile dispositions if the offense would be a violent offense if committed by an adult; a firearm was used during commission of the crime; or the offender had prior commitments to the Ohio Department of Youth Services for a serious felony.

Ohio’s juvenile legislation also lowered the age of jurisdiction for the Ohio Department of Youth Services (DYS) to age ten. By Executive Order, juvenile offenders age 10 and 11 who are committed to DHS are to remain in a private facility operated by a children’s services organization until they reach age 12, at which time they are transferred to a DHS facility.

Under the new sentencing structure, juvenile court judges are provided a greater range of sanctions including community control options such as electronic monitoring and house arrest; treatment; education; and intensive probation.

Juvenile System Flow



RECLAIM Ohio

In 1993, not only were Ohio's juvenile institutions crowded, but the number of juveniles being committed to the state was steadily increasing. The Ohio Department of Youth Services, in partnership with the Ohio Association of Family and Juvenile Court Judges, created a comprehensive initiative to fund and implement juvenile treatment programs through local juvenile courts. Designed to reduce institutional crowding, increase community-based programs, and maintain family ties with offenders, *RECLAIM Ohio* (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) was operating in all of Ohio's 88 counties by January 1995.

Juvenile judges may use RECLAIM funds to treat juvenile offenders within the local community, or pay to commit youth to a DYS facility. A separate fund allows juvenile judges to sentence youth convicted of violent offenses including murder, attempted murder, kidnapping, rape, voluntary manslaughter, involuntary manslaughter, felonious sexual penetration, arson, and 3-year gun specifications without using community RECLAIM resources.

From July 1, 2001 – June 30, 2002, approximately 126,000 youth received community services supported with RECLAIM Ohio and Youth Services Grant subsidies. Overall, counties have seen a 69 percent increase in subsidy funding for juvenile services since 1990. In 2002 alone, almost \$50 million was retained to support over 650 local treatment projects for Ohio's juvenile offenders.

An evaluation of RECLAIM Ohio conducted in 1998¹⁰⁵ found that the program was successful in reducing the number of commitments to the state. Data also showed that counties were able to keep state commitments from rising despite an increase in felony adjudications during the same period. RECLAIM Ohio's original nine pilot counties reduced commitments by 42 percent, with the other 79 counties experiencing a 36 percent reduction in state commitments.

FROM THEORY TO PRACTICE

Comprehensive Community Programming for Juvenile Offenders

The Honorable
Thomas Louden

Retired Juvenile Judge
Delaware, Ohio

Juvenile courts are required to develop a plan and programs for successful court responses to juveniles who have complaints filed against them in court. The juveniles appearing before these courts often have serious problems involving mental health, chemical dependency or abuse, or dual diagnosis.

The method chosen to respond to the least serious juvenile offenders can be *diversion from formal legal proceedings*. The court can make referrals to treatment services, such as mental health and substance abuse education, or issue minor sanctions like monitored behavior and parent skill classes as alternatives to formal proceedings. Diversion is essential in some form for these juvenile offenders.

The next, and more involved, alternative to formal proceedings is *filing a formal complaint for the offense*. If the child admits to the complaint, the court acknowledges the child's admission; imposes some sanctions, directives, or conditions; holds the case open for a period; and then dismisses the complaint with no criminal record –when legally possible – in exchange for the juvenile's compliance.

A higher level of disposition is *adjudication*, either upon the child's admission or after a trial and a finding of a violation. Adjudication is done for repeat offenses or offenses that are more serious when significant court involvement appears necessary. Court ordered sanctions may be imposed

with or without probation. In these cases, probation staff have various levels of contact with the juvenile and family, depending on the seriousness of the offense and the child's treatment needs.

Research on effective treatment programs for juveniles indicates that certain lower risk offenders have better outcomes without intensive treatment services like prolonged probation. The ability of the court to mandate treatment services for juveniles is an essential determination and vital threshold to making a positive impact on a juvenile's manifested needs complicated by their criminal behavior. This level of court involvement in developing meaningful treatment programs for offenders is the single measure of a juvenile court's effectiveness.

The legislative, executive, and judicial branches, and many citizens, often believe that delinquents think and make decisions about their behaviors like adults. This is essentially inaccurate and results in ineffective penalties and missed opportunities for youth in crises. Comparing the actions of delinquents to some well-publicized illegal actions of very intelligent, highly educated CEOs, professionals, and clergy who commit far more contemplated and harmful offenses is unreasonable.

Our perspective should be tied to appropriate dispositions for delinquents based on their decision-making ability or process. Typically, a

child deserving intensive probation has no ability to consciously decide to stop delinquent behavior. A probation program designed as a continuum of care and responsive to continued behavior problems, including punitive sanctions, is essential to the child's well being, and to which the child is entitled. Significant expense should be expected and funding appropriated to pay for the treatment services.

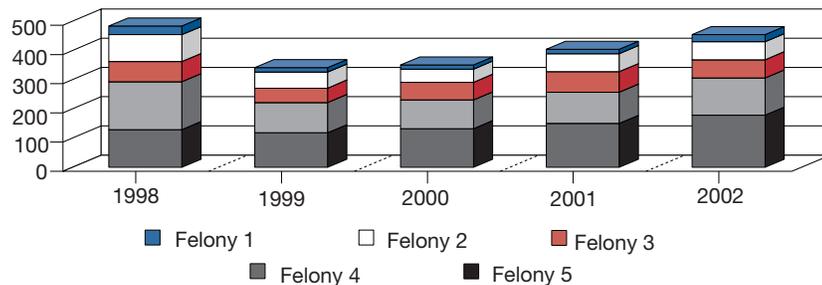
The futility and prognosis of a child who continues to exhibit serious delinquent behavior is relative to the programs in place in the community at the time treatment is needed. These necessary programs are essentially

known by juvenile judges, and could be in place if we chose to meet the needs of serious delinquents in a more appropriate manner than now used by many communities. Eighty percent of the children in the Ohio Department of Youth Services are estimated to be from families at or below poverty level, and represent a disproportionate minority. Well-conceived community programs and qualified, compensated staff can unquestionably and drastically improve our outcomes and treat our delinquent children much more appropriately than sending them to prison.

Community Correctional Facilities

A Community Correctional Facility (CCF) is a secure community residential facility for youth, similar to Ohio’s Community Based Correctional Facilities model for adult offenders. Operated locally with funding from DYS, each CCF includes basic programs such as education, job training and substance abuse counseling, and encourages family involvement in all phases of programming.

**Community Correctional Facility Commitments in Ohio
By Fiscal Year**



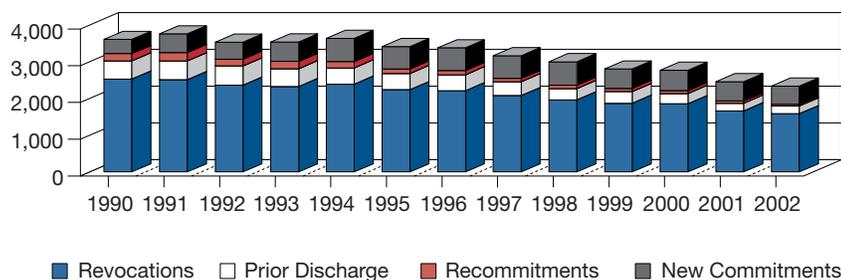
Source: Ohio Department of Youth Services, unless otherwise noted juvenile offender information is from this source.

Since 1998, eleven Community Correctional Facilities across Ohio have treated 2,033 youth. Most juveniles committed to these facilities were White (77 percent), and adjudicated for lower level felonies.

Juvenile commitments

State subsidies provided to local courts have significantly reduced the number of juveniles committed to DYS in recent years. Today, most DYS commitments represent offenders committed for the first time on the instant offense. The average length of stay in a juvenile institution was 10.5 months, at a cost of about \$157.37 per day.

**Institutional Commitments for Youth in Ohio
By Fiscal Year**



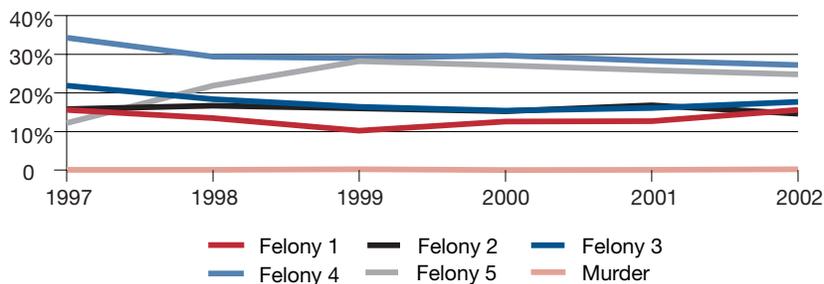
The majority of DYS commitments involve males (90 percent) with serious felony offenses. Fifty percent of all juvenile commitments are Caucasian, followed by African-American (47 percent), Hispanic (2 percent) and Other (1 percent). The average age of commitment in 2002 was 16.4 years, an increase from 15.9 years in 2001, with the average age at discharge 17.4 years.

Juvenile offenses

Juveniles committed to DYS must be adjudicated of an offense that would be a felony if committed by an adult. The majority of offenders are adjudicated for felony 4 and 5 offenses.

While most youth committed to DYS facilities are property offenders, commitments for offenses against persons and sex offenses have increased since 1997.

Institutional Commitments by Felony Level for Youth in Ohio



Percentage of Youth Committed to the Ohio Department of Youth Services Felony Type

	1997	1998	1999	2000	2001	2002
Homicide	0.6%	0.7%	0.7%	0.4%	0.5%	0.8%
Sex Offenses	7%	9%	9%	11%	11%	11%
Other Person Offenses	23%	24%	23%	22%	25%	26%
Property Offenses	50%	50%	49%	48%	45%	46%
Drug Offenses	12%	10%	12%	12%	11%	8%
Other Offenses	7%	6%	7%	7%	8%	8%

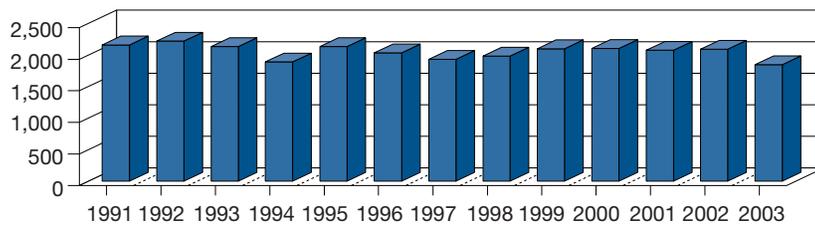
DYS institutional capacity

In 2003, the Ohio Department of Youth Services operated nine public institutions, and one private, for juvenile offenders.

Institution	Year Built	Design Capacity	Security Level
Circleville Juvenile Correctional Center	1994	144	Minimum to Medium
Cuyahoga Hills Juvenile Correctional Facility	1969	200	Minimum to Medium
Freedom Center	1956	25	Minimum to Medium
Indian River Juvenile Correctional Facility	1973	184	Minimum to Close
Marion Juvenile Correctional Facility	1999	240	Minimum to Maximum
Mohican Juvenile Correctional Facility	1935	120	Minimum to Medium
Ohio River Valley Juvenile Correctional Facility	1996	142	Minimum to Close
Scioto Juvenile Correctional Facility	1994	220	Minimum to Close
Paint Creek Youth Center	1986	30	Medium
Total		1305	

Despite a decrease in Ohio’s average juvenile institutional population over the years, the average daily population for DYS facilities in 2002 was 1,886 – or 144 percent of design capacity. There were approximately 1,843 youth in state juvenile institutions during the first eight months of fiscal year 2003.

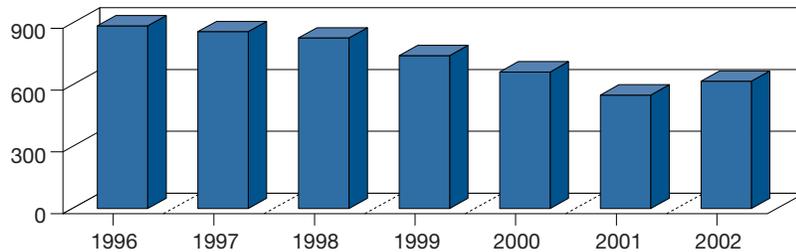
Youth Institutional Population in Ohio



Juvenile commitments to adult prisons

In 2002, the number of youth ages 14 to 18 tried as adults and committed to adult prisons represented three percent of all adult prison commitments.

Youth Committed to Adult Institutions in Ohio



Juvenile sex offenders

Since 2001, DYS has made significant advances in its services for juvenile sex offenders, from needs and risk assessments to age-appropriate housing and cognitive-behavioral/impulse-control programming.

Sexual offenders comprised almost 27 percent of all youth incarcerated in DYS facilities. Of these offenders, approximately 70 percent were Caucasian and 29 percent African-American. The majority of sexual offenders were committed on Felony 1 offenses (59.7 percent), followed by Felony 2 (6.9 percent), Felony 3 (22.9 percent), and Felony 4 and 5 (10.3 percent).

Similar to 1998 – 2000 figures, 2001 data showed that youth committed to DYS for sex offenses had a substantially lower recidivism rate than those committed for all other offenses, with the exception of homicides. Interestingly, the vast majority of juvenile sexual offenders who recidivated committed crimes other than sexual offenses.

2001 Ohio Department of Youth Services Institutional Releases

Offense Type*	All Youth Released		Recidivism at Three Months		Percent of all Releases	Recidivism at Six Months		Percent of All Releases
	Number	Percent	Number	Percent		Number	Percent	
Homicide	23	0.9%	2	0.5%	8.7%	4	0.4%	17.4%
Sex	226	8.8%	20	4.8%	8.8%	45	4.8%	19.9%
Person	630	24.6%	96	23.1%	15.2%	202	21.5%	32.1%
Property	1207	47.2%	215	51.7%	17.8%	496	52.8%	41.1%
Drug	257	10.1%	45	10.8%	17.5%	99	10.5%	38.5%
Other	214	8.4%	38	9.1%	17.8%	93	9.9%	43.5%

* Offense Type for revocators refers to original felony offense commitment. Recidivism, as defined by DYS, can occur through arrest, adjudication, commitment, conviction, or death related to the commission of a criminal act.

Educational programs

Chartered by the state, DYS operates a school district that requires all incarcerated youth to attend, with the exception of those who already hold high school or General Education Diplomas. Offering core credits needed for graduation and remedial programs such as Title I, DYS also provides a wide range of vocational job-skills training at its various institutions, including horticulture, barbering, printing, and office technology. In 2002, DYS expenditures for educational programming totaled \$14,073,149.

Mental health services

In 1998, a joint Ohio Task Force examined the extent of mental health problems in its state institutions. A sample of juveniles incarcerated in 1997 identified that 86 percent of females and 27 percent of males had significant mental health symptoms. Another sample in 1997 at Scioto's Juvenile Correctional Facility for youth with serious mental health issues found that 26 percent of its male offenders were diagnosed with a mood disorder; 27 percent with post traumatic stress disorder; 19 percent with substance abuse; 8 percent with severe attention deficit hyperactivity disorder; and 6 percent with psychotic disorders, including schizophrenia. As of 2003, approximately 25 percent of youth committed to DYS facilities were on its mental health caseload to receive psychiatric and/or psychological care and follow up.

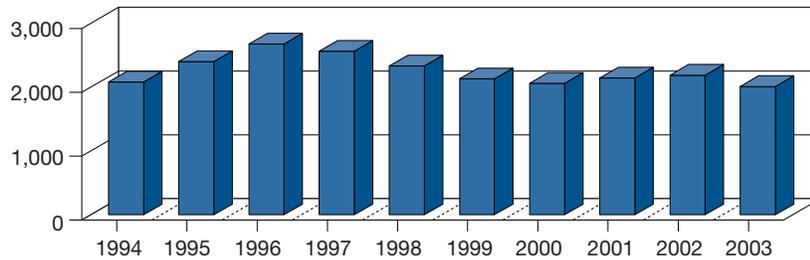
All DYS facilities employ full-time psychology staff, and contract for psychiatric services. Juvenile offenders diagnosed with severe mental illnesses are housed on the 12-bed intensive mental health unit at the Marion Juvenile Correctional Facility, or may be hospitalized at private facilities. Youth with less serious conditions requiring a different environment from the general population stay in non-intensive mental health units, with outpatient services provided to youth in the general population. Once released to the community, juveniles receive follow up from local psychologists for continuity of services.

In collaboration with the Ohio Department of Mental Health, Ohio Department of Job and Family Services, and Ohio Office of Criminal Justice Services, the Ohio Department of Youth Services recently designed a community-based diversion project to offer dispositional options for mentally ill juveniles committing violent crimes. Covering six counties, the pilot project reduced commitments of mentally ill youth by approximately 50 percent.

Aftercare

Juveniles released from DYS are placed on aftercare and supervised by parole officers. On average, there were 2,008 youth on parole from July 2002 – February 2003.

Average Number of Youth on Aftercare in Ohio



DYS also measures recidivism rates of youth at three and six month post-release intervals. Of the 2,557 youth released from DYS facilities in 2001, 16.3 percent recidivated within three months and 36.7 percent within six months. In the first quarter of 2002, 14.9 percent of all released juveniles recidivated within three months, and 33 percent within six months.

ENDNOTES

- ⁹⁶ Unless otherwise noted, all adult offender data is from the Ohio Department of Rehabilitation and Correction. Data regarding Ohio's juvenile offenders is from the Ohio Department of Youth Services.
- ⁹⁷ Prison and Jail Inmates Mid Year 2002, Bureau of Justice Statistics, April 2003.
- ⁹⁸ *Corrections Yearbook 2001*, Criminal Justice Institute, 2001.
- ⁹⁹ *Capital Punishment 2001*, Bureau of Justice Statistics Bulletin, December 2002.
- ¹⁰⁰ *Evaluation of the Impact of Participation in Ohio Penal Industries on Recidivism*, Bureau of Planning and Evaluation, Ohio Department of Rehabilitation and Correction, November 1995.
- ¹⁰¹ *Evaluation of the Impact of Correctional Education Programs on Recidivism*, Bureau of Planning and Evaluation, Ohio Department of Rehabilitation and Correction, October 1995.
- ¹⁰² Ibid.
- ¹⁰³ *Probation and Parole in the United States, 1995 – 2001*, Bureau of Justice Statistics Bulletins.
- ¹⁰⁴ *Evaluation of Ohio's Halfway Houses and Community Based Correctional Facilities*, Christopher Lowenkamp and Edward Latessa, University of Cincinnati, September 2002.
- ¹⁰⁵ *A Statewide Evaluation of the RECLAIM Ohio Initiative*, University of Cincinnati, March 1998.

FUTURE OF CRIME AND JUSTICE

A wag once said, “The future is not what it used to be.” What seems to be a silly quip actually masks a deeper profundity. Few of us have the prescience to forecast next week’s weather, let alone the trends that will shape the justice system a decade from now. However, here are some thoughts.

What the criminal justice system will look like in ten years

I am certain that despite increased attention to national security, the Constitution of the United States and state Constitutions will continue to guide us and to temper our activities related to criminal justice ten years from now. I am equally confident that human nature will not radically change in the next decade. The courts will continue to be called upon to address conflicts and to try those accused of violating our laws. And the courts will continue to resolve those conflicts in a sensible and fair manner.

That said, I see data systems that do a better job of speaking to each other, aiding court efficiency. We are at the threshold of creating a statewide data network that will achieve that goal. I see a court system that is sensitive to Ohio’s aging population and to criminal offenses relating to the aged. I see court security becoming more efficient and less intrusive. I see a more diverse group of lawyers in our criminal courts and it is my hope that they become more courteous to clients and other practitioners.

I anticipate much greater reliance on mediation, with the consent of crime victims, to help resolve minor criminal cases, even in juvenile courts. I see us being more in tune with the demands we place on jurors, in turn making the process more rewarding to citizens. I anticipate new sentencing options spawned by technology that combine public safety, rehabilitation, and sensitivity to crime victims.

Where I hope it is

The optimist in me sees a movement toward simpler statutes, rules, and court procedures. Statutes that are readily understood can help to deter crime and to make defendants in criminal cases better able to understand the process and to assist in their defense.

I hope that courts become more accessible over the next decade, perhaps affording some evening and weekend hours to resolve minor criminal offenses. I look for the criminal courts to be sensitive to Ohio’s growing populations of Hispanics, Somalis, and other immigrants who long for the constitutional protections afforded to residents of the United States. Interpreter services will be available to all who need them.

**Not What It
Used to Be:
A Glimpse
Into the Future**

**The Honorable
Thomas J. Moyer**

Chief Justice

Supreme Court of Ohio

I look forward to breakthroughs that allow persons involved with the courts, and the courts themselves, to understand emerging technologies and to put them to efficient use. These advances should help courts better manage criminal dockets, expand safe bail options, and monitor offenders. I see technologies that safeguard our privacy and security, rather than expose them, thereby stemming the rising tide of computer fraud and other crimes.

I expect advances in human genome mapping, DNA, and other fundamental research to help us treat the compulsions toward violence and drug abuse that underlie many crimes, while remaining mindful of liberty and fairness.

Where I fear it might be

Although I am not inclined to be prematurely disappointed in the future, the realist in me fears piecemeal legislation.

I worry that perceptions of racial minorities in the inequality of the legal system will be with us in the future as they are today.

I fear data systems that rush forward without the ability to communicate with one another, ironically making for more work, not less. Yet, I also worry that availability, access, and relative invisibility will make electronic fraud the white-collar crime that dwarfs all others. ■

The past dozen years have seen a tremendous growth in collaboration between Ohio's justice system and the alcohol and other drug treatment system. Drug courts, therapeutic communities, operating agreements, and Treatment Alternatives to Street Crime case management have brought about a high degree of accountability to make offender treatment effective. The Ohio Department of Alcohol and Drug Addiction Services (ODADAS) has working agreements to coordinate services with the Ohio Department of Rehabilitation and Correction (DRC), Department of Youth Services and the Supreme Court of Ohio – partnerships worth their weight in gold for the benefits they provide to our citizens.

Drug courts

Knowing that the momentum is moving in the right direction makes a rosy outlook for the future possible. I believe there will be more drug courts in Ohio: we've grown from 1 to 55 in just eight years. That's steady progress for a program we know is effective. Judicially mandated and judicially monitored treatment works. The concept of specialized dockets has caught on and continues to expand in the form of juvenile, family and adult drug courts, reentry, and mental health courts. ODADAS and the Ohio Supreme Court provide education to judges interested in learning more about addiction. Many judges employ the principles of drug courts while not having an official drug court program. It is the hope of the Department that drug court principles will be in operation in every court in the state in the next ten years. The challenge is how best to make that happen. Will Ohio continue to serve as a model for the nation in drug court expansion? Certainly the resources needed to improve the access to and appropriateness of treatment are a key factor. Ohio has established solid bridges to ensure quality services for offenders through drug courts. We must continue to creatively seek out the resources necessary to grow this efficient network.

Therapeutic communities

In 2003, approximately 20 therapeutic communities (TCs) operated in prisons, juvenile facilities, community-based correctional facilities, and halfway houses. ODADAS and DRC first established TCs in Ohio in 1993; we've come a long way, and have a long way to go. TCs, providing an intensive living environment designed to emphasize community over the individual, allow residents to learn problem solving in group settings ranging from educational to confrontational. Expansion of TCs should be a priority in Ohio. The TC methodology can be adapted to a variety of settings from institutions, to jails and halfway houses. We would like to have this programming available to all offenders who could benefit from it. Unfortunately, we are light years from achieving that wish, but we are moving in the right direction. Drug court judges see some individuals whose crime or failure to comply with treatment requires a prison commitment. Such

**Moving
in the
Right Direction**

Luceille Fleming

Former Director

Ohio Department of Alcohol
and Drug Addiction Services

offenders should be expedited into prison treatment programs, like TCs, with the offenders' progress in the programs qualifying them for judicial release into community-based court monitored treatment.

Reentry programs

The reentry policy established by DRC adds another dimension to the future of criminal justice in Ohio; that is the idea that reentry is a process that starts in the community at the time of sentencing. In the context of treatment planning for offenders, this concept reverberates strongly. We must reinforce existing offender treatment connections between the work done in the community and in the prisons. Let's connect the efforts of drug courts to the provision of prison-based treatment at both the front and back door of the prison cycle. Reentry planning through the ODADAS Circle for Recovery programs and ODRC Adult Parole Authority staff should be expanded and strengthened from the bottom up. The stronger the reentry structure becomes, the more solid footing offenders will have when reentering communities.

What the future holds

Now that we have seen the evidence that Ohio is moving in the right direction, we can look ahead filled with optimism that the partnerships established between the justice system and the treatment system can stop the cycle of crime and addiction. Yet we must remember that the failure to educate and inform the public of the effectiveness of treatment will cause damage to these systems and to the offenders who need addiction treatment to change their lives. Every step we take has a repercussion. The failure to hold ourselves accountable to rigorous evaluation of offender treatment programs will diminish the support needed to realize the possibilities we envision. Accountability provides legitimacy in what we do. If we are ever going to prove to the taxpayer and legislator that offender treatment is a wise investment, we must be able to prove through evaluation that treatment works for this population and others. ODADAS will continue to foster the cooperation and evidence-based programming required to change the face of addiction and crime in Ohio. ■

In the United States, and here in Ohio, Homeland Security (HLS) is a work in progress. As the Chair of the State of Ohio Security Task Force (SOSTF), I see the pieces of the HLS puzzle coming into place, and hopefully ten years from now we will see the fruits of our labors. Over time, I hope we see our reaction to September 11, 2001 bringing about a detailed, well-executed plan that keeps our homeland safe. Our objective with all HLS planning is to move forward in a concerted effort toward preventing and responding to terrorism.

Until recently we have been in the first phase of HLS – Reaction. We have reacted in positive ways through the Governor’s establishment of the SOSTF, an ad-hoc committee of state agency representatives that advise the Governor on statewide HLS issues. We have also reacted by protecting those who protect the general public by making available on state term contract Personal Protective Equipment and free awareness-level training. This initiative allows Ohio first responders, including law enforcement, EMS, fire, and other agencies to outfit their personnel with equipment designed to safeguard them and provide them with related awareness level training.

HLS vision

HLS is not entirely about al Qaeda or others who may want to harm Americans. HLS involves much more, which is why we are now entering the second phase of HLS – Planning. The first objective in this new planning phase will be realized in the next year through the development of the State of Ohio Homeland Security Strategic Plan. This comprehensive plan will incorporate numerous components to improve the overall HLS effort in Ohio, including: an Inter-Operability of Communication Plan for first responders; continuity of government planning to maintain the business of government in the event of a catastrophic event; a State of Ohio Building Security Plan and identification of critical infrastructure; a SOSTF strategy to outline the vision, mission, and goals of the Task Force; a Criminal Justice Information Plan to involve long-term planning for numerous disciplines such as courts, prosecutors, clerks, law enforcement, and corrections officials; a local and state assessment of threat, risk, capabilities, and needs for anti-terrorism efforts; and baseline capabilities for equipment, training, planning and exercises for emergency first responders.

In order to succeed fully in improving our HLS planning, we must pay closer attention to the needs of our first responders, including law enforcement, EMS, and fire personnel. The transfers of the Fire Marshal’s Office and oversight of security guard licensing from the Department of Commerce will help in this effort. HLS coordination of law enforcement, fire, and emergency medical

Homeland Security: Visions, Hopes, Fears

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services within the Ohio Department of Public Safety will be handled by former Union County Sheriff John Overly, our executive director of Ohio HLS. We believe these additions to Public Safety place us in a position to meet future HLS challenges.

HLS hope

My hope for the future is that we can resolve our inter-operability of communication issues with first responders. A survey of first responders who worked the scenes in Oklahoma City, the World Trade Center, and the Pentagon listed difficulty in communications as the premier problem they faced with each incident. First responders must be able to clearly communicate with each other so similar problems do not arise should a major event occur in Ohio. Through the Multi-Agency Radio Communications System (MARCS), we have come a long way in improving our interoperable communications, but our solutions currently involve only a patchwork of agencies across the state. We need a statewide communications plan, and I hope in the not too distant future we can put into place a communications plan that gives us a road map for tying all first responders together. In Union County, under the leadership of Sheriff Overly, we saw how MARCS can be the solution to establishing an interoperable communications network. Until all first responder communication problems are solved we will not really know how efficient we can be in responding to critical incidents. Whether responding to a hazardous materials crash, or a powder substance of unknown origin found in an office building, efficient response requires interoperable communications for all first responders. My hope is that MARCS can serve as Ohio's vital communications backbone, and link with other systems and technologies to provide our first responders with the tools they need.

I also hope our first responder managers continue the trend of incorporating cross-training into their annual training curricula. To best protect our citizens, it is essential that EMS, fire, and law enforcement personnel are familiar with the various first responder environments so these roles can be performed interchangeably during a catastrophic incident. If you don't think cross-training first responders is important, consider these scenarios: *Should law enforcement officers be able to perform emergency first-aid at a disaster scene? Should firefighters be trained in evidence collection to recognize when evidence is being destroyed at a terrorism or criminal scene? Should EMS be trained in cover & concealment techniques to perform life-saving duties in a hostile sniper environment?* I hope that through cross-training first responders will improve on our response capabilities in these emergency situations.

HLS fear

The biggest fear associated with HLS is a lack of funding leading to the softening of targets and lessening our ability to prevent terrorist acts in Ohio. To many involved in the day-to-day fight against terrorism, the further removed we are from 9/11, the more difficult the resources needed to fight the battle are to secure. I fear in the near future the majority of people will forget 9/11 to the point they will fall back into a naïve way of thinking shared by so many before those tragic events. HLS is now a part of our world, and our leaders must stay consistent in providing appropriate funding to help first responders keep our neighborhoods safe. Obviously government resources are at a critical level, and will remain so until the economy recovers. Our HLS problems, however, are not going to be solved by government simply cutting away at perceived waste. To ensure the best HLS practices, we must decide as a nation that we can do without certain services to harden those areas that are the most vulnerable to terrorist attacks. In Ohio, there is a tremendous amount of effort going into keeping our state safe. With that said, I fear without necessary funding we become vulnerable to those who wish us harm. ■

Ohio's Criminal Justice System in 2013

Geno Natalucci-Persichetti

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The criminal justice system, like other institutions in our society, goes through changes and permutations periodically. Those changes occur as a result of a number of variables, including economic conditions; population growth or downturn; special interest groups; wealth and poverty; consumer issues like crack cocaine vs. designer drugs; and new technologies. Every 10-20 years new developments also occur, from new prosecution and judicial procedures, to innovative corrections and law enforcement responses, and crime itself.

In Ohio we saw an increase in adult and juvenile crime, at least up until the early 1990s, primarily due to a large population of at-risk individuals, as well as a crack epidemic; the availability and use of guns in relation to the crack trend; and a great deal of violent behavior. As a response to those phenomena, the societal reaction was to get tough on crime and control the growth of violence by creating stringent laws for prosecution and incarceration of adult and juvenile offenders. In that 20-year period, the Ohio adult Criminal Code was revamped twice, with Senate Bill 5 and Senate Bill 2 reflecting the national mood that the only effective deterrent to crime was swift and serious punishment. Truth in sentencing practices, restriction of parole, and an increase in time served by violent offenders marked the beginning of this process. Mandatory minimum penalties, especially gun specification sentencing, were added for adults and later juveniles when the Juvenile Code was changed under House Bills 179 and 1.

To deter and detect illegal drug use, Ohio, like the rest of the country, adopted massive drug testing, including testing probationers, parolees, and confined inmates. Juvenile sanctions were increased to reflect the get tough on crime atmosphere in what was called the “adultification of juvenile offenders and the juvenile justice system.” In addition to the adult-code sanctions of House Bills 179 and 1, Ohio established a range of tougher juvenile sanctions, including the lowering of the age of commitment to state incarceration from 12 to 10 years of age, and established gun specs and mandatory minimums for certain chronic juvenile offenders and earlier bindover procedures for repeat juvenile offenders. With the addition of blended sentences to the juvenile justice system, juveniles are now given adult sentences but maintained in the juvenile system with the potential of being transferred to the adult corrections system after prosecution in a hybrid juvenile and adult court proceeding. The view of offender accountability and public safety as the primary purposes of the Ohio juvenile justice system came into focus in the beginning of this new century.

The incorporation of a respect for victim rights grew and spread throughout the criminal justice system and first began affecting Ohio's juvenile justice system in the late 1980s. Ohio, again reflecting the national trend for community protection, began labeling its adult and juvenile sex offenders. Offender labeling

and identification ranged from victim and community notification of the sex offenders' whereabouts and status, to standard registration with local law enforcement. In the future, we will see an expansion of this process of identifying, labeling, registering, and controlling sex offenders released from incarceration to the community. Eventually, legislation will be enacted as in other states for civil commitments of sex offenders who have completed their sentences but are viewed as risks to the community and need separated from society on a long-term or permanent basis.

In response to issues arising from the justice system over the last 10-20 years, several new initiatives have taken place in the judicial, corrections, and treatment side of the system. Besides additional services and provisions for victims in the adult system, expansive outreach and programmatic growth have marked the juvenile justice system's approach to victimization. A growing number of Ohio adult and juvenile drug courts now address the effects of drug and alcohol abuse through a judicial-treatment model, and a new development has begun with the creation of mental health courts for mentally ill offenders caught up in the justice system. These "specialty courts" arise from the need to provide appropriate intervention and crime prevention responses for individual and community safety. Drug offenses will continue to be the primary focus of our criminal justice resources for the next decade, and will be met by an increased use of specialty courts and drug treatment programs. Identifying offenders with serious mental health problems will also see an increased emphasis, driving the need to provide intervention and treatment services beyond what they are today for both the adult and juvenile systems.

Subsequent to the increases in violent crime and the at-risk population of the mid-1990s, we have seen a gradual, though not dramatic, drop in both statistics. The at-risk population has decreased, especially among juvenile and young adults, and adult and juvenile crimes have dropped especially in the last four to five years. While the number of individuals processed through the system seems to have subsided somewhat, as a state we still require a high rate of expenditures to apprehend, prosecute, and incarcerate adult and juvenile offenders, and prevent crime. Census data project a slight to modest increase in the state's population over the next decade, suggesting only a slight increase in crime over its present rate. Although extremist and international terrorist activity seems to be the focus and framework for most media attention and resource allocation, especially at the federal level, domestic criminal activity should not dramatically increase in Ohio over the next ten years.

Incarceration rates for both the adult and juvenile justice system probably will be the same ten years from now as today. Because of the growth in community-based options for juvenile offenders through the RECLAIM Ohio Program, state incarceration of juveniles has been reduced by over 25 percent in the past seven years, a figure that should level out and remain about the same over the next ten years. We should see a flattening out of the use of state incarceration; however, we will probably continue to see maximum usage of local detention in the juvenile and adult systems. One should expect continued growth in adult and juvenile community-based intervention and programs, if for no other reason than local courts realize the value of these programs and their success.

Funding and resources will not be as readily available as they were in the 1980s and 1990s during the “get tough on crime” campaign, when funding flowed to build prisons, jails, and juvenile detention centers. Even federal funds for local law enforcement have begun to dry up, except for perceived Homeland Security efforts. A decade from now the improvements we will have made to become more efficient in dealing with crime and criminals will be a result of further reductions of general revenue funds for public safety and a reprioritization of funds for other institutional concerns like public education. ■

Where I see my field of criminal justice in ten years

Like all aspects of the criminal justice system, corrections is a constantly changing, ever-evolving field. As society develops and changes, the Ohio Department of Rehabilitation and Correction (DRC) continuously evolves in order to provide quality correctional services. Although we must often react to our current environment, we must also visualize our future and work to ensure that we remain innovative pioneers prepared to develop solutions to the challenges we will face.

A major factor in remaining innovative is to continually seek new technologies that will enable DRC to increase the efficiencies and cost-effectiveness of its operations. Our Department is already pursuing content management technology that will permit the transfer to computer of vast numbers of inmate files currently maintained on paper, freeing expensive warehouse space and allowing for more timely distribution of inmate records among the various Department divisions.

Current trends in corrections show a growing focus on crime prevention rather than incarceration. I see that trend continuing for the foreseeable future. There are, however, certain impediments that must also be overcome. Ohio's current budget crisis has impacted every facet of the Department's operation. Every prison, parole region, and Central Office bureau has been required to identify processes that can be streamlined for greater efficiency and cost-effectiveness without sacrificing safety and security. It has been our priority, as well, to not compromise the importance of offender treatment and programming activities.

Where I hope it will be

Many prison systems in the country offer pre-release programming in an attempt to counter recidivism. Ohio has taken a leadership role in implementing an offender reentry philosophy. The concept of reentry supports the theory that discharge planning must begin at reception. Inmates entering DRC will plan their correctional programming and aftercare immediately upon entering our system. With staff guidance, their needs will be assessed, realistic goals set, and plans for personal responsibility will be developed as inmates proceed through the system toward release.

Our Department envisions a reentry system enabling offenders to return to communities with a realistic prospect of integrating as productive members. Offenders must foresee a brighter future utilizing their term of incarceration to prepare themselves through education, treatment, and proper coping skills to successfully adapt to a life outside the institution. It is my hope that in ensuing years, reentry will have moved from a new and innovative program for reducing

**Corrections
Evolves to Meet
System Needs**

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recidivism to simply part of our everyday business routine. On average, 37 percent of the offenders released from our institutions return to prison within three years. Once fully implemented, the reentry effort will help reduce that percentage significantly, thus reducing the number of men and women incarcerated in Ohio's prison system.

Along with reentry, I also foresee the continued growth of the Department's community justice initiative. Community justice views crime as a violation against individuals, their families, and the community where they live and is more concerned with repairing the harm done to the victim and community through negotiation, mediation, empowerment, and reparation than with exacting vengeance, deterrence, and punishment. The most important aspect of community justice is victim involvement. The Office of Victim Services facilitates victim access to the Department by giving them opportunities to participate in decisions concerning an offender's release and providing them needed support and information.

Reentry and community justice alone, though, will not address our burgeoning prison population. Alternatives to incarceration such as Community Based Correctional Facilities (CBCFs), expanded use of drug courts, that is specialty courts given the responsibility of handling cases involving drug-addicted offenders through an extensive supervision and treatment program, and other creative sanctions such as electronic monitoring and house arrest, must be further utilized to better realize the goal of diverting offenders to other appropriate sanctions.

Where I fear it might be

The United States continues to maintain the dubious distinction of being the largest jailer in the world. The focus on "incapacitation" of criminals grew during the mid-1970s, in part due to concerns related to the effectiveness of rehabilitation, rising crime rates, and public fear of crime. Also influencing sentencing was the so-called "war on drugs," the national trend toward truth-in-sentencing, the imposition of mandatory sentences, and "three-strikes and you're out" laws.

While the trends of the last several years have again emphasized the rehabilitation of offenders, there is a growing concern among corrections professionals that trends could reverse and the focus shift back to the "tough on crime" paradigm of the past 25 years, in which the emphasis is on retribution rather than on treatment and rehabilitation. Such a reversal in criminal justice philosophy is my greatest concern for the next ten years of the Ohio Department of Rehabilitation and Correction. ■

As an academic criminologist—rather than as a state leader actually in the field—I welcome this opportunity to contemplate how criminology might help shape criminal justice policy and practice in the times ahead.

The word *academic* is often used as a synonym for *irrelevant*, thus when an athletic contest's outcome is a foregone conclusion, the announcer proclaims, "It's all academic now!" I must confess that, in fact, university-based criminologists often do feel academic in the sense that the knowledge we develop is often ignored and thus proves irrelevant in terms of what goes on in the real world. While this gap between academia and the field of criminal justice is not a good thing, fortunately, it has narrowed substantially in Ohio. Indeed, the research now produced by criminologists is potentially a powerful tool in understanding more deeply and clearly than ever before why crime occurs and what to do about it. It is within this context that I will reflect on the role that my field of criminology might play in fostering a criminal justice system that maximizes the public safety of Ohio's citizens.

Criminology and criminal justice in ten years

As an academic discipline, criminology is a big tent that contains diverse perspectives and scholarly agendas. Even so, I think it is possible to identify two major developments within my discipline that have the potential to influence criminal justice policy and practice in meaningful ways: *life-course criminology*, and *evidence-based criminal justice interventions*.

For many years – indeed, for many decades – criminologists concentrated on adolescence and adulthood. This focus made sense because, as statistics showed, participation in crime peaked in late adolescence and early adulthood. Accordingly, scholars wished to know: What is it about the teenage years that cause some youth, but not others, to break the law? This approach yielded useful insights, but it was flawed in a critical way: it implicitly assumed that individuals arrived at adolescence largely as a “clean slate” and were then either pulled or not pulled into crime. Childhood was treated as though it was largely unimportant and not as a defining prelude of what was to follow as kids matured into their teenage years.

About 1990, however, several findings based on longitudinal research combined to challenge this way of thinking about crime. A paradigm shift occurred in which *life-course*, or *developmental*, theory emerged as the preeminent approach to studying criminal behavior. Taken together, three interrelated findings proved decisive in revising criminology. First, although exceptions exist, youth did not typically arrive at adolescence and suddenly blossom into serious, chronic offenders. Rather, they evidenced *conduct problems* – lying, stealing, hitting,

Criminological Knowledge and Criminal Justice Policy: Promising Directions

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bullying – during childhood. Second, although only about half of those with conduct problems became career criminals, almost everyone who was a chronic offender had conduct problems in childhood. Third, it was possible to identify *risk factors* early in life that would predict who was likely to experience childhood conduct problems and subsequently develop into a person who would offend at a high rate – and end up in the criminal justice system.

The importance of life-course criminology cannot be overstated, because its implications for policy and practice are powerful. From a policy perspective, life-course research offers a compelling rationale for intervening *early and often* in the lives of children at high risk for becoming chronic offenders. If youth do not take a pathway into or away from crime until the teenage years – as criminologists long thought – then it would make sense to hold off on interventions until that point in the life-course. But if stable involvement in a pathway leading to crime has its origins in childhood, then the logic for early intervention programs is clear. Indeed, not to intervene not only needlessly consigns some children to a life in crime but also needlessly allows citizens to be victimized as this person matures into a full-blown criminal.

From a practice perspective, the ability of life-course criminology to identify major risk factors for crime was – and remains – a critical advance: by showing what individual traits and social experiences are criminogenic, this research illuminates what factors programs should target for intervention and change. Because life-course criminology is a vibrant paradigm and thus will yield a large amount of research, insights from this perspective should be plentiful in the next decade. Scholars should provide a more finely calibrated account of how individuals, starting as early as the pre-natal period, develop into children with problems and then into serious offenders. This research knowledge should allow for the construction of early intervention programs that either prevent children from developing into offenders or seek to divert them from criminal involvement at earlier, rather than the later, stages of offending. A collateral implication of this prediction is that the line between criminal justice and social service agencies is likely to blur as multifaceted attempts are made to intervene in the lives of troubled children.

Let me now turn to the second development that has the potential to positively influence policy and practice: *evidence-based criminal justice interventions*. For years, many criminologists had engaged in “knowledge destruction” and had functioned mainly as debunkers. Because many criminal justice interventions were proposed that were based on custom or ideology rather than on knowledge, they were ineffective, if not outright harmful. Criminologists largely took as their professional obligation the task of showing how these interventions – such as

Boot Camps or certain policing strategies – were based on faulty logic and had little impact on recidivism or crime rates. In a way, scholars became committed to showing that “nothing works” in criminal justice to reduce crime.

Debunking common sense ideas about crime control is a worthy task, since such interventions waste funds and expose citizens to greater risks of victimization. But criminologists should do more than show what does not work to reduce crime; they should also diligently strive to *construct knowledge about what does work*. Over the last decade, a strong movement has emerged within criminology to do precisely this. In a way, this movement is modeled after a similar development within medicine that seeks to base health interventions on scientific evidence. In the medical field, it is obvious to any rational thinker that we should use pharmaceuticals and procedures that have been shown, through evaluation research, to make people healthier rather than sicker. In the same way, criminologists are attempting to dissect hundreds of evaluation studies to map out what crime-related intervention strategies – whether in law enforcement, corrections, courts, or the community – are most efficacious in reducing criminal involvement.

In my particular area of scholarly interest, corrections, this movement has resulted in the development of *principles of effective correctional intervention* (e.g., target the known predictors of recidivism for change; use cognitive-behavioral interventions). Based on a sophisticated analysis of existing studies, these principles are now being used in Ohio and elsewhere to evaluate existing programs and to construct new programs. I anticipate that in the decade ahead, evidence-based interventions will start to become the norm rather than the exception.

Hopes and fears

These developments – the scholarly production of knowledge on how people develop into offenders and how to construct interventions that “work” to reduce recidivism and, more generally, crime – make me cautiously optimistic about the future of criminal justice. In Ohio, we are fortunate to have leaders in the criminal justice community who are receptive to using research to inform policy and practice. If this receptivity continues, we may enter a new age of criminal justice in which interventions are systematically evaluated and chosen on the basis of their demonstrated ability to affect criminal involvement.

My foremost hope is that this knowledge eventually can be used to develop a coherent system – from childhood through adulthood – for intervening with people who either are on the road to becoming, or currently are, serious offenders. Models of what such a continuum of intervention might look like are available (such as in the work of James Howell). It is clear that we now know that

many potential and actual offenders can be diverted from a life in crime. It seems incumbent upon us to take the knowledge on effective interventions that is being developed and to investigate how we might employ this evidence-based information to construct a “health system” whose job it is to prevent crime and to “cure” those who have become “criminally ill.”

My greatest fears are two-fold. First, the production of knowledge is no guarantee that it will ever be used. In many fields, this is called the problem of *technology transfer*. The barriers to transferring evidence-based knowledge about interventions are part institutional and part cultural. Institutionally, most researchers reside in universities whereas policymakers and practitioners are in the field. Because our paths typically do not cross in our everyday lives, an *effort* must be made to bridge this gap and to find ways to interact.

Culturally, more criminologists must value conducting research that is relevant to criminal justice policy and practice. Given recent developments, I am confident this will happen. If so, then more policymakers and practitioners must come to value the role of research or evidence to inform what they do. I am optimistic, but not certain, that this will occur. At times, there is a distrust of research. It can be dismissed as the handiwork of “eggheads” who have little experience in the field: “so what do *they* know?” Research also does not have a “conscience”: it often offers the discomfiting message that current policies and practices – which might well have a commonsensical appeal and be politically attractive – are based on faulty criminological premises and simply do not work to reduce crime. It takes courage for those in the criminal justice community to make decisions based on the scientific evidence.

Second, criminal justice is an arena that has become inordinately politicized. More than most other jurisdictions, the State of Ohio has resisted the temptation to distort policies merely to appease the winds of political change. Of course, to the extent that politics reflects the will of the people, political considerations have a rightful place in shaping policy and practice. As a scientific criminologist, for example, I cannot say how much punishment an offender deserves; this is a values or philosophical question that research cannot arbitrate. Still, research can tell us much about the utility of policies and practices; it can tell us whether what we say will reduce crime actually achieves this goal.

In this context, the largest threat to constructing a coherent set of strategies to address crime is the tendency for mindless punitiveness toward offenders. Again, if the people of Ohio and their elected officials wish to “get tough” on crime because offenders “deserve it,” then so be it. But the limits of harsh punishments in reducing crime are becoming increasingly apparent. For example, although imprisoning serious offenders advances public safety by removing them from the

community, there is evidence that excessively lengthy sentences make offenders more, rather than less, criminal. Similarly, interventions whose content tends to be punitive, such as Boot Camps, either are ineffective or, again, increase recidivism.

The reality is that from the earliest ages, people who are oriented toward crime tend to change not from the threat or infliction of pain but from planned efforts to show them how to think and act differently – to be *prosocial* – and to equip them with skills needed to become productive citizens. Effective programs are not “easy” on their targets in that they stress individual accountability and require that offenders exert the effort to change. But they are informed by the principle that changing offenders requires investing in them rather than treating them as incurable and unworthy of any resources. In the end, people and their elected representatives may have to choose between the catharsis that is achieved by bringing misery into the lives of those who have harmed us and the public safety that is achieved – the victimizations prevented – by using scientifically supported interventions.

Finally, as a number of commentators have pointed out, it is important to realize that “futures” – including in the realm of criminal justice – are not inevitable but can be *chosen*. Of course, the time ahead is constrained by budgets, by the inertia that inheres in any institutional arrangement, and by the myopic belief that the current reality is the only reality that is conceivable. Still, a broader historical perspective – the ability to look to our distant and even not-so-distant past – shows that change in criminal justice is inevitable. The key consideration is whether the changes to come will be based on self-serving political agendas, ill-thought-out responses to pressing governmental crises, ignorance, and so on.

In shaping the future of criminal justice in Ohio, it is my hope that state officials will bring into the planning process the knowledge produced by scholarly research. Criminologists can offer no panaceas for the crime problem, but we are worthy partners in the goal to create a criminal justice system that avoids failed policies and practices and that experiments with interventions that are evidence-based. We have knowledge to share, and we have an abiding desire that our evidence-based insights might be used to improve the quality of criminal justice in Ohio and beyond. ■

ENDNOTES



ENDNOTES

- ¹ The President's Commission on Law Enforcement and Administration of Justice. 1967. *The Challenge of Crime in a Free Society*. Washington, D.C.: GPO.
- ² Walker, S. 1998. *Popular Justice: A History of American Criminal Justice*. New York: Oxford University Press. pp.2-5.
- ³ Johnson, H.A. 1988. *History of Criminal Justice*. Cincinnati: Anderson Publishing Co. pp.272-275.
- ⁴ Monkkonen, E.H. 1988. *America Becomes Urban*. Berkeley: University of California Press. p.90.
- ⁵ *Ibid.*, pp.95-96.
- ⁶ *Ibid.*, p.92.
- ⁷ Monkkonen, E.H. 1981. *Police in Urban America*. Cambridge: Cambridge University Press. p.31.
- ⁸ *Ibid.*, p.43.
- ⁹ Friedman, L.M. 1993. *Crime and Punishment in American History*. New York: Basic Books. pp.151-152.
- ¹⁰ Monkkonen, *Police*, p.39.
- ¹¹ Steinberg, A. 1991. From Private Prosecution to Plea Bargaining: Criminal Prosecution, the District Attorney, and American Legal History. *Crime and Justice in American History: Courts and Criminal Procedure (Vol. 2)*, edited by E.H. Monkkonen. Westport, London: Meckler Publishing. p.387.
- ¹² Alschuler, Albert W. 1991. Plea Bargaining and Its History. *Crime and Justice in American History: Courts and Criminal Procedure (Vol. 2)*, edited by Eric H. Monkkonen. Westport, London: Meckler Publishing. p.9.
- ¹³ Johnson, H.A. 1988. *History*, p.229.
- ¹⁴ *Ibid.*, pp.413-416.
- ¹⁵ Silverman, I.J. 2001. *Corrections: A Comprehensive View*. Belmont, CA: Wadsworth. pp.71-79.
- ¹⁶ Friedman, L.M. 1993. *Crime and Punishment*, pp.36-40.
- ¹⁷ Silverman, I.J. 2001. *Corrections*, p.79.
- ¹⁸ Johnson, H.A. 1988. *History*, p.228.
- ¹⁹ *Ibid.*, pp.217-219.
- ²⁰ Friedman, L.M. 1993. *Crime and Punishment*, pp.159-161.
- ²¹ Johnson, H.A. 1988. *History*, pp.224.
- ²² Silverman, I.J. 2001. *Corrections*, p.73.
- ²³ Davis, D.B. 1992. The Movement to Abolish Capital Punishment in America, 1787-1861. In *Reform: Crime and Justice in American History*, edited by E. Monkkonen. Munich: K.G. Saur. pp.97-100.

- ²⁴ Friedman, L.M. 1993. *Crime and Punishment*, pp.163-165.
- ²⁵ Ibid., p.174.
- ²⁶ The Economist. *Crime*. 19 July 2003. p.45.
- ²⁷ The tables and graphics in this chapter are descriptive displays only from various surveys. Differences over time or among comparative groups have not been analyzed for formal statistical significance.
- ²⁸ Ohio Office of Criminal Justice Services. 1997. *Final Progress Report: Evaluation of Community-Oriented Policing in Toledo*.
- ²⁹ Documentation sources for this column include the National Crime Victimization Survey, the FBI Uniform Crime Reporting program, and OCJS offender tracking research.
- ³⁰ The Sentencing Project. *Crime, Punishment and Public Opinion: A Summary of Recent Studies and Their Implications for Sentencing Policy*. Washington, D.C.
- ³¹ Judges made up the single largest category of the juvenile justice professionals surveyed (21%), followed by Ohio Department of Youth Services staff (13%) and intervention and treatment specialists (12%). Others among the 283 statewide respondents included juvenile detention staff (11%), probation officers (11%), DYS aftercare staff (9%), law enforcement officers (8%), prosecutors (8%), defense counsel (4%), and private confinement staff (2%).
- ³² The term “aggravated” sometimes causes confusion between state and federal use. The FBI Uniform Crime Report term “aggravated assault” is used for the most serious type of assault, but translates into “felonious assault” in Ohio law, even though Ohio has an “aggravated assault” offense as well. The problem arises because Ohio considers felonious assault the more serious felony level.
- ³³ U.S. Dept. of Justice. Office of Justice Programs. Bureau of Justice Statistics. 1995. *Guns Used in Crime*. Selected findings, by M. Zawitz. NCJ 148210. Quoted in U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. *Criminal Justice 2000, Volume I*.
- ³⁴ Cook, P., & J. Ludwig. 1995. *Guns in America*. Washington D.C.: Police Foundation. Quoted in U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. *Criminal Justice 2000, Volume I*.
- ³⁵ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2001. *Firearm Use by Offenders*, by C.W. Harlow. NCJ 189369.
- ³⁶ U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. *Juvenile Offenders and Victims: 1999 National Report*, by H.N. Snyder & M. Sickmund.
- ³⁷ Ohio Attorney General’s Office. Bureau of Criminal Identification and Investigation. 2002. Domestic violence tables.
- ³⁸ U.S. Department of Education. National Center for Education Statistics. 1997. *Principal/School Disciplinarian Survey on School Violence*. Quoted in U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. *Indicators of School Crime and Safety 2001*.

- ³⁹ Ohio Department of Education, Ohio Department of Health, Ohio Department of Alcohol and Drug Addiction Services, & Ohio Office of Criminal Justice Services Center for the Prevention of Family and Community Violence. 1999. *Ohio Youth Risk Behavior Survey: When, Why, and What was Discovered*.
- ⁴⁰ Ohio Attorney General's Office. Bureau of Criminal Identification and Investigation. 2002 *Ohio Gang Survey, Final Results*.
- ⁴¹ Computer Security Institute. 2002 *Computer Crime and Security Survey*.
- ⁴² U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. *Juvenile Offenders and Victims: 1999 National Report*, by H.N. Snyder & M. Sickmund.
- ⁴³ Travis, J. and M. Waul. 2002. *Reflections on the Crime Decline: Lessons for the Future?* Proceedings from the Urban Institute Crime Decline Forum. August 2002.
- ⁴⁴ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 1999. *Women Offenders*. Special Report by L.A. Greenfeld & T.L. Snell. NCJ 175688.
- ⁴⁵ U.S. Bureau of the Census. 2000 Census of Population and Housing.
- ⁴⁶ U.S. Department of Justice. Office of Justice Programs. *Felony Defendants in Large Urban Counties, 1998*, by B.A. Reaves. NCJ 187232.
- ⁴⁷ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2003. *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Special Report by T.P. Bonczar. NCJ 197976.
- ⁴⁸ U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. *Juvenile Offenders and Victims: 1999 National Report*, by H.N. Snyder & M. Sickmund.
- ⁴⁹ U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. 1994. *Urban Delinquency and Substance Abuse: Initial Findings*, by D. Huizinga, R. Loeber, & T.B. Thornberry. Cited in U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 1995. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Edited by J.C. Howell.
- ⁵⁰ U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. 1995. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Edited by J.C. Howell.
- ⁵¹ Comprehensive Strategy Task Force. 1998. *What do You See? Report of the Comprehensive Strategy Task Force on Serious, Violent, and Chronic Juvenile Offenders, Part I*.

- ⁵² U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. 1994. *Urban Delinquency and Substance Abuse: Initial Findings*, by D. Huizinga, R. Loeber, & T.B. Thornberry. Cited in U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. 1995. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. Edited by J.C. Howell.
- ⁵³ Ohio Department of Rehabilitation and Corrections, March 2000.
- ⁵⁴ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 1999. *Mental Health and Treatment of Inmates and Probationers*. Special Report by P.M. Ditton. NCJ 174463.
- ⁵⁵ Munetz, M.R., T.P. Grande, & M.R. Chambers. 2001. The incarceration of individuals with severe mental disorders. *Community Mental Health Journal*, 37(4), 361-372.
- ⁵⁶ Abram, K.M., & L.A. Teplin. 1991. Co-occurring disorders among mentally ill jail detainees. *American Psychologist*, 46(10), 1036-1045.
- ⁵⁷ U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. 1996. *Victim Costs and Consequences: A New Look*. Research Report by T.R. Miller, M.A. Cohen, & B. Wiersema. NCJ 155282.
- ⁵⁸ Anderson, D.A. The Aggregate Burden of Crime. *University of Chicago's Journal of Law and Economics*. forthcoming.
- ⁵⁹ Petro, J. Attorney General of Ohio. *Picking Up the Pieces: Your Rights and Responsibilities As A Crime Victim*.
- ⁶⁰ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. *Census of State and Local Law Enforcement Agencies, 2000*. Bulletin by B.A. Reaves & M.J. Hickman. NCJ 194066.
- ⁶¹ U.S. Department of Justice. Federal Bureau of Investigation. 2003. *Crime in the United States 2002*. Tables 77 and 78.
- ⁶² The actual number of Ohio law enforcement officers at any given time is uncertain. While the BJS census listed 25,082 full-time Ohio officers in 845 agencies in 2000, including the Highway Patrol and other special agencies, OPOTC figures indicated 24,976 full-time sworn officers in 977 agencies in 2002. It is possible that OPOTC focuses more on police departments and sheriff offices, while BJS data reflects the various types of agencies and officers.
- ⁶³ Conser, J.A. & P. Boggs. 2003. Ohio's Peace Officer Community: Recent Baseline Data Developments. *Ohio Police Chief*. pp.75-79.
- ⁶⁴ U.S. Department of Justice. Federal Bureau of Investigation. 2003. *Law Enforcement Officers Killed and Assaulted 2002*.
- ⁶⁵ West Virginia data not available in this publication.
- ⁶⁶ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2002. *Characteristics of Drivers Stopped by Police, 1999*, by E.L. Schmitt, P.A. Langan, & M.R. Durose. NCJ 191548.

- ⁶⁷ This category includes cases in which the identity and whereabouts of the suspect are known to the police, but an arrest is precluded by special circumstances (e.g., suspect is dead, being held in another jurisdiction, etc.)
- ⁶⁸ The late Robert Trojanowicz is viewed as the leading developer of COP, while Herman Goldstein is generally credited with the development of POP.
- ⁶⁹ Ohio Revised Code 2305.01.
- ⁷⁰ Ohio Revised Code 1907.01.
- ⁷¹ Ohio Revised Code 2929.03(C)(2)(b)(i) and (ii).
- ⁷² Ohio Revised Code 2929.20 describes how and when judicial release may be used.
- ⁷³ Ohio Revised Code 2929.11(A).
- ⁷⁴ Wexler, D. & B.J. Winick. 2003. Putting therapeutic jurisprudence to work: the term may sound academic, but it embodies a hands-on approach to solving problems rather than simply winning cases. *American Bar Association Journal* 89: 54.
- ⁷⁵ Shaffer, D.K., S.J. Listwan, & E.J. Latessa. 2001. *A Description Account of Ohio's Drug Courts*.
- ⁷⁶ Ohio Revised Code Chapter 309
- ⁷⁷ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2002. *Prosecutors in State Courts 2001*. Bulletin by C.J. DeFrances. NCJ 193441.
- ⁷⁸ Ohio Revised Code 120.06 and 120.16.
- ⁷⁹ Ohio Code of Professional Responsibilities. Canon 7.
- ⁸⁰ Ohio Rules of Criminal Procedure 6.
- ⁸¹ Ohio Revised Code 2930.08.
- ⁸² Ohio Rules of Criminal Procedure 5(B)(1).
- ⁸³ Ohio Rules of Criminal Procedure 17.1.
- ⁸⁴ Ohio Rules of Criminal Procedure 32.2.
- ⁸⁵ Ohio Revised Code 2313.06.
- ⁸⁶ Ohio Revised Code 2313.21.
- ⁸⁷ Ohio Rules of Criminal Procedure 24(B); Ohio Revised Code 2945.25.
- ⁸⁸ Ohio Rules of Criminal Procedure 24(C); Ohio Revised Code 2945.21.
- ⁸⁹ Ohio Rules of Criminal Procedure 23(B).
- ⁹⁰ Ohio Revised Code 2313.34(B)(1).
- ⁹¹ Ohio Rules of Criminal Procedure 23(A); Ohio Revised Code 2945.05.
- ⁹² Ohio Rules of Criminal Procedure 23(A); Ohio Rules of Criminal Procedure 2(C).
- ⁹³ Ohio Rules of Criminal Procedure 23(C).
- ⁹⁴ Ohio Revised Code 2945.71.
- ⁹⁵ Ohio Revised Code 120.18.
- ⁹⁶ Unless otherwise noted, data about adult offenders are from the Ohio Department of Rehabilitation and Correction and data about juvenile offenders are from the Ohio Department of Youth Services.

- ⁹⁷ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2003. *Prison and Jail Inmates at Mid Year 2002*. Bulletin by P.M. Harrison, & J.C. Karsberg. NCJ 198877.
- ⁹⁸ Criminal Justice Institute. *Corrections Yearbook 2001*.
- ⁹⁹ U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2002. *Capital Punishment 2001*. Bulletin by T.N. Snell & L.M. Maruschak. NCJ 197020.
- ¹⁰⁰ Ohio Department of Rehabilitation and Correction. Bureau of Planning and Evaluation. 1995. *Evaluation of the Impact of Participation in Ohio Penal Industries on Recidivism*.
- ¹⁰¹ Ohio Department of Rehabilitation and Correction. Bureau of Planning and Evaluation. 1995. *Evaluation of the Impact of Correctional Education Programs on Recidivism*.
- ¹⁰² Ibid.
- ¹⁰³ The data for the years 1995-2001 come from the yearly bulletin published by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Probation and Parole in the United States* (formerly titled *Probation and Parole Populations*).
- ¹⁰⁴ Lowenkamp, C., & E. Latessa. 2002. *Evaluation of Ohio's Halfway Houses and Community Based Correctional Facilities*.
- ¹⁰⁵ Latessa, E.J., M.G. Turner, M.M. Moon, & B.K. Applegate. 1998. *A Statewide Evaluation of the RECLAIM Ohio Initiative*.

ACRONYMS



ACRONYMS THAT MAY BE USED IN THIS REPORT

ABE.....	Adult Basic Education
ADP.....	Average Daily Population
APA.....	Adult Parole Authority
BCI&I.....	Bureau of Criminal Identification and Investigation, Ohio Office of the Attorney General
BJA.....	Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice
BJS.....	Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice
CBCF.....	Community Based Correctional Facility
CCA.....	Community Corrections Act
CCF.....	Community Correctional Facility
CEO.....	Chief Executive Officer
CJIS.....	Criminal Justice Information System
CJS.....	Criminal Justice System
COP.....	Community Oriented Policing
CY.....	Calendar Year
DARE.....	Drug Abuse Resistance Education
DOJ.....	United States Department of Justice
DRC.....	Ohio Department of Rehabilitation and Correction
DUI.....	Driving Under the Influence of Alcohol or Other Drugs
DYS.....	Ohio Department of Youth Services
F.....	Felony
FBI.....	Federal Bureau of Investigation
FY.....	Fiscal Year (July 1 – June 30, in Ohio)
GED.....	General Education Development
HB.....	Ohio House Bill
IT.....	Information Technology
JJ.....	Juvenile Justice
LE.....	Law Enforcement
M.....	Misdemeanor
NCVS.....	National Crime Victimization Survey
NIBRS.....	National Incident-Based Reporting System
NIJ.....	National Institute of Justice, Office of Justice Programs, U.S. Department of Justice
NOVA.....	National Organization for Victim Assistance
NVAW.....	National Violence Against Women Survey
OCJS.....	Ohio Office of Criminal Justice Services

ODRC.....	Ohio Department of Rehabilitation and Correction
ODYS.....	Ohio Department of Youth Services
OIBRS.....	Ohio Incident-Based Reporting System
OPOTC.....	Ohio Peace Officer Training Commission
ORC.....	Ohio Revised Code
POP.....	Problem Oriented Policing
PRC.....	Post Release Control
PSI.....	Presentence Investigation
RECLAIM.....	Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors
SB.....	Ohio Senate Bill
SRO.....	School Resource Officer
UCR.....	Uniform Crime Report
U.S.....	United States