

STATE OF CRIME & JUSTICE IN OHIO

CRIME

VICTIMS

LAW ENFORCEMENT

THE ACCUSED

COURTS

CORRECTIONS

JUVENILE JUSTICE



TED STRICKLAND, GOVERNOR
HENRY GUZMÁN, DIRECTOR

State of Crime and Justice in Ohio

Message from the Executive Director

The Office of Criminal Justice Services (OCJS), a division of the Ohio Department of Public Safety, is the lead criminal justice planning agency for the State of Ohio. As such, OCJS is dedicated to working with others to reduce and prevent crime in the state. As part of our efforts to inform Ohioans on crime and justice issues, OCJS is pleased to release the *State of Crime and Justice in Ohio*, 4th edition.

State of Crime and Justice in Ohio incorporates the latest available statistics and research findings to present a comprehensive picture of Ohio's criminal justice system. This publication includes detailed information on:

- Violent and property crime
- Victims of crime
- Law enforcement and technology
- The accused
- The court system
- Corrections and alternatives to incarceration
- Juvenile justice

The success of *State of Crime and Justice in Ohio* is dependent upon the collaborative efforts between OCJS and its numerous partners in the criminal justice field. This publication would not be possible without the cooperation of our partners who provide the valuable data contained within.

We hope that the *State of Crime and Justice in Ohio* will serve as a valuable resource for legislators, law enforcement, members of the criminal justice community, victims groups, and citizens as we work together to enhance public safety in Ohio.



Karlhton F. Moore
Executive Director
Office of Criminal Justice Services
Ohio Department of Public Safety

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The fourth edition of *The State of Crime and Justice in Ohio* was written with the support of numerous individuals who devoted their time and expertise to making the report an important source of criminal justice information for Ohio. The Office of Criminal Justice Services would like to sincerely thank these justice professionals for their contributions.

Crime Chapter

Lisa Contos Shoaf

- *Ruth Peterson, Ph.D.*,
The Ohio State University
- *Jeff Knowles*,
former SAC Director,
Office of Criminal Justice Services (retired)
- *Vinko Kucinic*,
Criminal Intelligence Supervisor,
Ohio Bureau of Criminal Identification and
Investigation
- *Joanne Taylor*,
Ohio Attorney General's Office

Victims Chapter

Diana Ramos-Reardon

- *Alice Robinson Bond*,
former Deputy Attorney General,
Ohio Attorney General's Office
- *G. Michael Davis*,
Assistant Administrator, Office of Victim Services,
Ohio Department of Rehabilitation and Correction
- *Lou De Baca*,
Chief Counsel, Human Trafficking Prosecution Unit,
U.S. Department of Justice

Law Enforcement Chapter

Danny Aultman

- *Eric Jefferis, Ph.D.*,
Kent State University
- *William F. Vedra Jr.*,
Executive Director,
Ohio Homeland Security Division

The Accused Chapter

Lisa Contos Shoaf

- *Mark Davis, Ph.D.*,
Kent State University
- *Dan Peterca*,
Pretrial Director,
Cuyahoga County Probation Department

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Courts Chapter

Diana Ramos-Reardon

- *Honorable Carrie E. Glaeden*,
Judge, Franklin County Municipal Court
- *Melissa Knopp*,
Manager, Specialized Docket Section,
Supreme Court of Ohio
- *Kelly Culshaw*,
Office of the Ohio Public Defender
- *David Diroll*,
Executive Director,
Ohio Sentencing Commission
- *Kevin Lottes*,
Program Assistant,
Supreme Court of Ohio

Corrections Chapter

Candace Peters and Robert Swisher

- *Steve Van Dine*,
Chief, Bureau of Research,
Ohio Department of Rehabilitation and Correction
- *Evalyn Parks*,
Chief, Bureau of Evaluation,
Ohio Department of Rehabilitation and Correction
- *Tony Ingram*,
Chief Probation Officer,
Akron Municipal Court
- *G. Michael Davis*,
Assistant Administrator, Office of Victim Services,
Ohio Department of Rehabilitation and Correction

Juvenile Justice Chapter

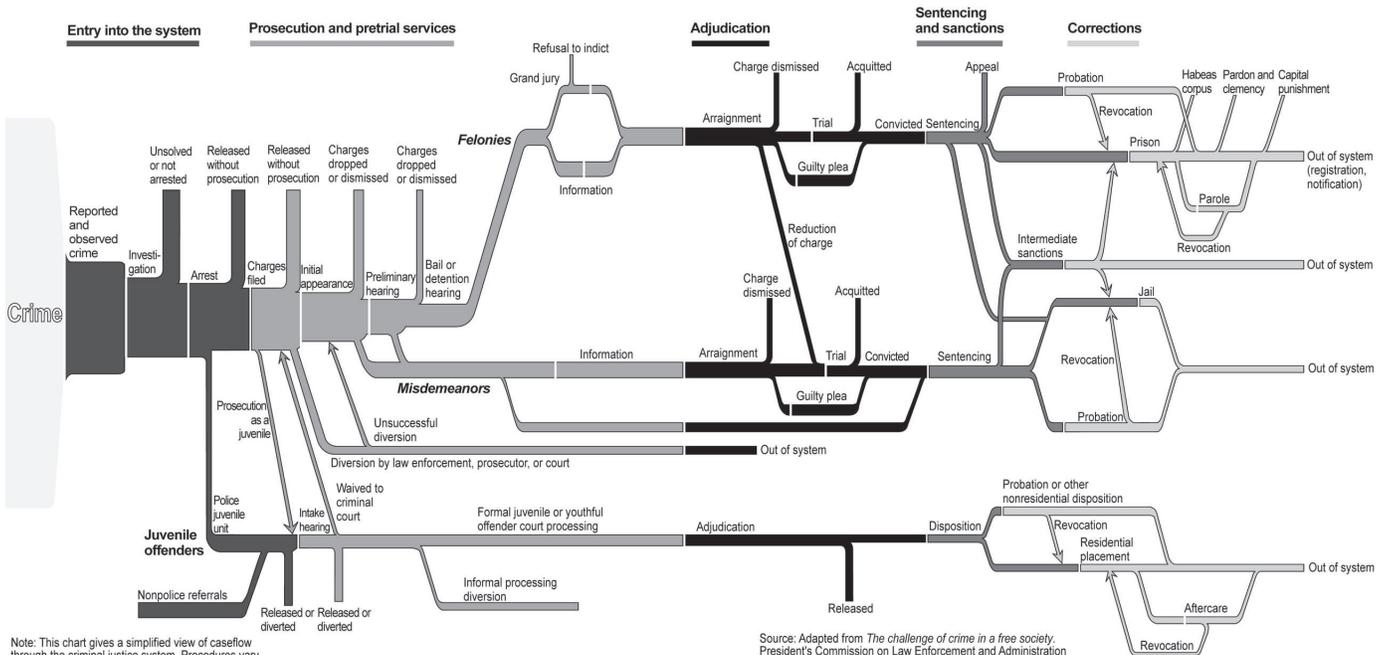
Sharon Schnelle

- *Bruce Sowards*,
Researcher,
Ohio Department of Youth Services
- *Mark A. Thompson*,
Data Administrator, Bureau of Management
Information Systems,
Ohio Department of Youth Services
- *Richard Gulley*,
Program Director, Dayton Day Treatment,
Lighthouse Youth Services
- *Mark Reed*,
Court Administrator,
Hamilton County Juvenile Court

Introduction

Criminal justice is a complex, dynamic, and often confusing system. The journey through the criminal justice system begins with the reporting of a crime, but what happens after that can vary tremendously. The following flow chart represents the general structure of the sequence of events in the criminal justice system, beginning with the investigation of a crime, continuing through prosecution and adjudication of the accused, and ending with sentencing and sanctions.

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*, President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

Crime

Theories of Crime

A variety of explanations have been put forth to explain why crime exists and to help predict criminal behavior. Early classical criminologists and theorists examined crime from an individual perspective, assuming that humans were hedonistic beings who could be deterred from engaging in criminal behavior if the punishment was certain, swift and severe enough to outweigh any pleasure gained. In stark contrast, the positivist school of thought approached criminological explanations with the assumption that factors outside of a person's control dictate a person's behavior. On the heels of the many more questions than answers that positivism raised regarding criminal behavior, sociological explanations of crime began to emerge in the 1950s that argued that social process, structure, and conflict contributed to and helped to explain crime.

In contemporary criminology, earlier classical theory has evolved into rational choice and deterrence theories. These theories continue the tradition of seeking explanations as to why people commit crime and how the criminal justice system can deter individuals from engaging in criminal activity. Positivism has developed into considerations on how biological and psychological traits interact with the environment to influence criminology. Today's sociological theories examine social structure, learning experiences, and socialization as explanations for crime. Strain theories, learning theories, conflict theories, and victimization theories are just a few examples of the many sociological-based theories that currently exist.

A recent trend in criminological theory has been to integrate, or pull together, components of various theories into a single explanation for criminal behavior. Because there is no single theory to adequately explain all such behavior, such integrative theories will likely continue to emerge. The importance of any criminological theory lies in its ability to help policymakers, law enforcement, service providers, and communities better understand and predict some types of criminal behavior.

How Crime is Defined

Crime is defined as acts that are prohibited by the state and against which the state may sanction the individual. The Ohio Revised Code (ORC) Section 2901.03 states that an act cannot be considered a criminal offense against the state unless it is specifically defined in the ORC. The ORC describes in great detail acts identified by the state as criminal offenses.

Crimes are categorized based on their degree of seriousness. Felonies are serious crimes that could result in 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*	Example of Offense
Aggravated murder	Aggravated murder
Murder	Murder
First-degree felony	Attempted murder, rape
Second-degree felony	Felonious assault
Third-degree felony	Extortion
Fourth-degree felony	Motor vehicle theft
Fifth-degree felony	Theft valued between \$500-\$5,000
First-degree misdemeanor	Possession of criminal tools
Second-degree misdemeanor	Desecration of a flag, monument, etc.
Third-degree misdemeanor	Prostitution
Fourth-degree misdemeanor	Failure to report a crime (felony)
Minor misdemeanor	Failure to disperse

* Some crimes that are misdemeanors as a first-time offense can be bumped into the felony level if the offense is repeated by an individual. 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.

Measuring Crime in the United States

Measuring crime is important for a multitude of reasons. The criminal justice practitioner is interested in crime measurement to help make important decisions about resource allocation and program development. The researcher is interested in examining crime trends and rates to better understand the nature and extent of crime and to guide theory development. The policymaker is interested in crime statistics and measurement because it guides and directs the policy initiatives and strategic planning process. Lastly, citizens are interested in crime measurement because it impacts important decisions such as where to live, where to work, and personal safety.

Two programs currently exist to provide reliable, uniform crime statistics for the nation: the FBI's Uniform Crime Reporting (UCR) program, and the Department of Justice's National Crime Victimization Survey (NCVS).

The FBI's UCR program involves law enforcement agencies voluntarily reporting on specific offenses and individuals arrested. In Ohio in 2005, 489 law enforcement agencies, representing more than 9 million (81 percent) Ohio citizens, were actively involved in the UCR program.

The UCR provides a standardized way for law enforcement agencies to report their crime statistics. The program allows for two crime reporting methods: *summary-based* crime reporting, and *incident-based* crime reporting.

Summary-based reporting has been in practice since 1930 and involves a manual method of reporting crime statistics. Data are collected based on eight major crime categories known as Part 1 crimes: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault,

burglary, larceny-theft, motor vehicle theft, and arson. These crimes were chosen to gauge the state of crime in the nation. Because these offenses are considered serious crimes, they are most likely to be reported and occur with enough frequency to provide a basis for comparison. Beginning in 1990, the UCR program also began collecting statistics on hate crimes.

The National Incident-Based Reporting System (referred to as NIBRS) was developed in the 1980s to provide greater detail and accuracy in crime reporting and to automate the process. NIBRS is designed to collect offense and arrest information from 22 *Group A* offense categories, including the eight major UCR crime categories, as well as arrest information from 11 *Group B* offense categories. Ohio's Incident-Based Reporting System (OIBRS) began in the late 1980s and allows Ohio law enforcement agencies to submit crime statistics 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, Ohio law enforcement may now enter, validate, and electronically submit crime statistics to the OIBRS program. Many agencies use laptops or other electronic devices in their patrol cars to enter reports from the field — a valuable tool for keeping officers visible in their communities and minimizing time spent at the station submitting reports.

The second crime reporting program is the National Crime Victimization Survey (NCVS), created by the U.S. Department of Justice in 1973. Designed to obtain information about victims, offenders, and crime, the NCVS covers personal crime including rape and sexual assault, robbery, aggravated and simple assault and purse-snatching/pickpocketing, and property crime, including burglary, theft, motor vehicle theft, and vandalism. In contrast to the UCR program, which provides statistics on crimes reported to

law enforcement, NCVS also reflects crime 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, and victims' responses to these crimes.

Although the differences in collection methodologies make comparisons of UCR and NCVS data inappropriate, the programs complement each other in helping us understand crime.

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

Definitions of Violent Crimes

The UCR program defines all violent crime as involving force or the threat of force against a person.

UCR Definition of Part 1 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 or threat of force are included here; however, statutory rape (without force) and other sex offenses are not included.
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 by putting the victim in fear.
Aggravated assault	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 other means likely to produce death or great bodily harm. Attempts are included in this categorization.

Source: *Crime in the United States, 2005*, FBI



Definitions of Property Crimes

Theft-type offenses involve the taking of money or property without the use of force or threat of force against a person. Added as the eighth major crime category 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. Because of limited participation and varying collection procedures by local agencies, only limited data are available for arson.

UCR Definition of Part 1 Property Crimes

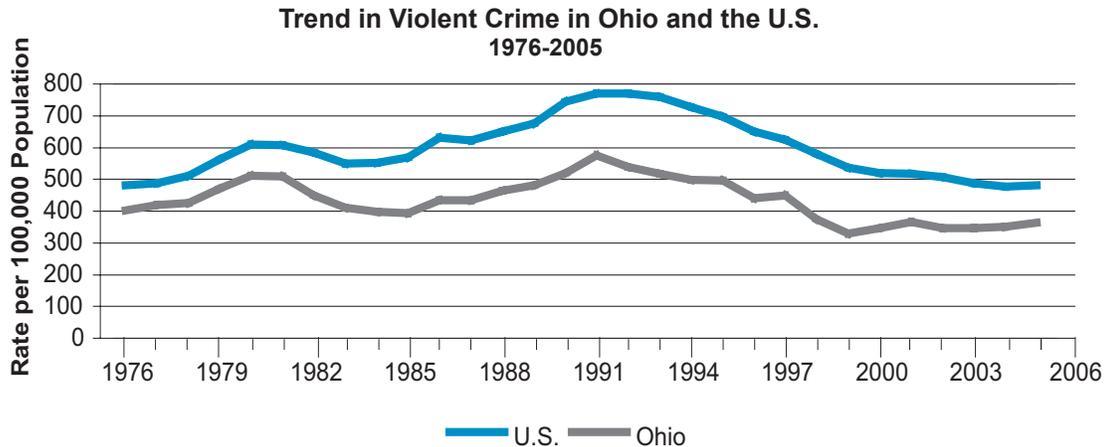
Burglary	The unlawful entry (forceful or not) of a structure to commit a felony or theft.
Larceny-theft	The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. It includes crimes such as pickpocketing, shoplifting, purse snatching,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

Source: *Crime in the United States, 2005*, FBI



Violent Crime in Ohio

Several factors affect crime trends, including the age distribution of the population, the economy, drug usage, justice policy and crime opportunities. Decreasing violent crime and property crime trends are apparent in the UCR and the NCVS. Ohio's violent crime rate over the past 30 years has mirrored the national trend in that it has fluctuated from highs in the early 1990s to lows since the late 1990s.



Source: *Crime in the United States*, 1976-2005, FBI

Violent crimes in Ohio decreased in the late 1990s and began to rise again in the early 2000s. Despite this increase, the rate of all Part 1 violent crimes except murder was lower in 2005 than in 1996.

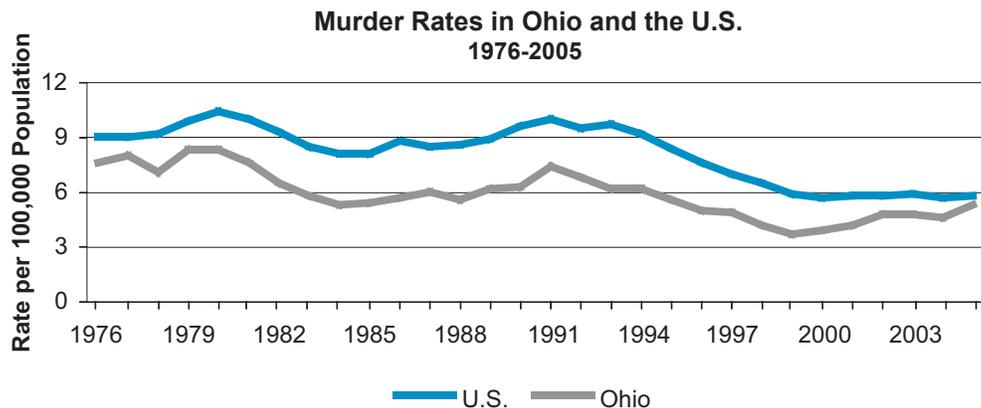
Violent Crime Rate per 100,000 in Ohio 1996-2005					
	Murder	Rape	Robbery	Aggravated Assault	Violent Crime Total
1996	4.8	41.3	164.1	218.4	428.7
1997	4.7	40.8	158.7	231.2	435.4
1998	4.0	40.5	133.5	184.5	362.5
1999	3.5	36.7	128.0	148.2	316.4
2000	3.7	37.6	137.5	155.3	334.1
2001	4.0	39.3	151.2	157.4	351.9
2002	4.6	42.2	156.6	148.3	351.7
2003	4.6	40.7	147.7	140.8	333.9
2004	4.4	41.4	152.3	140.7	338.7
2005	5.1	39.8	163.1	143.4	351.3

Source: *Crime in the United States*, 1996-2005, FBI

Murder

Murders in Ohio occur at an annual rate of approximately five per 100,000 population. Over the past 30 years, the number and rate of murders has fluctuated from highs in the late 1970s/early 1980s and again in the early- to mid-1990s to lows in the late 1990s. Although the murder rate increased in 2005, it is still lower than the average rate over the 30-year period.

A comparison of Ohio's murder rate to that of the U.S. suggests that Ohio is not unique. Ohio's murder rate patterns vary in a similar manner as that of the U.S.



Source: *Crime in the United States, 1976-2005*, FBI

The following data come from analysis of the FBI's 2004 *Supplemental Homicide Reports*.¹ *Supplemental Homicide Reports* is a part of the UCR program. Supplemental information about murder incidents is submitted monthly with detail on location, victim, and offender characteristics.

Number of Murders

In Ohio, there were 460 murder incidents reported in the *Supplemental Homicide Reports* in 2004, resulting in 495 victims. Of the 460 murder incidents, 95 percent involved the murder of a single victim and 5 percent involved the killing of multiple victims. Of all incidents in which there was a single victim, 56 percent were committed by a single offender, 14 percent were committed by multiple offenders, and 30 percent were committed by an unknown number of offenders.

Monthly Murder Occurrences

In 2004, murders were at their highest in September, with 52 recorded incidents. The summer months of July through September showed the highest total number of murder incidents for a consecutive three-month period.

Ohio's Murder Victims

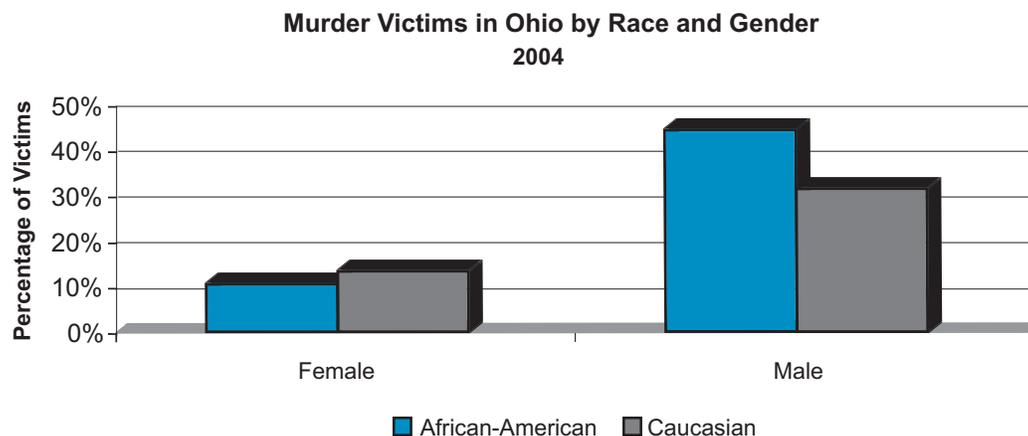
More than three-quarters of all murder victims were male. The median age for male victims was 29 years; it was 36 years for female victims. Half of male victims were under age 30 at the time of their death.

Murder Victims in Ohio by Age and Gender 2004			
Victim age	Male	Female	Total
Under 11	14	15	29
11-15	4	1	5
16-20	45	7	52
21-25	84	10	94
26-30	51	10	61
31-35	35	11	46
36-40	26	12	38
41-45	37	12	49
46-50	25	14	39
51-55	14	4	18
56-60	9	2	11
61-65	3	2	5
66+	13	9	22
Total known victims	360	109	469
Total unknown victims*			26
Total victims			495

* Gender not reported.

Source: *Supplemental Homicide Reports, 2004, FBI*

Nearly 55 percent of all murder victims were African-American, 45 percent were Caucasian, and less than one percent were “other” races. African-American males were 44 percent of all murder victims and Caucasian males were 32 percent of all murder victims. African-American female victims were 10 percent of all murder victims, whereas Caucasian females were 13 percent of all victims.



Source: *Supplemental Homicide Reports, 2004, FBI*

Ohio's Murder Offenders

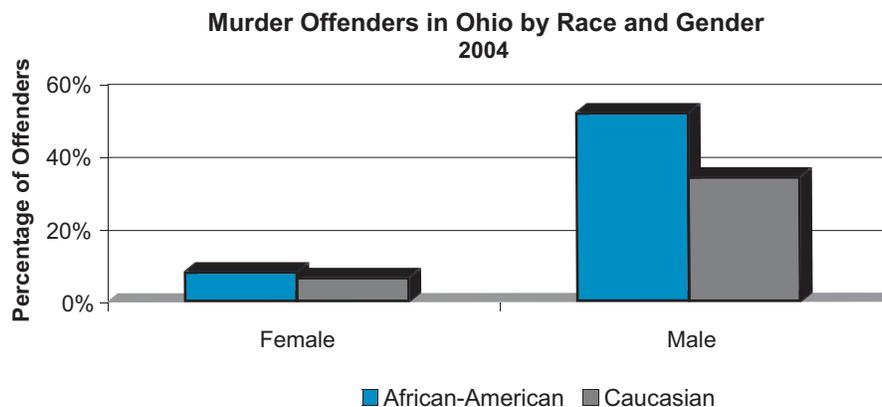
Demographically, Ohio's murder offenders were similar to the murder victims. Male murder offenders outnumbered female murder offenders by six to one. Additionally, males were equal to or outnumbered females across every age category. The median offender age for males was 25, four years younger than the median female offender age of 29. The proportion of male offenders increased dramatically from age 16 through 25, then decreased steadily thereafter. The proportion of female murder offenders, on the other hand, showed less of a peak and more of an increased range of offending which extended from age 16 through 55.

Murder Offenders in Ohio by Age and Gender 2004			
Offender Age	Male Offenders	Female Offenders	Total
<11	1	0	1
11-15	9	0	9
16-20	74	8	82
21-25	82	17	99
26-30	37	6	43
31-35	30	9	39
36-40	27	6	33
41-45	17	4	21
46-50	13	2	15
51-55	8	4	12
56-60	6	0	6
61-65	3	1	4
66 +	6	1	7
Total known offenders	313	58	371
Total unknown offenders*			189
Total all offenders			560

* Gender not reported.

Source: *Supplemental Homicide Reports, 2004, FBI*

African-American offenders made up 60 percent of murder offenders, and Caucasian offenders made up 40 percent of murder offenders. When broken down by gender, African-American males were 52 percent of murder offenders and Caucasian males were 34 percent of murder offenders. African-American females were 8 percent of murder offenders while Caucasian females were 6 percent of murder offenders.



Source: *Supplemental Homicide Reports, 2004, FBI*

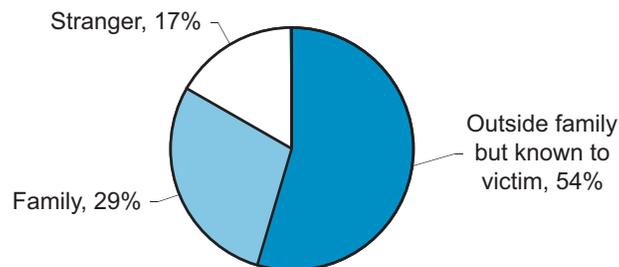
Characteristics of the Victim-Offender Relationship²

The majority of murder victims knew their offender, either as a family member, an acquaintance, or an intimate partner. Given that most murders involve an offender known to the victim, clear patterns of gender and racial relationships are also found between victims and their offenders.

- ◆ **Victim-offender gender.** Eighty-six percent of male murders and 83 percent of female murders were perpetrated by a male offender. Seventeen percent of female murders were perpetrated by a female offender.
- ◆ **Victim-offender race.** There is a strong tendency for murder victims and offenders to be of the same race. More than 90 percent of African-American murder victims were killed by African-American offenders. Likewise, nearly 80 percent of Caucasian murder victims were killed by Caucasian offenders.

As the following graph shows, only 17 percent of murder offenders were strangers. In 83 percent of murders, the victim knew the offender. Of the incidents in which the victim knew the offender, 35 percent of the incidents involved a family member.

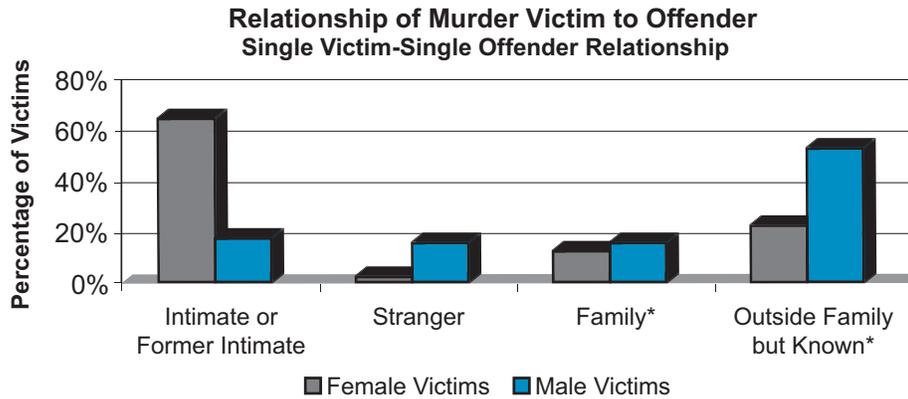
**Relationship of Murder Victim to Offender
2004**



Note: In the case of a single victim and multiple offenders, the victim's relationship with each offender is noted.

Source: *Supplemental Homicide Reports, 2004*, FBI

Categorization of the single victim, single offender incident data into “intimate” relationships³ yielded interesting results. Sixty-four percent of females for whom relationship data were known were killed by an intimate partner, compared to 17 percent of males. On the other hand, 15 percent of males were victims of murder by strangers, versus 2 percent of female murder victims. Males were nearly 2.4 times as likely as females to be killed by a non-family member known to the victim.

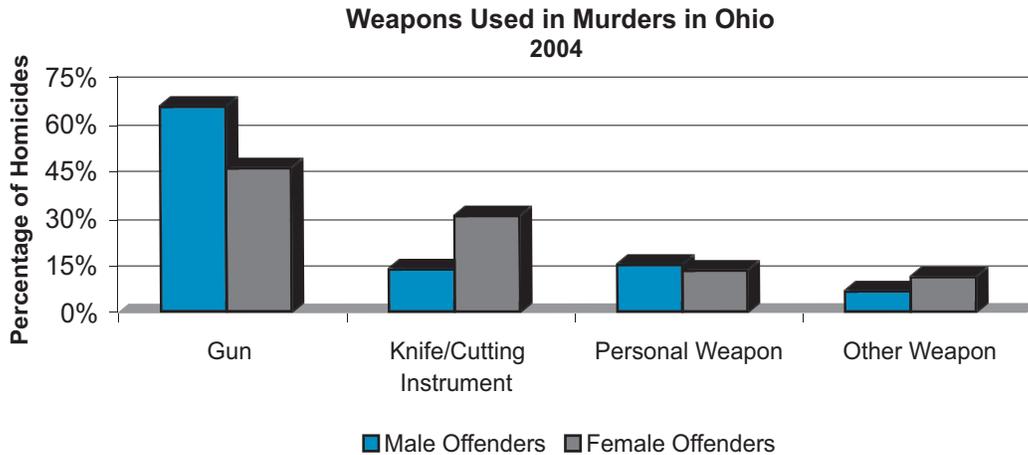


* Does not include intimate or former intimate partners.
 Source: *Supplemental Homicide Reports, 2004, FBI*

Weapons Used in Murders

Firearms were the leading weapon identified in murder incidents. They made up 66 percent of all identified weapons. The next leading weapon used in murders was knife/cutting instruments (14 percent), followed closely by personal weapons (13 percent) which include beatings using hands, feet, or other body parts.⁴ Six percent of murders resulted from one of the following weapons: blunt objects, explosives, fire, strangulation, and asphyxiation.

There are differences in weapon use by gender. Males were more likely than females to use firearms. Females were more likely than males to use knives or other cutting instruments.



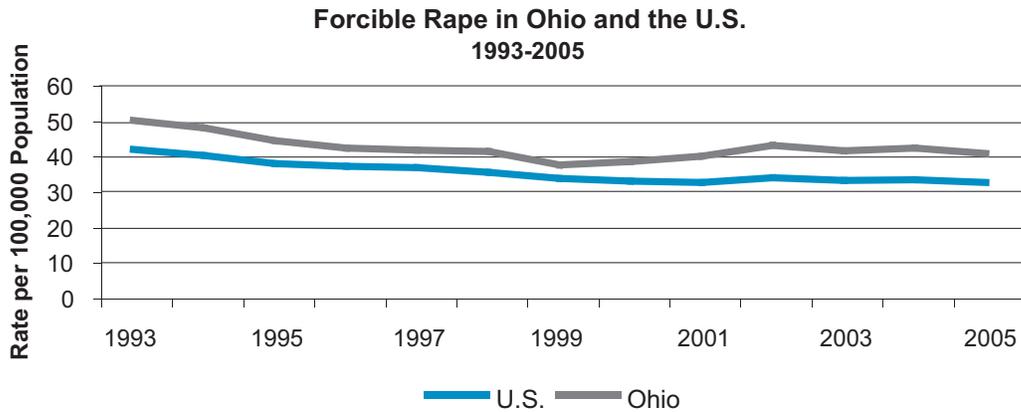
Source: *Supplemental Homicide Reports, 2004, FBI*

Rape

Rape and sexual assault are consistently the least reported violent crime. As such, two measures are frequently used to report the number of incidents of forcible rape in the U.S. — Uniform Crime Reports (UCR) and the National Crime Victimization Survey (NCVS). Despite the different methodologies each employs, both the UCR and the NCVS indicate that forcible rape has been on the decline over the past decade. The extent of this decline differed across the two measures, however. From 1993-2005, the UCR indicates that rape decreased 23 percent, whereas the NCVS reports a decrease of almost 67 percent — nearly three times the decrease reported by the UCR. The following table highlights some of the key characteristics of the methodology for each source, some of which could contribute to this discrepancy.⁵

UCR and NCVS Crime Measures		
Measure	U.S. Percent Decrease 1993-2005	Key Characteristics of Methodology
UCR	23%	<ul style="list-style-type: none"> • Measures crime reported to law enforcement • Does not include oral or anal sex or penetration by object • Does not include rape of men or boys • Does not include rape by blood relatives • Does not include statutory rapes • Does not include drug/alcohol facilitated rapes
NCVS	67%	<ul style="list-style-type: none"> • Includes rapes reported and not reported to law enforcement • Includes vaginal, oral, and anal sex, and penetration by object • Includes male and female victims • Does not include rape of those under age 12 • Does not include rapes of those who do not reside in households or who do not have phones • Does not include statutory rapes • Does not include drug/alcohol facilitated rapes

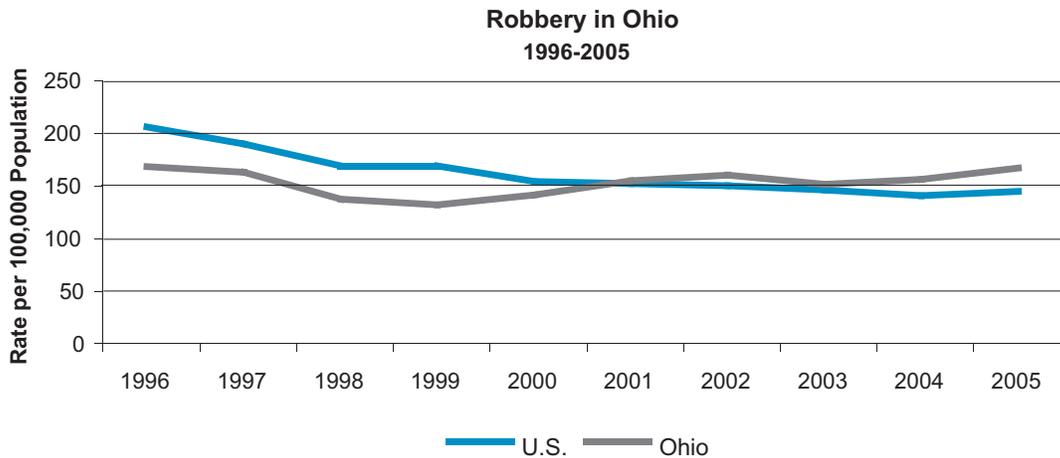
In Ohio, UCR indicated that the rape rate decreased 19 percent from 1993 to 2005.



Source: *Crime in the United States*, 1993-2005, FBI

Robbery

Robberies have been on the decline for the past decade in the U.S., from a high rate of 202 per 100,000 population in 1996 to 141 in 2005. In Ohio, the robbery rate declined through the late 1990s. However, beginning in 2000, Ohio's rate began to rise and surpassed the U.S. robbery rate in 2001. Ohio's robbery rate remained higher than that of the U.S. in 2005.



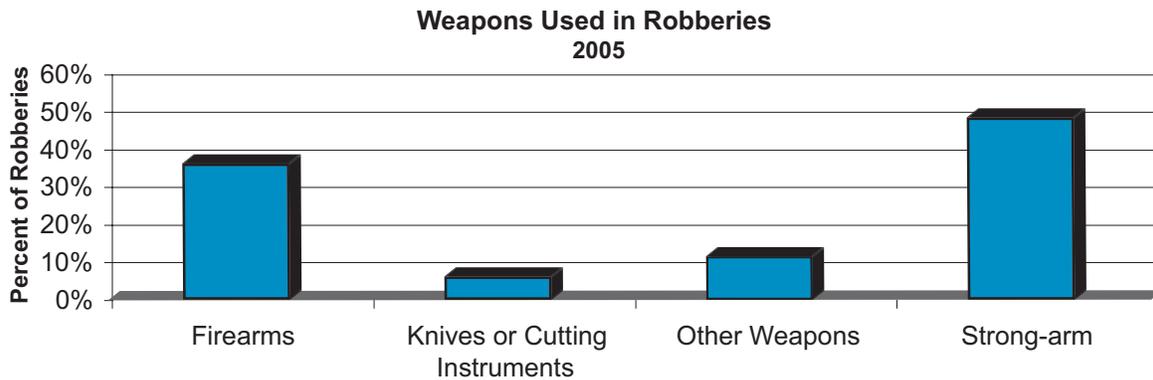
Source: *Crime in the United States*, 1996-2005, FBI

The greatest percentage of Ohio robberies took place on streets and highways, followed by residences and commercial establishments. Robberies cost Ohio citizens more than \$15 million in 2005. Banks, which were the type of establishment least frequently robbed, reported the highest average loss — \$2,203. Convenience stores, which made up 4 percent of all robbery locations, reported the lowest average loss of \$473.

Robbery Locations in Ohio in 2005	
Location	Percentage at Each Location
Street	41%
Residence	15%
Commercial establishment	13%
Convenience store	4%
Gas station	4%
Bank	2%
Miscellaneous	21%

Source: FBI Ohio Tables, 2005

Forty-eight percent of robberies were committed by offenders who strong-armed (such as using physical force on) their victim. More than one-third of robberies were committed by an offender wielding a firearm. Together, these accounted for 84 percent of weapons used in robberies in Ohio in 2005.

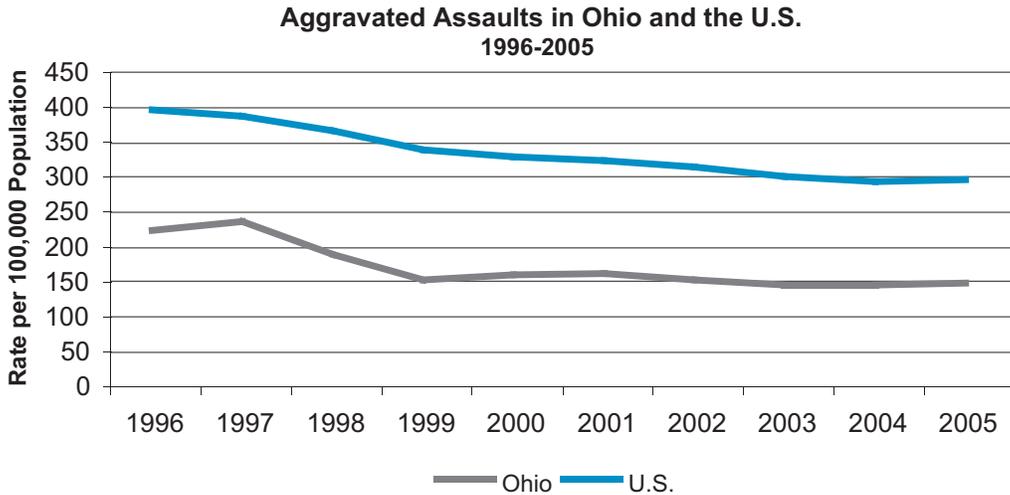


Source: *Crime in the United States*, 2005, FBI



Aggravated Assault

Aggravated assaults have generally been on the decline during the past decade in the U.S. and Ohio. From 1996 to 2005, the aggravated assault rate decreased 34 percent in Ohio and 26 percent in the U.S.



Source: *Crime in the United States, 1996-2005*, FBI

Aggravated assault (or felonious assault in Ohio) differs from simple assault in that a deadly weapon was present for the purpose of inflicting severe bodily injury. Data over the past decade shows that the relative frequency in which firearms, knives and other cutting instruments, personal weapons, and other known weapons used in aggravated assaults has remained consistent.

Weapon Use in Aggravated Assaults 1995 vs. 2005				
	Firearms	Knives	Personal Weapons (hands, feet, fists, etc.)	Other Known Weapon
1995	23%	18%	29%	30%
2005	24%	20%	32%	25%

Source: *Crime in the United States, 1995 and 2005*, FBI

Gangs and the Internet

The presence of criminal gangs can have a major impact on a community and its citizens. Criminal gangs commit crime, threaten public safety, and put financial burdens on law enforcement and city administrations throughout the country and within Ohio. These criminal gangs jeopardize the quality of life for all citizens of Ohio.

In response to this growing problem, states including Ohio enacted gang legislation. On January 1, 1999, Ohio's Criminal Gang statute, Ohio Revised Code Section 2923.42, went into effect and made participating in a criminal gang a felony offense. More importantly, it defined what a criminal gang is and it created a tool that can be used by Ohio law enforcement to help combat criminal gang activity.

Criminal gangs are defined 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.

It is estimated that approximately 760,000 gang members and 24,000 gangs were active in more than 2,900 jurisdictions in the U.S. in 2004.⁶ While most gang activity occurs in major urban areas, they are also increasingly being found in suburban and rural areas. According to the Ohio Attorney General's 2000 Ohio Criminal Gang Survey, Ohio law enforcement reported a total of 13,308 gang members and 731 gangs.

Given that it is estimated that there are more than one billion Internet users worldwide, it is no surprise that gangs have turned to the Internet — “Netbanging”— for the purposes of communicating with other members, recruiting new gang members, and engaging in illegal activities. The 2005 National Gang Threat Assessment (NGTA) identified how gangs are using the Internet and how law enforcement can take advantage of the Internet as an intelligence-gathering tool.⁷

Communication

Gangs use web sites to notify members of meetings and event dates, to disseminate information, and even to advocate political platforms. Web sites also have bulletin boards, message boards, and chat rooms, some of which are password-protected. Additionally, gangs frequently use web sites to display photos or videos of members in incriminating situations (such as displaying guns or money) or messages taunting other gangs and boasting of illegal activities.

Recruitment

Gangs also use the Internet as a tool for recruitment of new members. They target web sites that are popular with teens. The Internet makes it easy for gangs or gang members to reach out into areas without actually being in the neighborhood. Potential recruits can learn everything they

need to know about gangs from their home computer. In addition to cruising the streets, they are surfing the web.

Illegal Activities

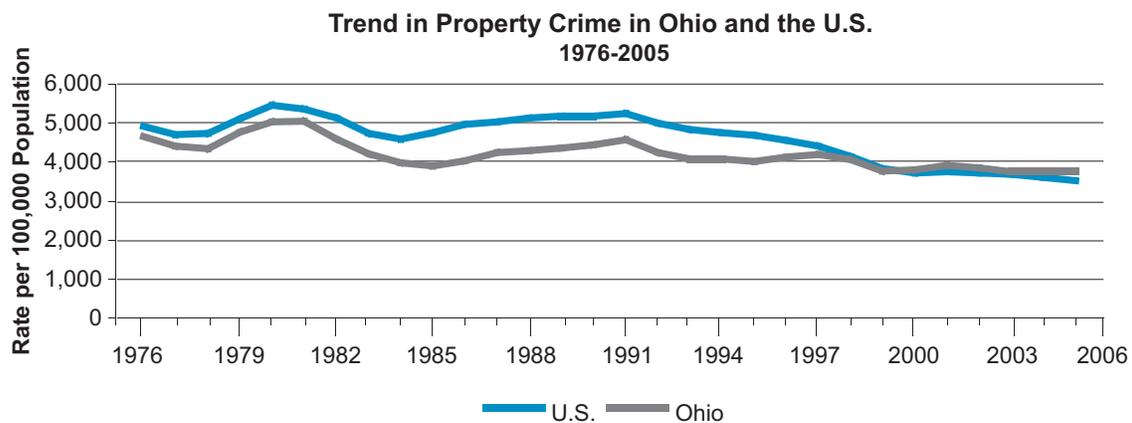
According to the NGTA, the Internet is used to engage in a variety of criminal activities. The Internet has been used by gangs for prostitution and gaming. Gangs have used the Internet to engage in identity theft and credit card fraud. They use the Internet to track court proceedings and identify witnesses. Gangs have also become involved in pirating music and videos via the Internet. Some gangs use the Internet to sell gang-related clothing, music, and other items.

The Internet as a Law Enforcement Tool

Law enforcement has begun to view the Internet as a valuable intelligence-gathering tool to identify and track gangs and their activities. Gang web sites give law enforcement information about the gang, its members, and their activities. Member photos reveal gang identifiers — tattoos, graffiti tags, hand signs, colors, and clothing — that can be used to identify gang affiliation. Photos, videos, and message boards reveal the illegal activities in which they have engaged or in which they plan to engage.

Property Crime in Ohio

Property crime generally decreased over the past 30 years in the U.S. and Ohio, from highs in the early 1980s to lows in the 2000s. The overall property crime rate was consistently higher for the U.S. than for Ohio until 2000 when Ohio's rate exceeded that of the U.S. This trend continued through 2005.



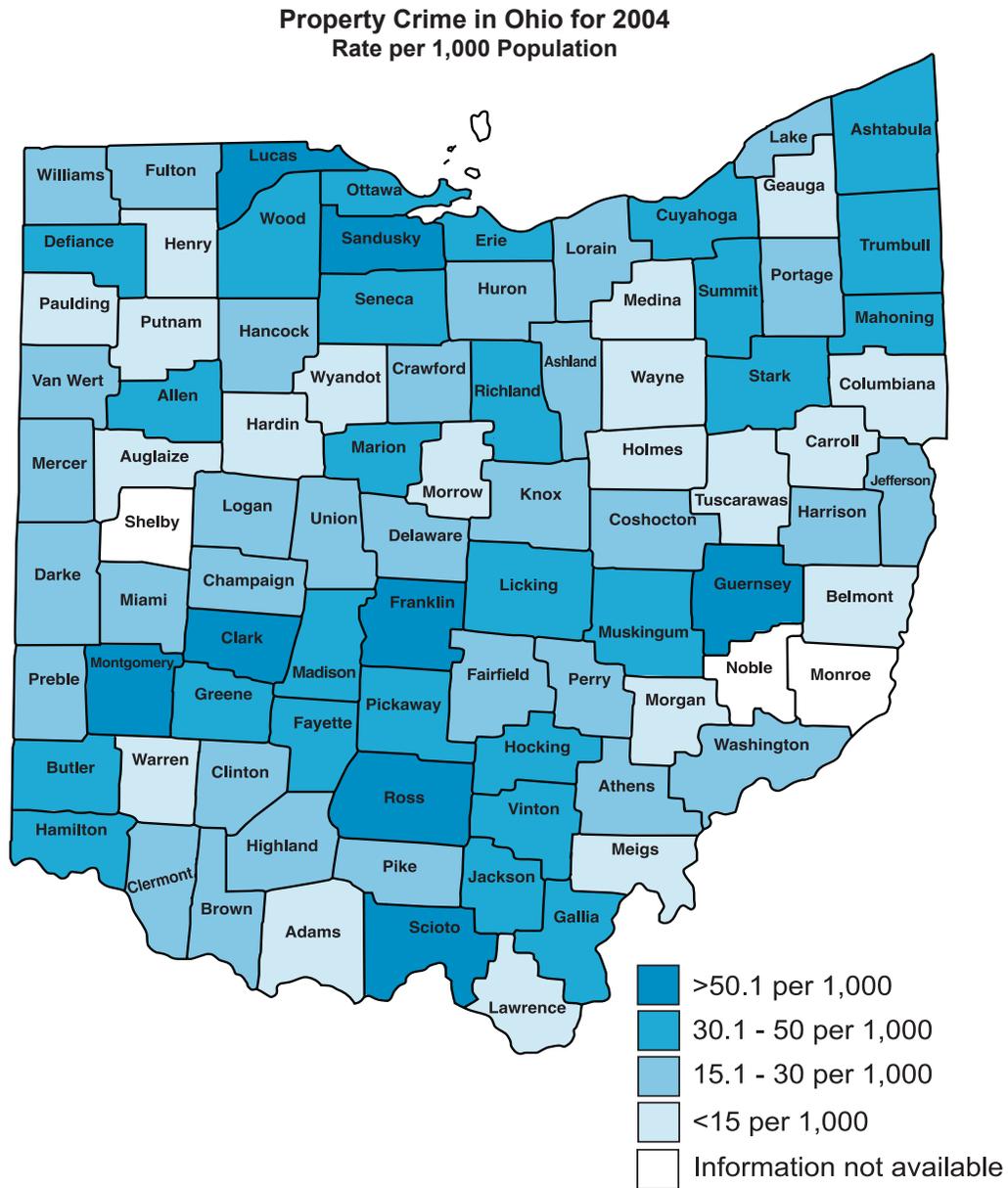
Source: *Crime in the United States, 1976-2005*, FBI

Crime rates for burglary, larceny-theft, and motor vehicle theft have shown differing trends over the past 10 years. The burglary rate was at a 10-year high in 2005, whereas the larceny-theft rate was at a 10-year low. Motor vehicle thefts showed more fluctuation throughout the time period, shifting directions three times in the last 10 years.

Property Crime Rate per 100,000 in Ohio 1996-2005				
	Burglary	Larceny-Theft	Motor Vehicle Theft	Property Crime Total
1996	835.4	2784.1	407.5	4027.0
1997	849.0	2824.1	406.0	4097.2
1998	810.1	2771.1	383.8	3965.0
1999	773.1	2558.9	348.2	3680.2
2000	780.7	2583.2	343.7	3707.7
2001	850.9	2598.6	370.8	3820.2
2002	869.2	2516.0	374.9	3760.1
2003	831.3	2460.1	358.6	3650.1
2004	842.9	2464.3	355.0	3662.3
2005	872.8	2429.0	360.9	3662.7

Source: *Crime in the United States, 1996-2005*, FBI

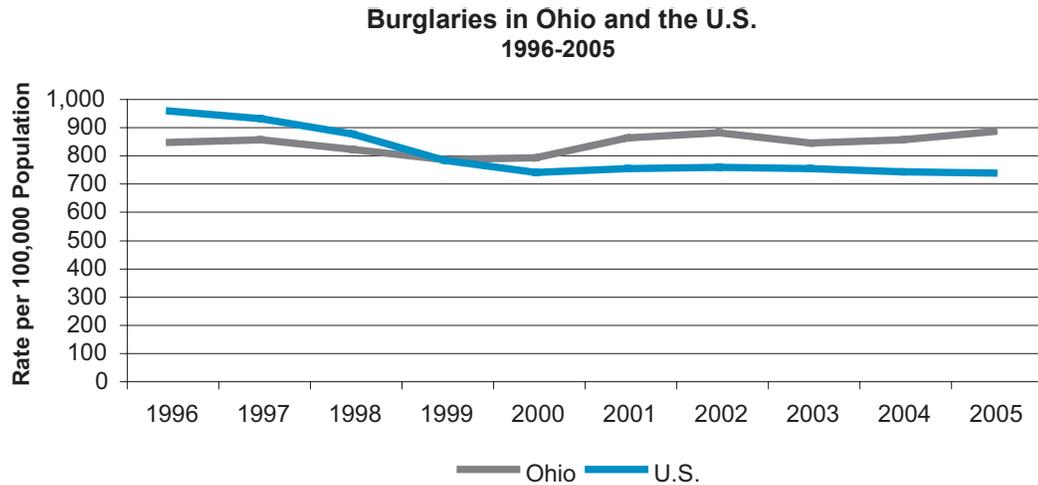
Like violent crimes, high rates of property crimes are typically found in the largest counties. However, high property crimes are not exclusive to urban areas. In fact, some of the highest per capita rates for property crime are found in very small rural counties. One possible reason for this is that a single property crime incident such as the bust of a car theft ring, could have a huge impact on a sparsely populated county. Also, many small counties are intersected by major highways, which may impact property crime as well.



Source: FBI Ohio Tables, 2004

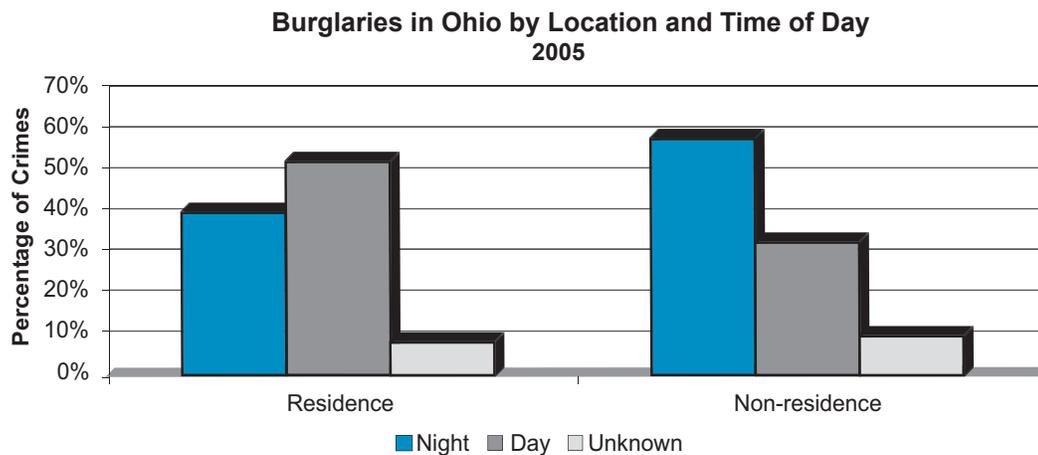
Burglary

Burglary trends over the past decade differed for Ohio and the U.S. The U.S. showed a decrease in burglary through the first half of the decade, then remained relatively stable the remainder of the decade. In Ohio, the burglary rate fluctuated over the course of the decade, and rose somewhat in 2004 and 2005.



Source: *Crime in the United States, 1996-2005*, FBI

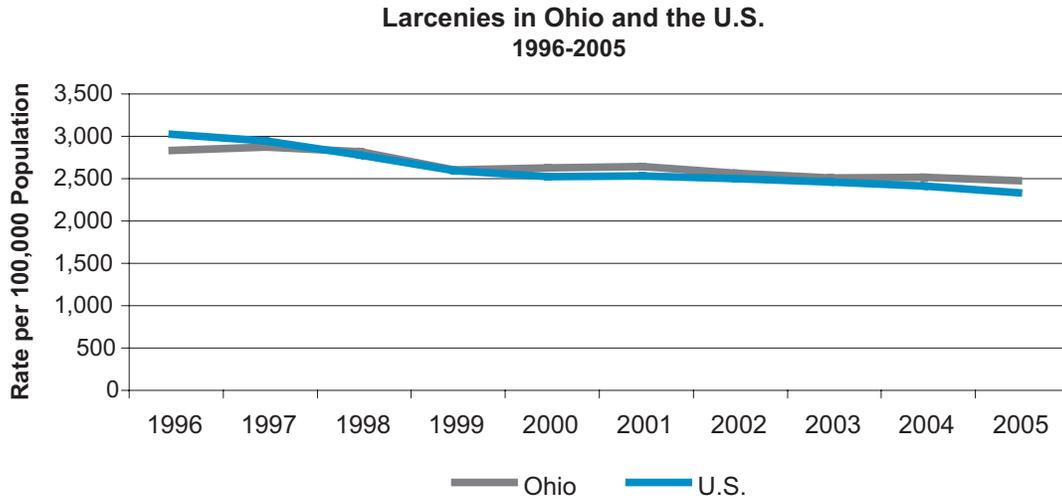
Sixty-eight percent of burglaries occurred in residential locations. Of the residential locations, 52 percent occurred in the daytime and 40 percent occurred at night (the remainder were unknown). The opposite was true for non-residential locations. Fifty-eight percent of non-residential locations were burglarized at night and 32 percent occurred during the day (the remainder were unknown). Ohio residential locations lost more than \$65 million, and non-residential locations lost more than \$36 million in 2005.



Source: FBI Ohio Tables, 2005

Larceny-Theft

Larceny has been on the decline during the past decade in both the U.S. and Ohio. From 1996 to 2005, the larceny rate decreased 13 percent in Ohio and 23 percent in the U.S.



Source: *Crime in the United States*, 1996-2005, FBI

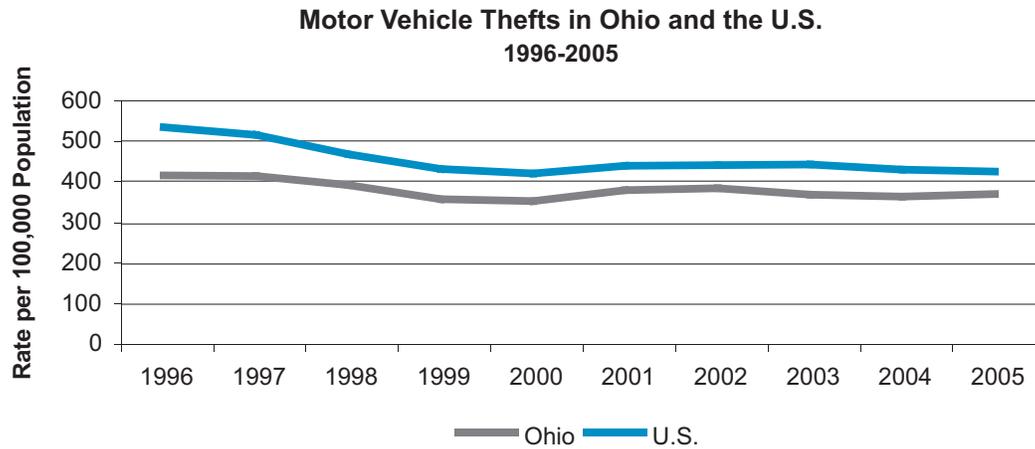
The most frequently reported type of theft involved theft from autos, which cost victims nearly \$43 million. In all, larceny-theft cost Ohioans \$164 million in 2005.

Percent of Larceny-Thefts in Ohio in 2005	
Types of Theft	Percentage
Pocket-picking	<1%
Purse-snatching	1%
Shoplifting	12%
From autos	27%
Auto accessories	7%
Bicycles	3%
From buildings	13%
Coin machines	1%
All others	36%

Source: FBI Ohio Tables, 2005

Motor Vehicle Theft

Motor vehicle thefts in the U.S. and Ohio showed a similar slow decline over the decade.

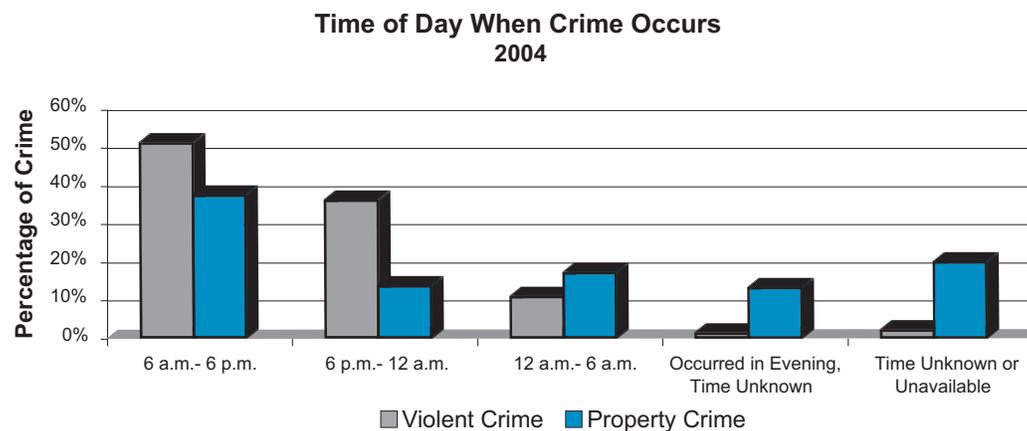


Source: *Crime in the United States, 1996-2005*, FBI

Motor vehicle theft in Ohio occurred at a rate of 361 per 100,000 population. Nationwide, 73 percent of motor vehicles stolen were automobiles, 18 percent were trucks or buses, and 9 percent were other vehicles. In Ohio, as in the U.S., motor vehicle theft has the highest recovery rate, at 61 percent.⁸

When Does Crime Occur?

Data from the 2004 National Crime Victimization Survey showed that 51 percent of violent crimes (excluding murder) and 37 percent of property crimes occurred during the daytime hours (6 a.m.-6 p.m.). This varied by the specific type of crime, however. Sixty-three percent of rapes occurred during the nighttime hours (6 p.m.-6 a.m.), compared to 54 percent of robberies and 46 percent of assaults. Of the property crimes reported in the NCVS, 34 percent of household burglaries, 68 percent of motor vehicle thefts, and 44 percent of thefts occurred in the nighttime hours. Note, however, that for nearly 20 percent of property crimes, the time of occurrence was unknown, compared to less than 2 percent of violent crimes.



Source: *National Crime Victimization Survey 2004*, U.S. Bureau of Justice Statistics

Data from the FBI’s NIBRS program indicated that, in general, the number of violent crimes with adult victims increased hourly from the morning through the evening hours, peaking between 9 p.m. and midnight.⁹ Interestingly, violent crimes with juvenile victims, especially those committed by acquaintances, tended to occur during after-school hours, peaking between 3 p.m. and 4 p.m. and declining thereafter. On non-school days, the juvenile victimization pattern mirrored the general adult victimization patterns, peaking in the late evening hours.

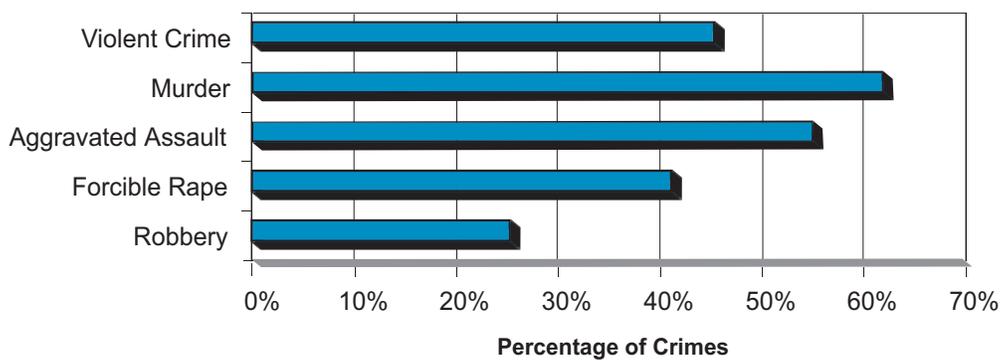
Crime Clearance Rates

Crimes can be cleared by two means: arrest or exceptional means. *Clearance by exceptional means* refers to clearance situations beyond law enforcement’s control, such as death of the suspect, the victim’s refusal to cooperate, or denial of extradition. In the UCR program, recovery of property does not clear an offense.

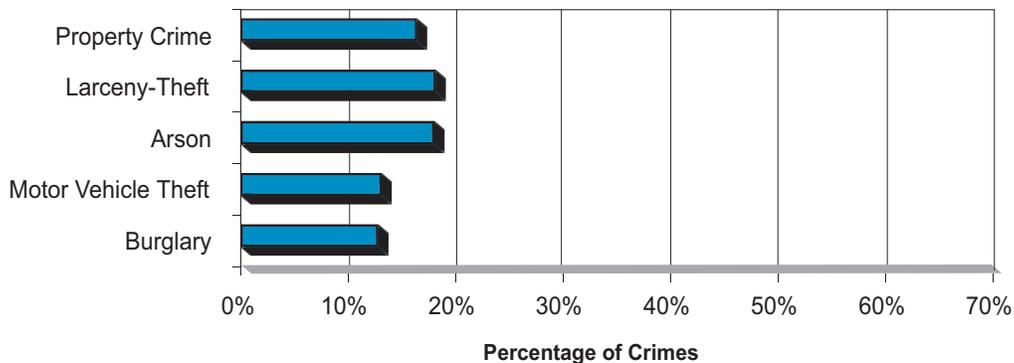
Law enforcement agencies typically clear by arrest a higher proportion of violent crimes than property crimes. Two explanations for this finding are possible. First, law enforcement tend to investigate violent crimes more intensely than property crimes. Second, violent crimes usually involve victims or witnesses who can identify the offender.

Nationwide, in 2005, 46 percent of violent crimes and 16 percent of property crimes were cleared by arrest or exceptional means. Murder had the highest clearance rate, at 62 percent. Burglary was the offense least often cleared, at 13 percent.

**Clearance Rates for Violent Crimes
2005**



**Clearance Rates for Property Crimes
2005**



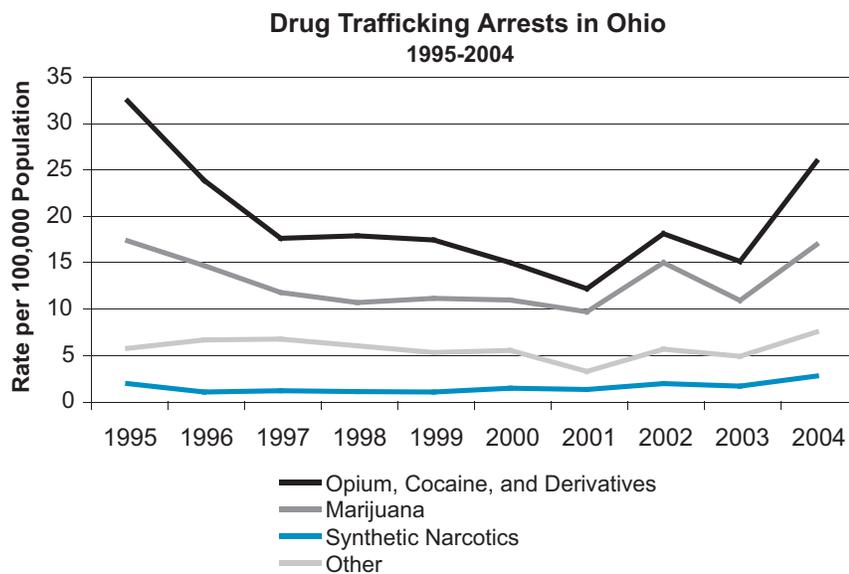
Source: *Crime in the United States, 2005*, FBI

Drug Crimes in Ohio

Drug crimes fall into two categories in the FBI's reporting program: trafficking, which is the sale or manufacture of specific controlled substances; and possession, which involves obtaining, possessing, or using specific controlled substances. In Ohio, the distinction between the two is determined in part by the quantity of drug found on the individual as well as by whether it appears to be prepared for distribution.

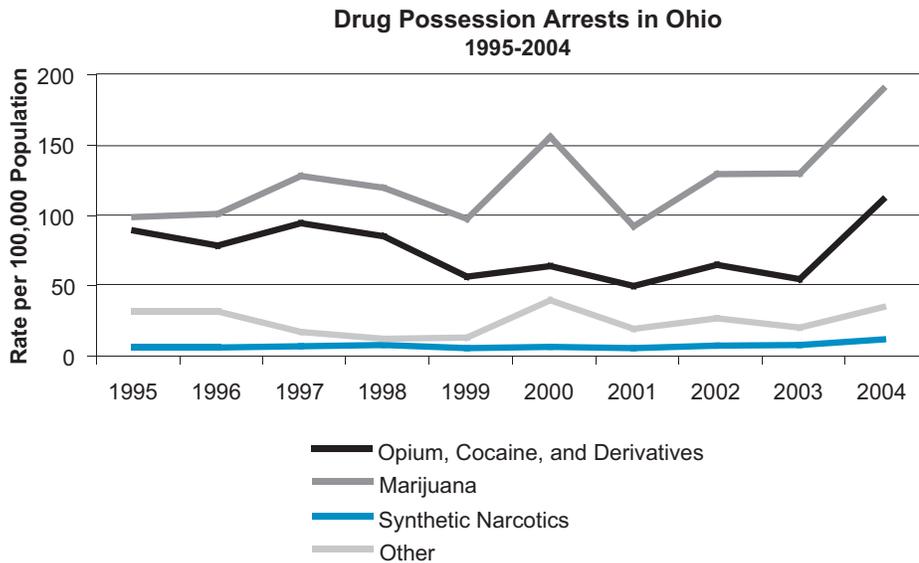
Three hundred sixty-six law enforcement agencies, representing over 8.3 million Ohioans, reported more than 33,000 drug arrests in 2004. For those arrests for which information was available, the data show that 13 percent of arrests were for drug trafficking and 87 percent were for drug possession.

Trafficking arrest rates across all reported drug types generally declined from 1995 through 2001, increased in 2002, and again in 2004. Nearly half of trafficking arrests involved opiates (opium, cocaine and their derivatives).



Source: FBI Ohio Tables, 1995-2004

Possession arrests showed more fluctuation during the 10-year period, but rates increased across all reported drug types in 2004. Particularly notable are the increases in marijuana and opiates, up 47 percent and 109 percent, respectively. Fifty-five percent of possession arrests involved marijuana.



Source: FBI Ohio Tables, 1995-2004

In addition to drug arrests by local law enforcement, the Drug Enforcement Administration (DEA) made 538 arrests in Ohio in 2005.¹⁰ DEA seized 1,533 kg of marijuana (almost 3,400 pounds) and 373.8 kg of cocaine (more than 820 pounds).

The DEA reported that marijuana was the most abused and readily available illicit drug in Ohio in 2005, while powder and crack cocaine remained Ohio's primary drug threat, as the most violent crimes in the state are attributed to its distribution and use.

In 2005, 316 methamphetamine laboratories were seized in Ohio by the DEA and state and local authorities, an increase of 157 percent over 2004 figures.

Hate Crimes

Hate crimes are defined by the FBI as criminal offenses committed against a person, property, or society which are motivated, in part or in whole, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin. Care must be taken in evaluating hate crime data, which can be difficult to identify because law enforcement must be able to show that the offender's actions were motivated in whole or in part by his or her bias. The Ohio Revised Code (ORC 2927.12) increases the penalty for aggravated menacing, criminal damaging and/or endangering, criminal mischief, or telephone harassment if the violation is committed because of the race, color, religion, or national origin of the victim.

In 2005, 443 Ohio law enforcement agencies submitted hate crime information to the FBI. Sixty agencies reported a total of 176 hate crime incidents, while 383 agencies reported no incidents of hate crime in their jurisdiction.

The majority of Ohio's hate crime incidents — 57 percent — involved racial bias, followed by ethnicity, sexual orientation, religion, and disability. Nationwide, the breakdown of bias incidents is similar.

**Hate Crime Incidents in Ohio and the U.S.
2005**

Type of Bias	Percentage of Incidents in Ohio	Percentage of Incidents in U.S.
Race	57%	55%
Ethnicity/national origin	18%	13%
Sexual orientation	13%	14%
Religion	10%	17%
Disability	2%	1%

Source: FBI *Hate Crimes*, 2005

Sixty-two percent of hate crime offenses in the U.S. were crimes against persons. The majority of these offenses involved simple assault (30 percent) and intimidation (49 percent). Of the 37 percent of hate crime offenses committed against property, the majority — 81 percent — involved destruction, damage, or vandalism.

The Southern Poverty Law Center's Intelligence Project (www.splcenter.org) counted 844 active hate groups in the United States in 2006, 31 of which were found in Ohio. Ohio's identified hate groups are scattered throughout small and large cities in Ohio and include the Black Separatists, Christian Identity, Ku Klux Klan, Neo-Confederates, Neo-Nazis, Racist Skinheads, and White Nationalists.

Domestic Violence

The Ohio Revised Code Section 2919.25 defines domestic violence as:

- Knowingly causing or attempting to cause physical harm to a family or household member;
- Recklessly causing serious physical harm to a family or household member; or,
- By threat of force, knowingly causing a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

By statute, law enforcement agencies are required to keep a record of domestic incidents and domestic violence problems within their jurisdictions and to send a monthly report to the Ohio Attorney General.

According to the Attorney General's *2006 Statewide Comprehensive Report on Domestic Violence*, there were 71,946 reported calls for domestic violence incidents, including those incidents in which no charges were filed. Of these, 47 percent resulted in domestic violence, protection order, or consent agreement charges being filed. Approximately 6 percent of the calls resulted in a charge other than domestic violence, protection order, or consent agreement. Forty-six percent resulted in no charges filed or the incident did not meet the domestic violence incident criteria. The following table characterizes the reported victims and offenders involved in these incidents.

Characteristics of Victims and Offenders in Domestic Violence-Related Incident Calls

	Reported Victims	Reported Offenders
Relationship		
Wife	21%	6%
Husband	5%	22%
Parent	11%	6%
Non-spousal with child	12%	13%
Child/children	7%	14%
Other family member	10%	10%
Former spouse	2%	3%
Live-in partner	17%	19%
Other	14%	6%
Race/Ethnicity		
Asian	<1%	<1%
African-American	27%	31%
Caucasian	70%	65%
Native American	<1%	<1%
Hispanic	2%	2%
Other	1%	1%
Age		
0-17	8%	10%
18-40	67%	67%
41-64	22%	21%
65-84	2%	1%
85 and older	<1%	<0.1%
Gender		
Male	24%	77%
Female	76%	23%

Note: The data reported here are for those incidents for which relationship, race/ethnicity, age, or gender information was recorded.

Source: *2006 Statewide Comprehensive Report on Domestic Violence*, Ohio Bureau of Criminal Identification and Investigation, Ohio Attorney General's Office.

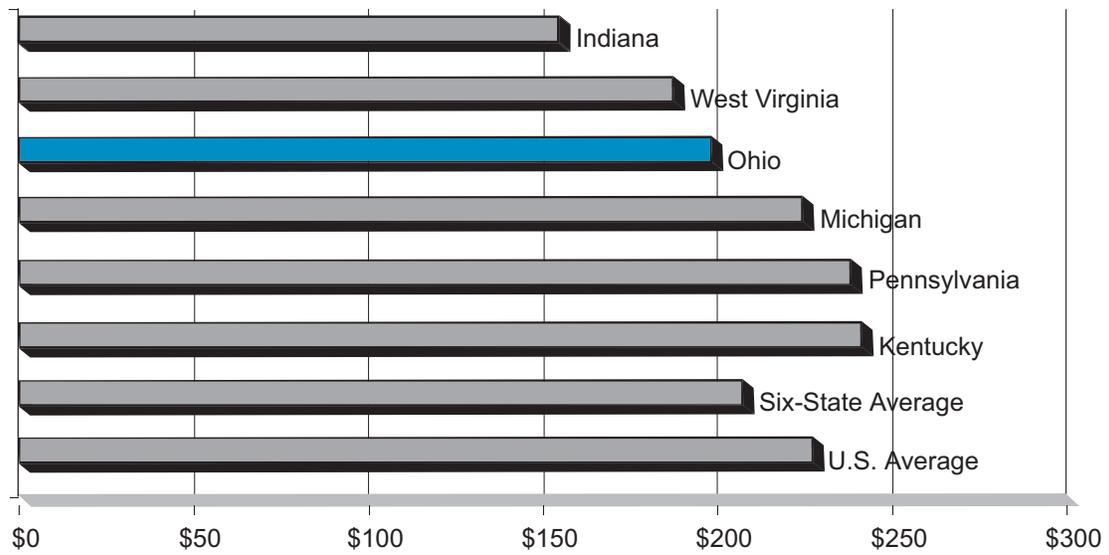
The Cost of Criminal Justice in Ohio

Ohio spent nearly \$2.3 billion on its criminal justice system in 2003, or \$199 per Ohio resident. Almost 13 percent of all state and local public employees in Ohio worked in the justice system.

Forty-two percent of Ohio's full-time criminal justice system employees worked in police protection, while 32 percent worked in corrections, and 26 percent worked in judicial and legal jobs. Note that the costs reported here do not include those costs associated with crime, such as loss of health, productivity, property, etc.

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2003 per Capita Justice Expenditure



Source: *Justice Expenditure and Employment in the United States, 2003*, U.S. Bureau of Justice Statistics

Victims

Defining Victims of Crime

Victims can be individuals or a legally established entity such as a business, church, or government agency. Under a traditional concept, a crime is an offense committed against the state where the victim is treated as a witness to the crime. Situations where the victims are seemingly voluntary participants are called “victimless crimes.”

The role of the victim in the criminal justice system has generated many debates and discussions. Generally, a crime victim is the object of a criminal act. Although the traditional concept has prevailed, the evolution of the criminal justice system has from time to time opened the door to consider the crime victim as a much more active or involved participant. In the mid-1970s, a wave of victim-offender mediations or dialogues paved the way to a “new” theory in the criminal justice field: *restorative justice*.¹¹ One of most salient characteristics of restorative justice is how it “elevates the role of crime victims ... through more active involvement in the justice process, holding offenders directly accountable to the people ... they have violated, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible, which can lead to a greater sense of community safety, social harmony, and peace for all involved.”¹²

Restorative justice has influenced how crime victims are treated in Ohio. Article I, Section 10a of the Ohio Constitution, adopted in 1994, creates rights for crime victims,¹³ directed the General Assembly to adopt legislation that articulates the definition of a crime victim, and spells out the rights held by a crime victim. This impetus led to the enactment of Revised Code Chapter 2930, codifying a definition for crime victims according to official reports or filings as “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.” Among the most significant rights afforded to crime victims in Ohio¹⁴ are the:

Right to be informed...

- by law enforcement about crime victims’ rights, compensation programs and community services, and the name of the accused.
- by the prosecutor about the progress of the case and dates of the hearings.
- by the corrections department about release hearings and the dates of those hearings and for release from the correctional institution.

Right to be present...

- at the hearings.
- with a person for support.
- or to send a representative to attend the hearings for the crime victim.

Right to be heard...

- through a victim impact statement.
- without penalty from the victim’s employer.
- with consideration for the victim’s confidentiality and safety.

Right to restitution...

- from the Ohio Crime Victims Compensation Fund for certain crime-related injuries.
- by the criminal for financial loss when ordered by the court.
- enforced as a civil judgment.

Sources of Crime Victim Data

The major source of information about crime victims in the United States is the National Crime Victimization Survey (NCVS). The survey, conducted annually by the U.S. Department of Justice, Bureau of Justice Statistics, asks a nationally representative sample of residents about their personal experiences with crime incidents and whether the crime was reported to law enforcement. In 2005, 134,000 persons in 77,200 households age 12 and older were interviewed for the survey.

The FBI Uniform Crime Reporting (UCR) program and National Incident-Based Reporting System (NIBRS) collect crime and victim data from local law enforcement agency reports. The UCR Supplemental Homicide Reports provide useful data on homicide victims and their relationships with perpetrators. NIBRS collects detailed crime data on incidents and arrests within 33 crime categories. The Ohio Incident-Based Reporting System (OIBRS), Ohio's application of NIBRS, is another significant source of data on victims and offenders.¹⁵

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

Unreported Crime

The amount of crime reported to law enforcement and other officials varies by the type of offense. The 2005 NCVS found that 47 percent of all violent crimes committed against U.S. residents age 12 and older were reported to law enforcement and 40 percent of all property crimes were reported to law enforcement. Females were more likely than males to report violent crimes; however, there is little difference by gender in reporting property crimes.

Victimizations Reported to Police in 2005		
	Percent of Crimes Reported	
	Violent	Property
Total	47%	40%
Male Victims	42%	40%
African-American	42%	44%
Caucasian	43%	40%
Other	49%	37%
Hispanic	44%	38%
Non-Hispanic	42%	40%
Female Victims	55%	39%
African-American	58%	45%
Caucasian	54%	39%
Other	58%	30%
Hispanic	60%	37%
Non-Hispanic	54%	40%

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

Forty-six percent of violent crimes involving victimization by a stranger were reported to law enforcement compared to 49 percent of victimizations where the victim knew the offender. The most common victim responses for reporting violent crimes to law enforcement were “to prevent future violence,” “to stop the offender,” or “to protect others.”

According to the data collected through the NCVS, victims have become more willing to report crimes to law enforcement. Reporting violent crimes increased from 42 percent in 1992 to 47 percent in 2005, while reporting property crime increased from 33 percent to 40 percent during the same period. Rape and sexual assault are consistently the least reported violent crime.

Percentage of Violent Crimes Reported to Police 1992-2005					
	All Violent Crime	Rape/Sexual Assault *	Robbery	Aggravated Assault	Simple Assault
1992	42%	32%	59%	54%	36%
1993	42%	29%	56%	53%	35%
1994	42%	32%	55%	52%	36%
1995	42%	32%	55%	54%	36%
1996	43%	31%	54%	55%	37%
1997	45%	31%	56%	59%	38%
1998	46%	32%	62%	57%	40%
1999	44%	28%	61%	55%	39%
2000	48%	48%	56%	57%	44%
2001	49%	39%	61%	59%	45%
2002	49%	54%	71%	57%	43%
2003	48%	39%	61%	59%	42%
2004	50%	36%	61%	64%	45%
2005	47%	38%	52%	62%	42%

* Too few cases to be statistically reliable.

Source: *National Crime Victimization Survey, 1992-2005*, Bureau of Justice Statistics

Crime Victimization Rates

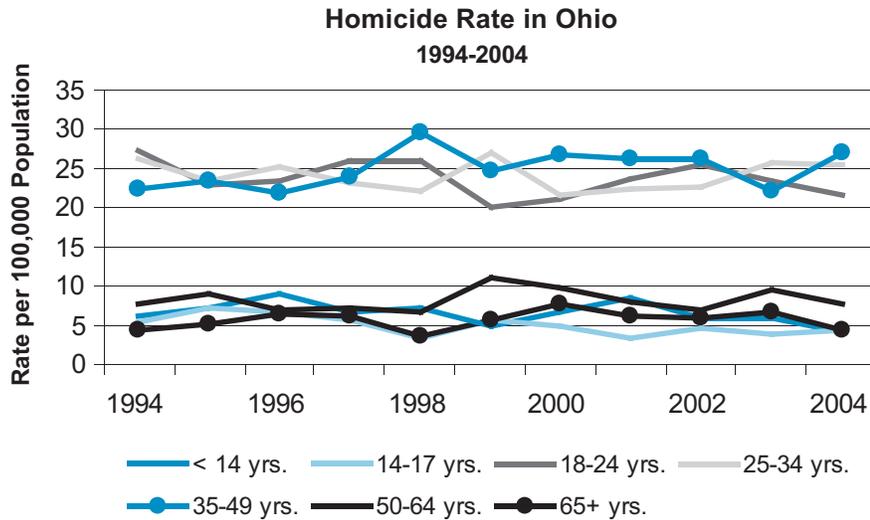
The National Crime Victimization Survey estimated that there were 5,173,720 violent crime and 18,039,930 property crime victimizations in 2005 in the United States, a rate of 21 violent crime and 154 property crime victimizations per 1,000 people age 12 or older. Violent crimes comprised about 22 percent of all victimizations.

Crime Rates for Selected Offenses in 2005	
Type of Crime	Rate per 1,000 People Age 12 and Over
Crimes of violence	21.2
Rape/Sexual assault	0.8
Robbery	2.6
Assault	17.8
Aggravated	4.3
Simple	13.5
Property crimes	154.0
Household burglary	29.5
Motor vehicle theft	8.4
Theft	116.2

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

Homicide Victims

Data from the FBI’s Supplementary Homicide Reports in 2004 reveals that more than three-quarter of homicide victims in Ohio were male. A significantly higher proportion of African-Americans than Caucasians were homicide victims. More than half of homicide victims were killed with a gun, followed by knives/cutting instruments and personal weapons, such as hands or feet. Most Ohio homicide victims in recent years were in their late teens to early forties.¹⁶



Source: *Supplementary Homicide Reports*, FBI

Victim-Offender Relationship

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

Victim and Offender Relationship*		
Offense	Non-strangers	Strangers
Rape/sexual assault	65%	35%
Robbery	20%	80%
Assault (aggravated and simple)	51%	49%

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

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

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

Most Frequent Victims

Males, African-Americans and those 24 years old or younger are among those individuals most often victimized.

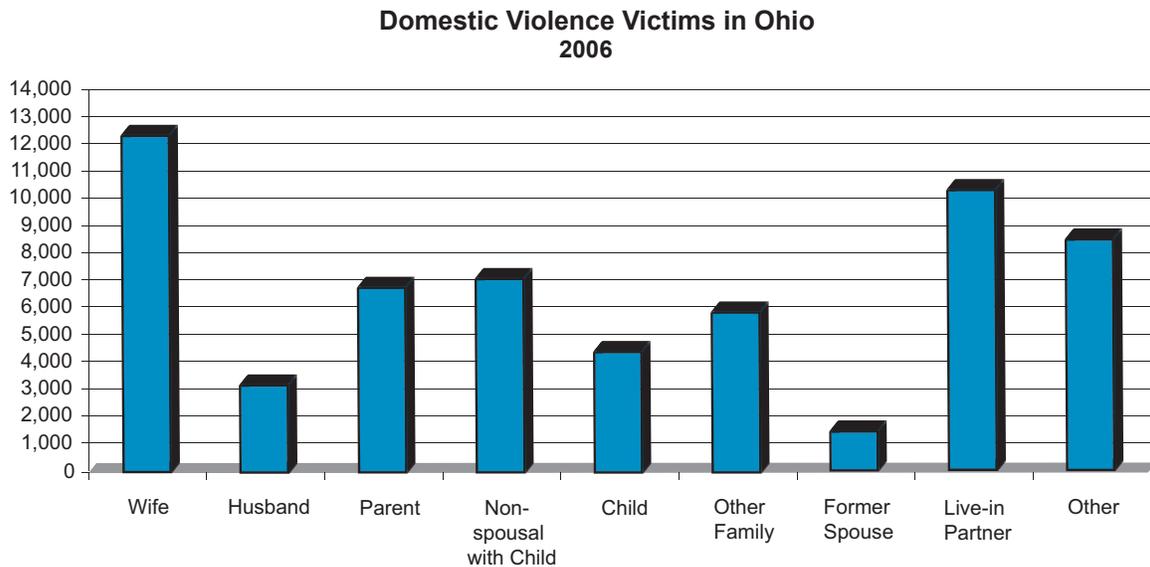
Violent Victimization Crime by Gender, Race, Age, and Household Income*							
	Number of Violent Crimes per 1,000 Persons						Percent Change
	2000	2001	2002	2003	2004	2005	2000-2005
Gender							
Male	33%	27%	26%	26%	25%	26%	-21%
Female	23%	23%	21%	19%	18%	17%	-26%
Race							
African-American	35%	31%	28%	29%	26%	27%	-23%
Caucasian	27%	25%	23%	22%	21%	20%	-26%
Age							
12-15	60%	55%	44%	52%	50%	44%	-27%
16-19	64%	59%	58%	53%	46%	44%	-31%
20-24	50%	45%	47%	43%	43%	47%	-6%
25-34	35%	29%	26%	26%	24%	24%	-31%
35-49	22%	23%	18%	19%	18%	18%	-18%
50-64	14%	10%	11%	10%	11%	11%	-21%
65+	4%	3%	3%	2%	2%	2%	-50%
Marital status							
Never married	51%	45%	44%	43%	41%	37%	-27%
Married	13%	11%	11%	11%	10%	10%	-23%
Divorced/Separated	42%	42%	32%	36%	34%	32%	-24%
Widowed	8%	8%	8%	4%	5%	6%	-25%
Annual household income							
Less than \$7,500	60%	47%	46%	50%	39%	38%	-37%
\$7,500 - \$14,999	38%	37%	32%	31%	39%	27%	-29%
\$15,000 - \$24,999	32%	32%	30%	26%	24%	30%	-6%
\$25,000 - \$34,999	30%	29%	27%	25%	22%	26%	-13%
\$35,000 - \$49,999	29%	26%	26%	21%	22%	22%	-24%
\$50,000 - \$74,999	24%	21%	19%	23%	22%	21%	-13%
\$75,000 or more	22%	19%	19%	18%	17%	16%	-27%

* Figures in this table have been rounded off to whole numbers, which may have resulted in a slight discrepancy from original data set.

Source: *National Crime Victimization Survey, 2000-2005*, Bureau of Justice Statistics

Victims of Family Violence

The Ohio Attorney General’s Office annual *Domestic Violence Report* revealed that in 2006, wives and live-in partners were the most frequent victims of family violence in Ohio.



Source: *2006 Statewide Comprehensive Report on Domestic Violence*, Ohio Bureau of Criminal Identification and Investigation, Ohio Attorney General’s Office

The majority of these domestic violence victims in Ohio are Caucasian. Most of the victims are between 18 to 40 years of age.

Domestic Violence Victims in Ohio	
Race	Percentage
African-American	27%
Asian	<1%
Caucasian	70%
Hispanic	2%
Native American	<1%
Other race	1%
Age	Percentage
0 to 17 years	8%
18 to 40 years	67%
41 to 64 years	22%
65 to 84 years	2%
85 years and older	<1%

Source: *2006 Statewide Comprehensive Report on Domestic Violence*, Ohio Bureau of Criminal Identification and Investigation, Ohio Attorney General’s Office

Human Trafficking

Trafficking in persons (also known as human trafficking) is a crime that has gained great prominence internationally and nationally. While there is no uniform definition that crosses international boundaries, a national definition was adopted when Congress passed the Trafficking and Violence Protection Act (TVPA) in 2000.¹⁷ The legislation describes human trafficking in one of two ways: sex trafficking or labor trafficking. In both instances, the trafficked person, through force, fraud or coercion, is exploited for commercial sex acts or forced to work — by involuntary servitude, peonage, debt bondage, or slavery. This legislation also criminalizes inducing a minor (18 years old or younger) to perform a commercial sex act, regardless of whether the elements of force, fraud or coercion are present.

The U.S. Department of State estimates that nearly 800,000 victims are trafficked globally every year, with nearly 20,000 trafficked into the United States.¹⁸ Although the passage of the TVPA has allowed for a more rigorous documentation of cases, prosecution of traffickers, and assistance for trafficked victims, there is a great disparity between the estimated number of trafficked persons nationally and those being identified. An indication of the incidence of human trafficking victimization can be gauged from the reports that the Office of Victims of Crime (OVC), U.S. Department of Justice, receives from service providers it has funded to assist trafficking victims. Since 2004, OVC funds have helped more than 1,000 trafficked victims.

Although the number of federal prosecutions is not a perfect gauge of the impact the TVPA has had on trafficking victims, it is indicative of how this law has helped identify victims. It is impossible to identify how many victims were involved in each case as the prosecution effectively breaks down a key spoke in the trafficking wheel, yet we know that in each case there was at least one victim.

Federal Prosecutions of Trafficking in Persons		
	Sex Trafficking Cases	Labor Trafficking Cases
FY 1996 – 2000	7	11
FY 2001 – 2005	68	23

Source: *Report on Activities to Combat Human Trafficking, Fiscal Years 2001-2005*, U.S. Department of Justice

A possible explanation for the low rate of identifying trafficking victims in the United States is the lack of recognition of this crime. Another explanation is that trafficking victims may be charged with other crimes, such as smuggling, due to confusion or misunderstanding of the definition of trafficking. For example, smuggling is limited to the movement of persons between international borders; aspects of force, fraud or coercion may be present, but not necessary; and, typically, there is an understanding between the smuggled person and the smuggler about the crime to be committed. Trafficking in persons is often mistaken for smuggling, yet the key distinguishing factor is the existence of force, fraud or coercion between the trafficker and the victim. Also, it is worth pointing out that the smuggled person is not viewed by the criminal justice system as a victim, but rather as an offender. In contrast, a trafficked person, regardless of the manner in which this person entered the United States, is viewed by the system as a victim, and the law requires and provides that this person be treated as such.

National efforts supported jointly by the U.S. Department of Justice and the U.S. Department of Health and Human Services (HHS) are underway to increase criminal justice and allied professionals' understanding about this crime and their ability to recognize and properly treat these cases and their victims. Based on the victim-centered approach espoused by the TVPA, HHS is directed to provide services for human trafficking victims. HHS has met its charge in a variety of ways, including issuing certification and eligibility letters to qualifying non-U.S. citizens or residents who are victims of trafficking in the United States. The HHS certification affords non-U.S. residents or U.S. citizen victims of trafficking access to federally funded or administered benefits. HHS activity to certify qualifying human trafficking victims is another measure of the number of victims in the U.S. Since the passage of the law, HHS has certified nearly 900 victims.



In the final analysis, “[t]he difficulty of developing accurate estimates reflects the challenges of quantifying the extent of victimization in a crime whose perpetrators go to great lengths to keep it hidden.”¹⁹ In recognition of the challenges the investigation and prosecution of human trafficking poses to criminal justice professionals and the intrinsic difficulties of assisting trafficked victims, the U.S. Department of Justice has funded the creation of 32 human trafficking task forces since the passage of the TVPA in 2000. The task forces reflect a cooperative agreement between federal, state and local criminal justice and allied professionals, along with non-governmental agencies. These organizations are all committed to raising the community’s awareness about trafficking in persons and are working in concert in the investigation and prosecution of trafficking in persons while restoring the trafficked victims’ sense of dignity, worth and safety.

Self-Protective Measures Taken by Victims

Data from the NCVS showed that self-protective measures were typically taken for all three violent offenses in the survey: rape, robbery, and assault. Self-protective measures were more commonly used in cases of rape/sexual assault than cases of robbery or assault. With each type of offense, the percent of victims taking protective measures were similar for both gender and race except that Caucasians more commonly took such measures in cases of robbery. With the exception of rape/sexual assault, victims were somewhat more likely to use protective measures when the offender was a non-stranger.

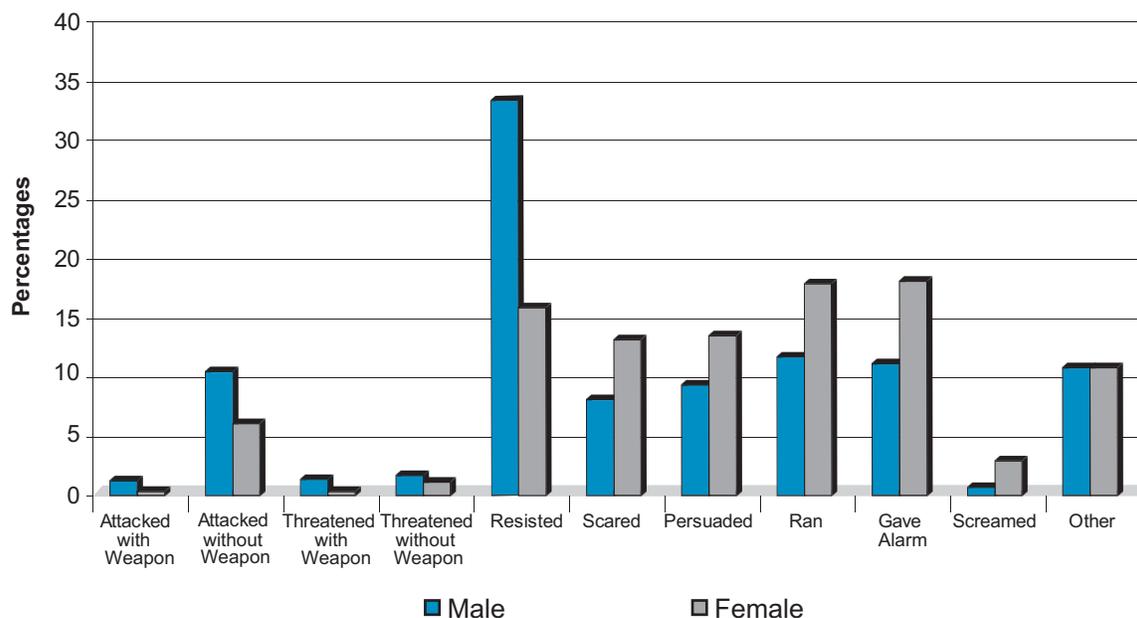
Victimization Where Victims Took Self-protective Measures				
	All Crimes of Violence	Rape/Sexual Assault	Robbery	Assault
All victimizations	67%	81%	61%	67%
Victim-offender relationship				
Stranger	64%	82%	60%	65%
Non-Stranger	70%	81%	67%	69%
Sex				
Male	67%	77%*	62%	67%
Female	68%	82%	60%	67%
Race				
African-American	66%	80%	52%	68%
Caucasian	67%	82%	70%	67%

* Estimate is based on 10 or fewer reported cases.

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

The types of physical resistance used by both men and women were similar, except that males most often reported resisting the offender, while females reported using a variety of measures such as running away, scaring the offender, yelling for help, or resisting the offender.

Self-protection Measures Employed by Victims in 2005



Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

Medical Care Received by Victims

The NCVS survey reported that more than a third of violent crime victims received medical care in a hospital or clinic emergency room setting. This is probably due to the fact that in most instances, either law enforcement takes the victim to the hospital or calls emergency medical services, who take the victim to the hospital. Other than the hospital, most victims receive medical care at their home or close to their home, such as at a neighbor's home.

Sources of Medical Care for Violent Crime Victims				
Location	All Crimes of Violence	Rape/Sexual Assault	Robbery	Assault
At the scene	9%	5%*	6%*	11%
At home, neighbor's or friend's home	28%	21%*	39%	25%
Health unit at work or first-aid station	4%*	0%*	2%*	4%*
Doctor's office or health clinic	8%	0%*	7%*	8%
Hospital emergency room; emergency clinic	37%	55%*	35%	35%
Admitted to hospital	12%	19%*	11%*	11%
Other	3%*	0%*	0%*	4%*

* Estimate is based on 10 or fewer reported cases.

Source: *National Crime Victimization Survey*, 2005, Bureau of Justice Statistics

The Cost of Crime to Victims

The NCVS estimated that the total cost of crime to U.S. victims nationwide in 2005 was more than \$17 billion, comprised mostly of tangible costs to victims like medical expenses, and the value of lost property or earnings. Ninety-two percent of this tangible loss resulted from property offenses, including \$5.2 billion from motor vehicle theft, \$5.3 billion from theft, and \$5 billion from household burglaries. The remaining 8 percent of tangible losses was from personal crimes, most notably assault (\$836 million) and robbery (\$494 million).

The NCVS also assessed the cost of crime in terms of loss of time from work. The offenses of rape and sexual assault made up the largest percentage of crimes in which victims reported a loss of time from work.

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Victimization Resulting in Loss of Time from Work	
Crime	Percent of Victims
Rape/Sexual assault	14%*
Robbery	10%
Assault	8%
All property offenses	6%

* Estimate is based on 10 or fewer reported cases.

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

The greater impact on victims of rape/sexual assault is more pronounced in terms of the number of days lost from work. Of the victims who reported loss of time at work, 25 percent of rape/sexual assault victims reported missing six or more days, nearly 40 percent more than the second highest percent (assault, 18 percent).

Days of Work Lost by Crime Victims		
Crime	Percent of Victims Losing 1 to 5 Days	Percent of Victims Losing 6 or More Days
Rape/Sexual assault	54%*	25%*
Robbery	67%	14%*
Assault	54%	18%*
All property offenses	39%	7%*

* Estimate is based on 10 or fewer reported cases.

Source: *National Crime Victimization Survey, 2005*, Bureau of Justice Statistics

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 web site 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.** First responders address physical safety issues, medical care needs, and begin the investigation. First responders include emergency medical, law enforcement, and protective service agency workers.
- **Second Responders.** Second responders address emotional support issues, ensure that appropriate referrals are made to meet victims' 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.** 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 (1-800-879-6682) also provides information on local victim service providers.

Ohio Victim Assistance

Victims of crime in Ohio are not alone. They may receive support from a variety of sources beyond their immediate family or friends. From a systemic perspective, local service providers and state agencies serve an important function, not only by providing support, but also by providing the resources to assist victims navigate the complicated criminal justice systems as well as deal with the trauma of their victimization.

Direct Financial Support to Victims of Crime

The Ohio Attorney General's Office administers the Ohio Victim Reparations Fund. The law establishing the fund allows crime victims to apply for up to \$50,000 for reparations to compensate for economic losses resulting from personal injury as a result of a violent crime.²⁰ In fiscal year (FY) 2006, Ohioans filed 7,974 claims. The Ohio Attorney General's Office paid 3,790 awards which totaled approximately \$14.5 million — an average award amount of \$3,334.²¹ The compensation fund has been used to cover losses resulting from such crimes as domestic violence, sexual assault, robbery, assault, and homicide. In FY 2006, the four crimes for which the most awards were paid were assault (3,174 awards), domestic violence (990 awards), robbery (758 awards), and homicide (494 awards). Citizens can access this fund by contacting the Crime Victims Services Section at the Ohio Attorney General's Office.

In addition, the Ohio Attorney General's Crime Victims Services Section administers the Ohio Victims Assistance Grant Program, which supports agencies providing services to victims of crime. According to the *Attorney General's Crime Victims Section Annual Report for 2006*, of the more than \$34 million allocated to the Ohio Victim Reparations Fund for FY 2006 state and federal monies, approximately 300 service agencies were funded through the Ohio Victim Assistance Grants Program. 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.

Support to Local Programs Serving Victims of Crime

Other government entities also support efforts to assist victims of crime. The Ohio Department of Health (ODH) administers a funding stream traditionally directed to underwrite the costs of sexual assault prevention programs and crisis intervention services for sexual assault victims,

such as operating 24-hour hotlines, hospital advocacy, counseling services, and support groups (both peer-led and professionally-led). In FY 2005, ODH disbursed \$1,462,260 to 33 projects. The Office of Criminal Justice Services supports services for victims through three funding streams: Byrne Justice Assistance Grants program (JAG), Violence Against Women Act grants program (VAWA), and Family Violence Prevention and Services Act (FVPSA) grants program. This funding supports a broad array of services from safe havens/shelters to other direct services for domestic violence, sexual assault and other crime victims. The following table describes the amount disbursed for each funding stream and projects supported during calendar year 2006.

Funding Provided through OCJS in 2006		
	Amount Disbursed	Victim Service Projects
JAG	\$1,414,829.43	49
VAWA	\$2,689,253.62	93
FVPSA*	\$2,618,456.98	62

* FVPSA grants program is disbursed on a fiscal year cycle.

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. Ohio's teams respond to natural disasters and severe traffic accidents as well as crime victimizations. Ohio sent several crisis teams to areas affected by the Katrina and Rita hurricanes.

Services to Crime Victims Whose Offender is Incarcerated

Beyond direct financial support or services from local providers, crime victims in Ohio whose offender is incarcerated can count on the Ohio Department of Rehabilitation and Correction (ODRC) to provide assistance in understanding the corrections system. The Office of Victim Services at ODRC provides crime victims a variety of services, including facilitating victim-offender dialogues (VOD); ensuring full participation in the post-conviction process, such as addressing the Parole Board during clemency hearings; assisting families of victims who want to attend their offender's execution, and coordinating services for crime victims with local victim assistance programs. The Office of Victim Services has provided direct support to 344 victim-witnesses between February 1999 and December 2006.

One of ODRC's most recognized programs is its victim-offender dialogue (VOD) program. This program brings the victim and offender together in a metaphorical leveled playing field to talk about the crime and the harm it caused to the victim and community. Because this program centers around providing victims a more full and meaningful participation in the criminal justice system, ODRC's program follows the Empowerment Dialogue Typology which emphasizes two components — victim-initiated dialogue, in a victim-sensitive approach. The victims set the boundaries of the dialogues by defining and identifying their own needs. While it varies from victim to victim (the very reason for conducting the VOD), many victims view the program as an opportunity to ask their offender questions about the crime and what motivated them to commit the crime. The offender's participation is voluntary. Offenders often use this opportunity to apologize for their crimes and accept responsibility for their actions.

This program is deeply grounded on the principles of restorative justice, which seeks to provide the victim a meaningful opportunity to hold the offender personally accountable for the crime. “When offenders face their victims directly . . . to listen as they describe the impacts of the crimes, there is a dramatic increase in the victims’ sense of ‘being heard’.”²² Because concepts of restorative justice take place post-conviction, ODRC’s approach is known as community justice. In the instance of VOD, the intent is to empower victims and set them in the path of healing; for the offenders, the intent is to draw them closer to understanding the impact of their violent behavior, which serves, in some instances, a rehabilitative purpose.

ODRC staff reviews each request to determine its appropriateness. If the request is deemed appropriate for victim-offender dialogue and the parties are amenable to the dialogue, ODRC staff works independently with the victim and the offender to prepare them for the dialogue. The process of preparing the parties for the dialogue is long and deliberate — taking up to a year — to ensure that the parties are ready to engage in a meaningful dialogue. Also, the preparation time is used to constantly evaluate the appropriateness of a particular request. In 2006, ODRC received 60 requests for VOD, yet conducted only 10 dialogues.

In calendar year 2006, there were:	
60	Total Requests for VOD
39	Requests Inappropriate for Dialogue
21	Requests Accepted for Dialogue
10	Total Dialogues Held

Source: Ohio Department of Rehabilitation and Correction

Of the 21 requests initially accepted, 11 cases did not realize the VOD for a variety of reasons, such as either party withdrew consent to participate, or after further consideration, the case was deemed inappropriate for VOD. Of the 10 dialogues conducted, seven dialogues involved murders, and the remaining dialogues involved sexual assaults committed by the offender against the victim.

Law

Enforcement

The Role of Law Enforcement

Research has demonstrated that law enforcement and crime fighting make up only part (and often the least frequent part) of police work. Contrary to the portrayal in many television shows and movies, the police do much more than enforce laws and “fight crime.” A typical weekend night in many police departments may involve a variety of activities, such as warning teenagers not to drag race, taking accident reports, handling complaints about loud parties, making traffic stops and assisting the sick or injured.

One way of categorizing police work is to divide it into three functions: law enforcement, service, and order maintenance. The law enforcement function refers to enforcing all laws, including traffic, juvenile, and criminal law. This function includes police actions specifically related to crime prevention or apprehension, such as routine patrol, chasing suspects, arresting suspects, and transporting criminal suspects to jail. Service function refers to the assistance that police provide to citizens, such as starting stalled vehicles, calling or escorting ambulances, rescuing stray cats out of trees, and many other tasks that citizens expect the police to perform. Police and firefighters are the only civil servants on duty 24 hours a day, seven days a week, and the public feels they should be available for all situations. The order maintenance function describes police intervention in behavior that either disturbs or threatens to disturb public peace or involves conflict among two or more persons. A noisy drunk, a rowdy teenager, or a persistent panhandler are all disturbances in which the community may ask a police officer to intervene.

Studies point out that service and order maintenance functions account for as much as 80 percent of police activity.²³ Post 9/11, police in Ohio and around the country have had further expectations placed on them for service and order maintenance. Officers must have an understanding of many new and diverse topic areas including recognizing, identifying, and responding to clandestine drug labs, international crime organizations, weapons of mass destruction, critical infrastructure, and terrorism signs. In addition, officers must be savvy in computer technology and emergency first responder techniques.

This chapter focuses on how Ohio is embracing the new challenges for law enforcement. Specifically, it discusses the role of technology programs, the work of the Ohio multi-jurisdictional law enforcement task forces, homeland security initiatives, and how these aid law enforcement with service and order maintenance. Before discussing these new initiatives, it is important to first describe the law enforcement community in Ohio, including current statistics on officers killed and assaulted.

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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, village, or township. 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 police protection to the unincorporated areas of a county. Sheriffs also have concurrent jurisdictional rights in the various municipalities within the county. Many sheriffs' offices provide police service under contract to incorporated areas that do not have their own municipal departments. In addition to standard police functions, most sheriffs' offices also provide bailiffs for courts within the county and are responsible for serving court papers and overseeing court-ordered actions. These offices may also perform duties such as maintaining the county jail facilities, transporting prisoners to court and prison, providing courthouse security, and generally performing 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 investigators in the Ohio Attorney General's Bureau of Criminal Identification and Investigation. Liquor control investigators in the enforcement and intelligence areas of the Ohio Investigative Unit, railroad police, taxation investigators, court constables, campus police, 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 Officer 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 criminal violations of the Ohio Revised Code occurring on state property.

Profile of Ohio Peace Officers and Law Enforcement Agencies

On February 20, 2002, Ohio Revised Code Section 109.761 (B) became effective. This code requires that:

Each agency or entity that appoints or employs one or more peace officers shall annually provide to the Ohio Peace Officer Training Commission a roster of all persons who have been appointed to or employed by the agency or entity as peace officers in any full-time, part-time, reserve, auxiliary, or other capacity and are serving, or during the year covered by the report have served, the agency or entity in any of those peace officer capacities. The agency or entity shall provide the roster in the manner and format, and by the date, prescribed by the executive director of the Ohio Peace Officer Training Commission.

2005 was the first year that the Ohio Peace Officer Training Commission achieved 100 percent reporting compliance. This is notable because it made it possible for the State of Ohio to assess the size and composition of each agency that has peace officers. Note that data from the Ohio

State Highway Patrol is not included in the table below. According to the FBI's *Crime in the United States 2005* report, the Ohio State Highway Patrol had 1,547 full-time troopers.

2005 Peace Officer Appointment by Agency Type								
Agency Type	Agency Count	Full-Time	Part-Time	Reserve	Auxiliary	Special	Seasonal	Total Officers
Municipal, village, and township	784	16,632	2,662	941	1,161	145	26	21,567
Sheriff	88	5,593	212	537	507	2,292	4	9,145
College/ university	34	531	279	26	39	2	0	877
Park	32	353	137	9	22	3	1	525
Hospital/ behavioral health	26	338	48	12	2	20	0	420
State agency	11	630	67	10	0	0	12	719
Airport/ transit authority	5	172	6	0	1	0	0	179
Amusement park	3	3	12	22	7	0	0	44
Housing authority/ veterans' home	2	92	1	1	0	0	0	94
Railroad agency	2	37	0	0	0	0	0	37
Total	987	24,381	3,424	1,558	1,739	2,462	43	33,607

Source: *A Statistical Profile of Ohio Peace Officers and Law Enforcement Agencies, 2005*, Ohio Peace Officer Training Commission

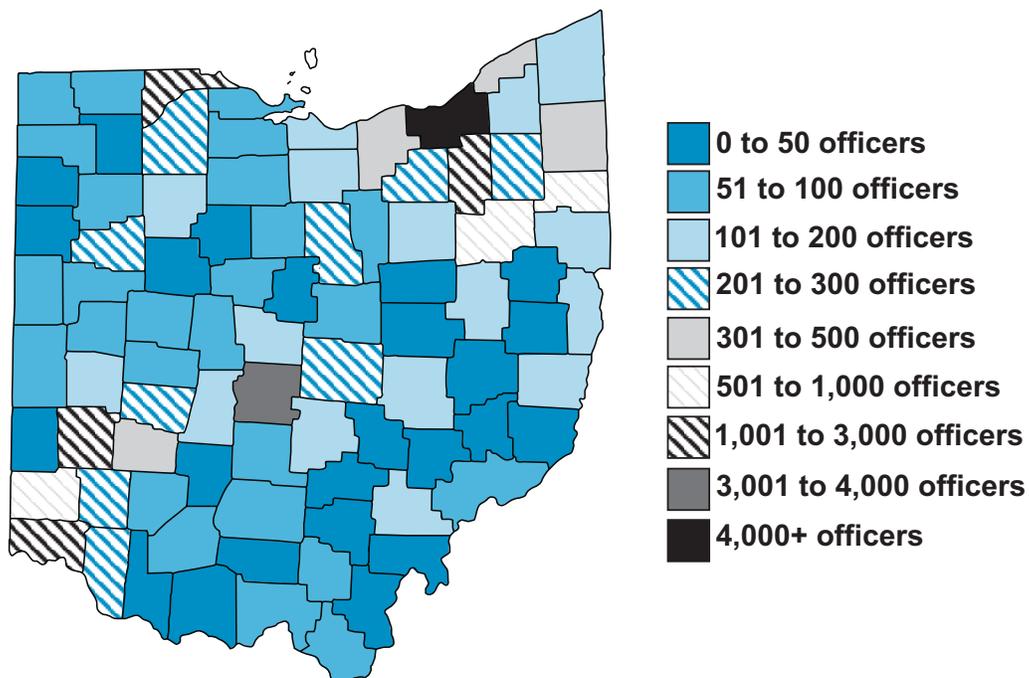
Ohio Peace Officers by County

Based on the U.S. Census Bureau's 2005 population estimates, there are 11.5 million residents in Ohio. There are 2.1 full-time peace officers per 1,000 residents of Ohio, or one full-time peace officer for every 472 residents.

Noble County, with 14,058 residents, reported the fewest total number of peace officers for all counties in Ohio, with 20 peace officers. Cuyahoga County, with approximately 1.4 million residents, reported the most at 4,566 peace officers. There is one peace officer for every 703 people in Noble County, while Cuyahoga County reported one officer for every 305 residents.

Full-time Peace Officers per County	
Number of Officers	Ohio Counties
0 to 50 officers	Adams, Brown, Carroll, Coshocton, Fayette, Gallia, Guernsey, Hardin, Harrison, Henry, Hocking, Holmes, Meigs, Monroe, Morgan, Morrow, Noble, Paulding, Perry, Pike, Preble, Van Wert, Vinton, Wyandot
51 to 100 officers	Ashland, Auglaize, Champaign, Clinton, Crawford, Darke, Defiance, Fulton, Highland, Jackson, Knox, Lawrence, Logan, Marion, Mercer, Ottawa, Pickaway, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Union, Washington, Williams
101 to 200 officers	Ashtabula, Athens, Belmont, Columbiana, Delaware, Erie, Fairfield, Geauga, Hancock, Huron, Jefferson, Madison, Miami, Muskingum, Tuscarawas, Wayne
201 to 300 officers	Allen, Clark, Clermont, Licking, Medina, Portage, Richland, Warren, Wood
301 to 500 officers	Greene, Lake, Lorain, Trumbull
501 to 1,000 officers	Butler, Mahoning, Stark
1,001 to 3,000 officers	Hamilton, Lucas, Montgomery, Summit
3,001 to 4,000 officers	Franklin
4,000+ officers	Cuyahoga

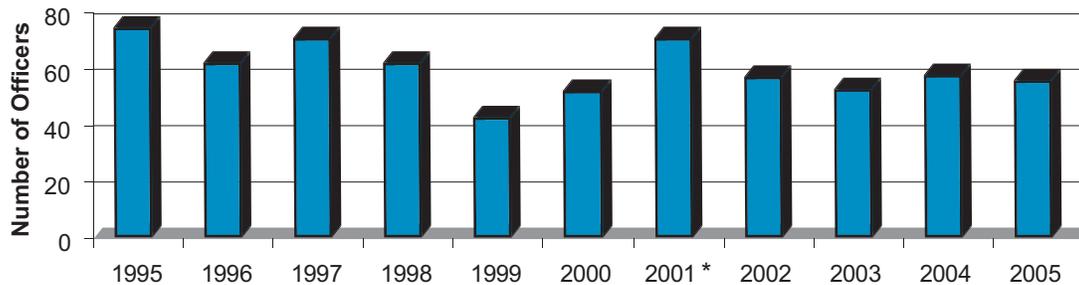
Source: *A Statistical Profile of Ohio Peace Officers and Law Enforcement Agencies, 2005*, Ohio Peace Officer Training Commission



Law Enforcement Officers Killed

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, officers accidentally killed, and officers assaulted, with narrative descriptions provided for incidents where officers were feloniously killed.

**Law Enforcement Officers Killed in the Line of Duty in the U.S.
1995-2005**



* The 72 deaths that resulted from the event of September 11, 2001 are not included in this table.

Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

In 2005, 55 law enforcement officers were killed in 53 separate incidents occurring in 24 states and Puerto Rico. The data show that the average age of the slain officers was 37 years old. Fifty-four of the slain officers were male and one was female. Forty-seven of the officers killed were Caucasian and eight were African-American. The officers feloniously killed had an average of 10 years of law enforcement experience.

To help data users understand the situations that lead to officer deaths, information is collected regarding the circumstances of each incident. Of the 55 officers slain in 2005, the top five circumstances were: traffic pursuits/stops (15 deaths), ambushes (eight deaths), arrest situations (eight deaths), investigating suspicious persons (seven deaths), and disturbance calls (seven deaths).

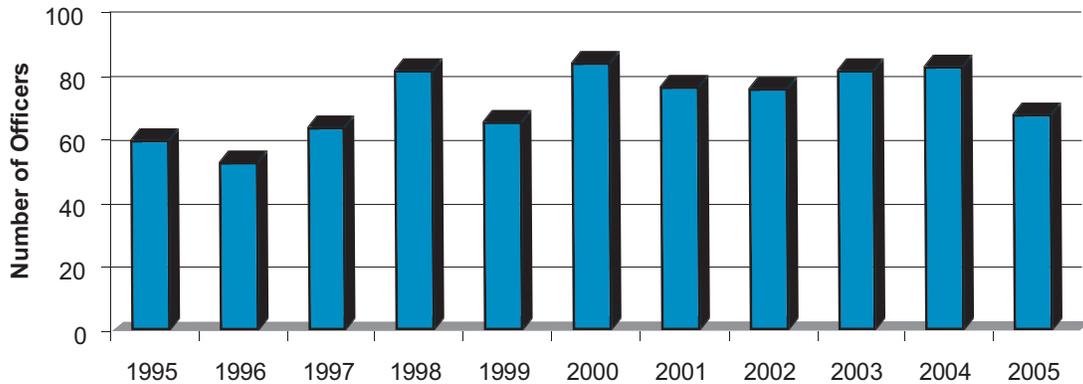
Firearms were the most common weaponry used to kill officers. Of the 55 officers slain, 50 were killed by assailants using firearms. Of these, 42 officers were killed with handguns, three were killed with rifles, and five were killed with shotguns. Thirty-one incidents involving firearms occurred when the distance between the offender and the victim was five feet or less. Thirty of the 50 officers slain with firearms were wearing body armor. Additionally, five officers died when vehicles were used as weapons.

Accidental Officer Deaths Outnumber Felonious Killings in 2005

In 2005, 67 law enforcement officers were killed in accidents while performing their duties. These deaths were reported by 62 agencies in 23 states and Puerto Rico. The average age of the officers was 37, with an average of 10 years of law enforcement experience. Sixty-four officers were male and three were female. Fifty-nine of the officers accidentally killed were Caucasian, seven were African-American, and one was Asian/Pacific Islander.

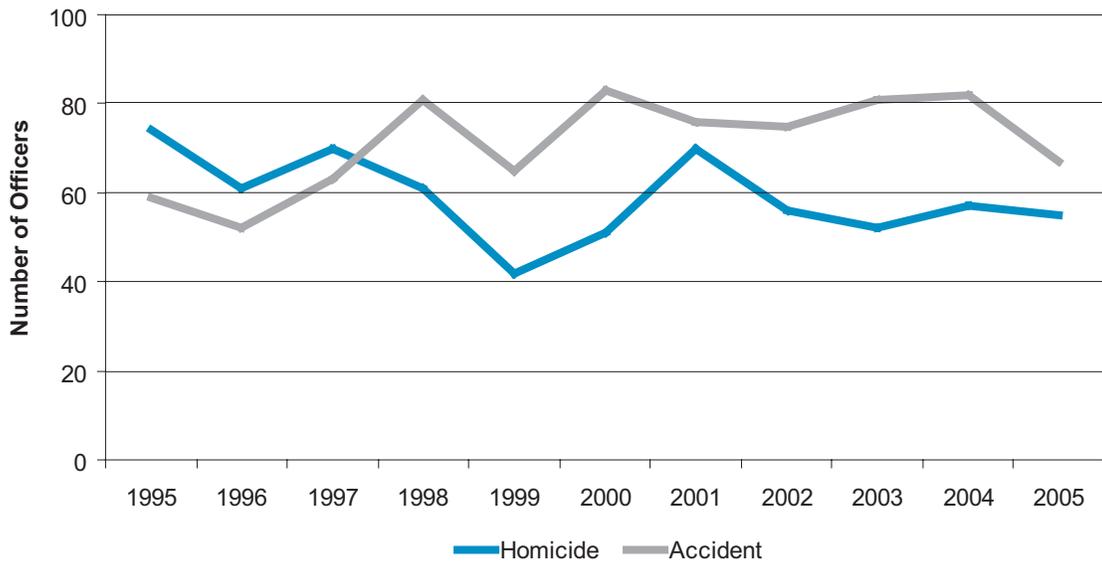
Typically, more officers lose their lives in automobile accidents than in any other type of accidental death. This trend continued in 2005 as 39 of the 67 officers died in automobile accidents. Additionally, four officers were killed in motorcycle accidents, 11 were killed when they were struck by vehicles, four officers were mistakenly shot, two died in aircraft accidents, two drowned, three officers fell to their deaths, and two were killed in other situations.

**Law Enforcement Officers Accidentally Killed in the U.S.
1995-2005**



Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

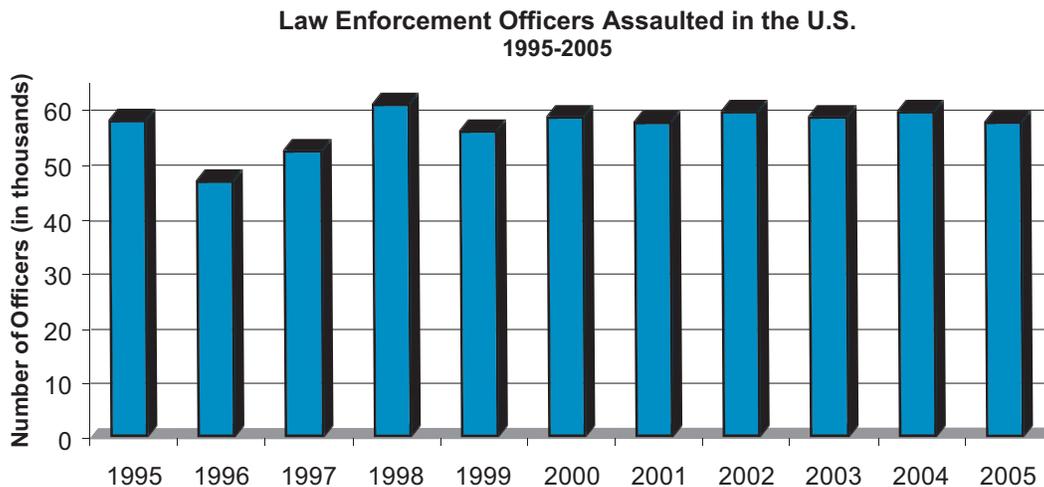
**Law Enforcement Officer Deaths from Homicide or Accident in the U.S.
1995-2005**



Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

Law Enforcement Officers Assaulted

In 2005, the FBI collected assault data from 10,032 law enforcement agencies that employed 485,048 officers. In 2005, 57,546 officers were assaulted while performing their duties, resulting in injuries to 15,763 officers. Since 2000, the number of assaults has remained fairly constant.



Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

The largest number (30 percent) of officers were assaulted when responding to disturbance calls. Another 30 percent of officers were assaulted while attempting arrests or handling, transporting, or having custody of prisoners. Conducting traffic pursuits or stops, investigating suspicious persons or circumstances, and “other” circumstances were the only other types of situations that accounted for 10 percent or more of the assaults. Law enforcement agencies cleared 89 percent of the 57,546 assaults by arrest or exceptional means.²⁴

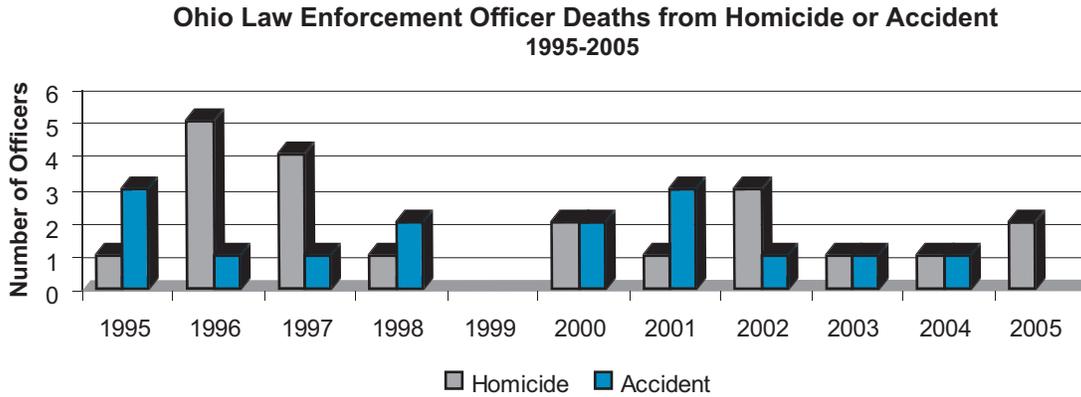
In What Situations Were Law Enforcement Officers Assaulted in 2005?

- ✓ Responding to disturbance calls (30 percent).
- ✓ Attempting arrests (17 percent).
- ✓ Handling, transporting or had custody of prisoners (13 percent).
- ✓ Conducting traffic pursuits or stops (11 percent).
- ✓ Investigating suspicious persons or circumstances (10 percent).
- ✓ Handling mentally ill persons (2 percent).
- ✓ Investigating burglaries (1 percent).
- ✓ Police civil disorders (1 percent).
- ✓ Robberies in progress or pursuing robbery suspects (1 percent).
- ✓ Assaulted in ambush situations (1 percent).
- ✓ Other circumstances (13 percent).

Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

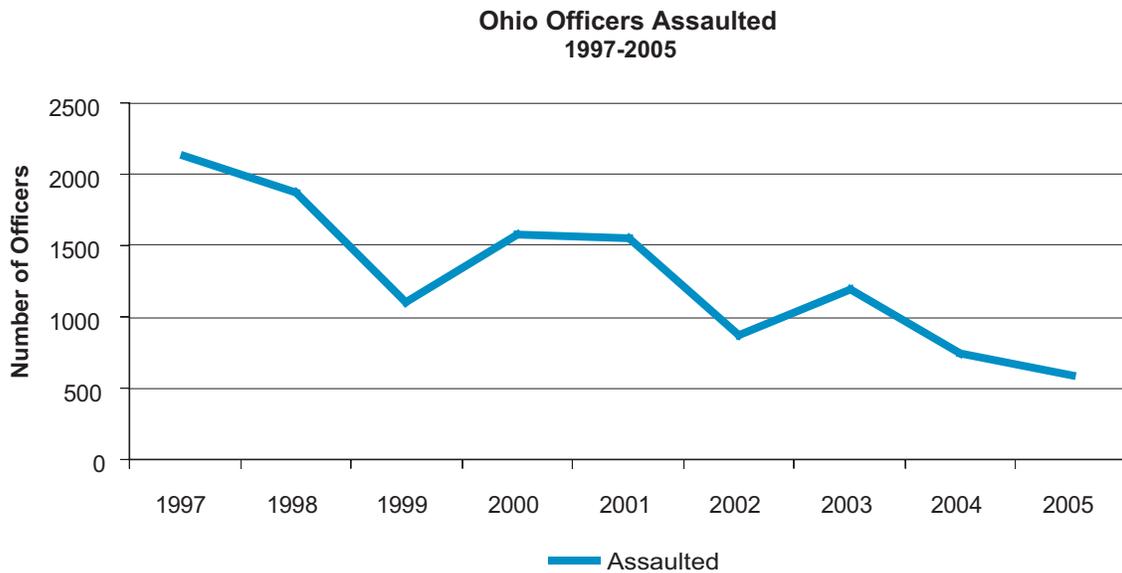
Ohio Law Enforcement Officers Killed and Assaulted

During the period of 1995-2005, there were 21 law enforcement officers feloniously killed, and 15 officers accidentally killed in Ohio. In 1999, there were no officer homicides or accidental deaths in Ohio.



Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

In 2005, Ohio police agencies reported 586 assaults on officers. This represents reports from 185 agencies, or approximately 29 percent of the state’s jurisdictional population. The rate of assault per 100 officers in Ohio in 2005 was 9.4, below the U.S. rate of 11.9 per 100 officers.



Source: *Law Enforcement Officers Killed and Assaulted, 2005*, FBI

Ohio Technology Initiatives

Carl Sagan once said, “We live in a society exquisitely dependent on technology, in which hardly anyone knows anything about technology.” While we might have been able to apply this statement to law enforcement 40 years ago when officers were issued a revolver, a pair of handcuffs, and a straight baton, today’s environment is much different. Today’s officers and police vehicles are inundated with technology — laptop computers, wireless Internet, 900 MHz radios, digital cameras, cellular telephones, tasers, preliminary breath test devices, RADAR, video cameras with digital recorders, automated external defibrillators, and laser radar devices. While this technology can be burdensome on departments, with added training and costs to “keep up-to-date,” most would agree that officers have more access to information and that they are more effective because of it.

After the tragedies of September 11th, law enforcement in Ohio and across the country began to refocus efforts on the sharing of information and the interoperability of technology. As part of this refocus, Ohio began to expand information management and sharing technology available to departments throughout the state. These projects have become invaluable resources and currently serve as models for other states.

Law Enforcement Officer’s Toolkit (LEOT)

Developed by the Ohio Office of Criminal Justice Services (OCJS), the LEOT is a software solution for Ohio law enforcement agencies in need of a records management system. With the first version released in 1994 and the Windows-based version available in 2000, the LEOT has seen increased use throughout the state since its inception. As of August 2007, there were 395 agencies using the product.

The LEOT effectively manages information on offense reports, arrests, citations, crash reports, property room items and investigator notes, as well as provides a master name index and search capabilities. It is easily accessed on laptops in the field, allowing law enforcement to enter reports and maintain their presence on the road or in the community. The software also enables police departments and sheriffs’ offices to participate in the Ohio Incident-Based Reporting System (OIBRS) program for the state, the FBI electronic crime reporting, and the Ohio Local Law Enforcement Information Sharing Network (OLLEISN).

Because the LEOT was created with federal grant funding, OCJS is able to provide the software package, an estimated value of \$6,000, free to law enforcement agencies. A very low annual cost provides agencies with LEOT maintenance, support, and updates.

Ohio Local Law Enforcement Information Sharing Network (OLLEISN)

Led by the Ohio Association of Chiefs of Police, with support from many public agencies (Ohio Department of Public Safety, Office of Criminal Justice Services, Ohio Attorney General’s Office, Buckeye State Sheriffs’ Association, Ohio State Highway Patrol) and private industry partners, OLLEISN was developed in January 2005 to provide interagency information-sharing in order to improve the ability to detect and prevent terrorist and criminal activity and increase law enforcement safety. OLLEISN successfully addressed two issues that complicate the creation of such a system — agencies that do not have electronic records management systems and the inability of records systems from different vendors to communicate.

OLLEISN has created a statewide information network by uniting disparate records systems, which has allowed law enforcement agencies to retain their existing records management system or choose a vendor that is OLLEISN-certified. OLLEISN meets the need to connect all police departments, regardless of agency size. By providing Internet connectivity, computer hardware, and a certified records management system, OLLEISN provides all the needed tools for law enforcement to participate. As of April 2007, 695 agencies were connected and sharing information.

Ohio Law Enforcement Gateway (OHLEG)

Launched in late 2003, OHLEG is a web-based platform that provides law enforcement with a variety of investigative tools, databases, and training applications to help solve and prevent crime and to share information. According to the Attorney General's Office, the OHLEG program includes:

- ***OHLEG Search Engine.*** The OHLEG search engine provides law enforcement with a secure investigative tool capable of querying numerous, disparate data sources from a single interface and displaying results in a consistent manner. Officers can conduct person, vehicle, and address searches from a wide variety of databases: computerized criminal history files, the electronic Sexual Offender Registration and Notification (eSORN) database, Ohio Department of Rehabilitation and Correction records, Ohio Bureau of Motor Vehicle license and title information, and the OLLEISN database.
- ***OLLEISN.*** This network allows participating agencies to share records management system information with each other. Officers can submit secure, person-based inquiries through OHLEG or through their local software provider's system.
- ***eSORN.*** Ohio's electronic Sex Offender Registration and Notification database allows law enforcement and citizens to view registered sex offender information.
- ***FinCrime.*** This secure, searchable database contains information about financial crimes and trends.
- ***Concealed Carry.*** This resource contains information on Ohio's Concealed Handgun Licensing Law, including certified instructor lists, statistics, legislation and administrative rules, license forms, and other frequently asked questions.
- ***RxPatrol.*** RxPatrol contains a searchable database of prescription-related crimes.
- ***DNA Online.*** This system allows county prosecutors to securely track the testing status of DNA evidence submitted to the Ohio Bureau of Criminal Identification and Investigation.
- ***eOPOTA.*** This resource allows law enforcement to keep abreast of the latest online training offered by the Ohio Peace Officer Training Academy.
- ***Identity Theft Verification Passport Program.*** The Passport Program provides victims of identity theft with credentials demonstrating that their identity has been stolen. Identifying these victims assists law enforcement and prosecutors as creditors make claims on the victims.
- ***Ohio Missing Children Clearinghouse.*** The Clearinghouse is a resource center that coordinates and improves the availability of information on missing children.

The OHLEG program has had success with law enforcement around the state of Ohio. As of November 2006, there were 20,975 active OHLEG users and 1,121,890 searches using the OHLEG search engine.

Ohio Task Force Information System (TFIS)

Developed by the Ohio Office of Criminal Justice Services, TFIS was designed specifically for the multi-jurisdictional law enforcement task forces within the state of Ohio. TFIS provides a web-based application to securely exchange data between task force agencies. As of November 2006, there were six task forces contributing data. The TFIS project is expected to be fully operational by the end of 2007.

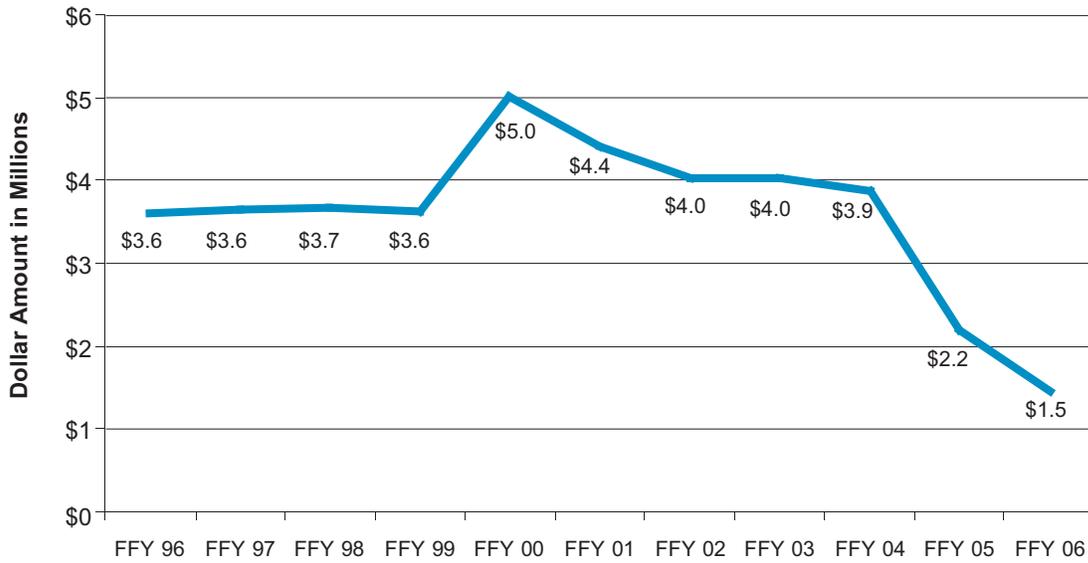
Ohio's Multi-jurisdictional Task Forces

Ohio's multi-jurisdictional task forces are operational units comprised of investigators from multiple law enforcement agencies engaged in the detection, prevention, interdiction and prosecution of illegal activity. In Ohio, task forces are comprised primarily of local law enforcement agencies, along with at least one state and/or federal enforcement agency partner and the county prosecutor's office. Governed by collaboration boards comprised of the chief executive or designees of the participating agencies, Ohio task forces are required to focus on illegal drug activity, but may also investigate any activity of concern to their local communities, from lower-level crimes to terrorism. The task force structure allows individual agencies to pool resources and to achieve greater outcomes collectively, making their operations more cost-effective. As of July 2007, there were 26 federally funded multi-jurisdictional task forces in Ohio operating in 60 of Ohio's 88 counties. More than 550 local law enforcement agencies in Ohio either participate in or rely on the services provided by these task forces.

Existing to meet emerging threats, task forces provide investigative resources for many of Ohio's air, land and maritime vulnerabilities. According to the 2005 OCJS Ohio Threat Assessment, task forces provide coverage for 242 airports and seven major cargo hubs; 12,934 total highway miles; active rail, bus and Amtrak service routes; 146 miles of international border with Canada; and the two major seaports of Toledo and Cleveland. Additionally, task forces provided investigation into offenses with international ties to Ohio, such as illegal pharmaceutical purchases from Thailand and China via the World Wide Web, cash transfers to a Middle Eastern country with suspected terrorist ties, organized Russian criminal groups with ties to club drug sales, and other drugs being interdicted with origins in Mexico, Jamaica, and Columbia.

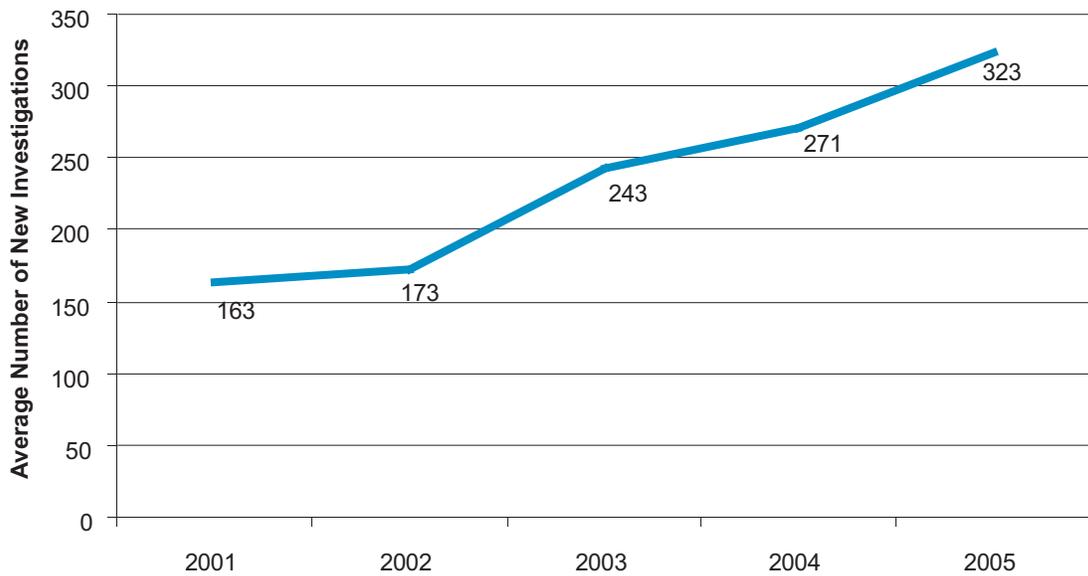
The Byrne/JAG Memorial Grant Program provides supplemental funding to Ohio task forces through the Ohio Office of Criminal Justice Services. In addition to this funding, local units of government in the 60 counties where task forces operate contribute a combined total of approximately \$18 million dollars each year to maintain their operations. OCJS funding provides dollars primarily for operating expenses, buy money, and equipment without which many task forces would be unable to function. As a result of federal funding cuts, Ohio task forces have seen a steady drop in this supplemental federal funding since the year 2000, yet task force activity and successful investigations continue to increase.

**Byrne Funding to Task Forces
FFY 1996 - FFY 2006**



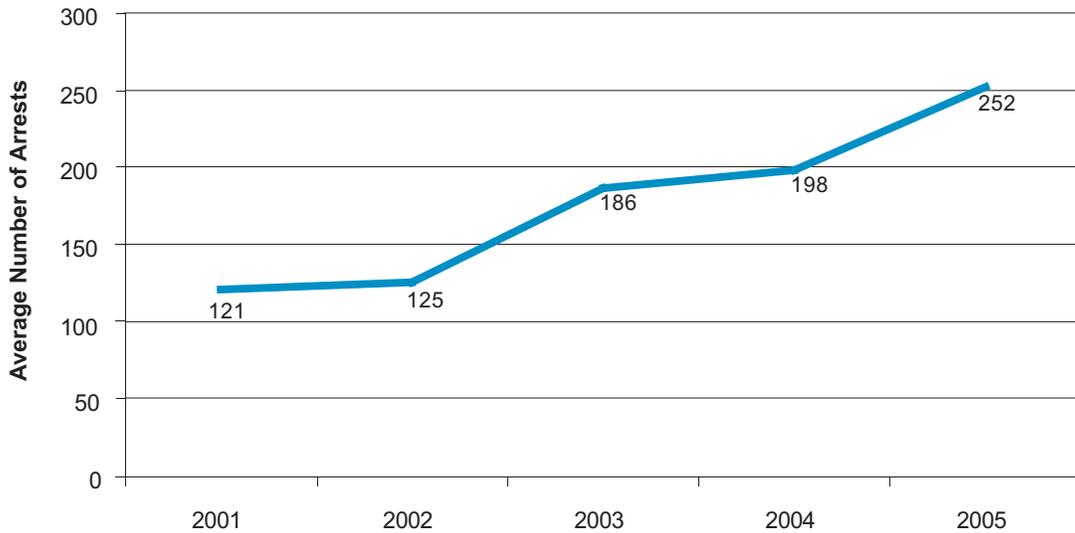
Source: *Ohio Multi-Jurisdictional Law Enforcement Task Force 2001 through 2005 Trend Data, OCJS*

**Average Number of New Investigations per Task Force
2001-2005**



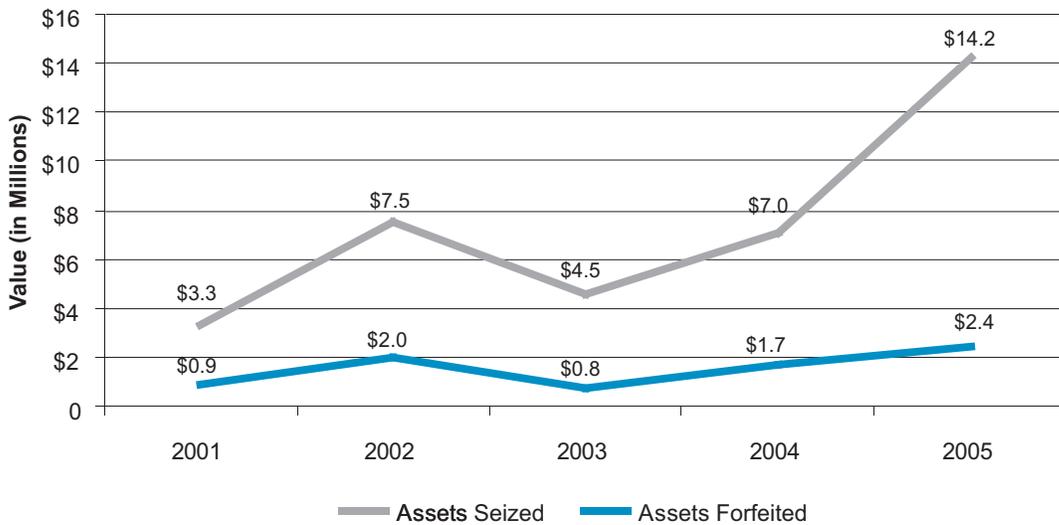
Source: *Ohio Multi-Jurisdictional Law Enforcement Task Force 2001 Through 2005 Trend Data, OCJS*

**Average Number of Arrests per Task Force
2001-2005**



Source: *Ohio Multi-Jurisdictional Law Enforcement Task Force 2001 through 2005 Trend Data*, OCJS

**Criminal Asset Seizures and Forfeitures
2001-2005**



Source: *Ohio Multi-Jurisdictional Law Enforcement Task Force 2001 through 2005 Trend Data*, OCJS

In 2006, two Ohio task forces were recognized at the Ohio Attorney General’s Conference On Law Enforcement. The Greater Warren County Drug Task Force and the Southeast Area Law Enforcement (SEALE) Narcotics Unit were both presented with the Ohio Distinguished Law Enforcement Group Achievement Award.

Homeland Security Initiatives

House Bill 95 created the Ohio Homeland Security division within the Ohio Department of Public Safety. Ohio Homeland Security manages the state's day-to-day homeland security operations, and oversees all homeland security projects and procedures recommended by the Ohio Security Task Force. With the goal of ensuring that the state of Ohio is prepared to respond in the event of a terrorist incident, Ohio Homeland Security works daily to coordinate an integrated and comprehensive state strategy to address security issues and strengthen the state's preparedness at all levels of government. A few of the division's projects are discussed below.

- ***Ohio Law Enforcement Response Plan (LERP)***. LERP is a tool to assist law enforcement agencies in acquiring needed quantities of law enforcement resources in the event of a domestic terrorist attack, major disaster, or other emergency. A web-based database allows agencies to record the items they could provide in an emergency, such as personnel, standard and specialized vehicles, aircraft, specialized teams, watercraft, and equipment. The resource inventory system also allows agencies to search for resources by region or county, by resource type, or by distance from their agency. Should an emergency be declared and additional resources needed, a message is sent via Ohio's Law Enforcement Automated Data System (LEADS) to appropriate agencies requesting them to send resources. Law enforcement has the ability to utilize the program during a major incident or for everyday police work when specialty equipment is required.
- ***Contact and Information Management System (CIMS)***. Implemented in 2003, CIMS provides both private and public sector users with a secure "one-stop-shop" source for receiving relevant and timely homeland security and all-hazards information. CIMS allows alerts and/or messages to be sent to various jurisdictions and agencies simultaneously. In addition to the messaging function, CIMS provides other information, including time sensitive and high-priority alerts, intelligence and informational bulletins from local, state and federal agencies, grant information, training information, and online video intelligence and training briefings.
- ***Ohio Strategic Analysis and Information Center (SAIC)***. To facilitate the collection of intelligence from traditional agencies and from non-mainstream information services, Ohio Homeland Security formed the SAIC. The SAIC serves as a secure central fusion process for the collection, filtering, analysis and dissemination of terrorism-related information. The SAIC also maintains the capability to monitor, prevent, and respond to potential threats with the assistance from the FBI Joint Terrorism Task Forces in the state.
- ***Ohio Homeland Security Multicultural Affairs Office***. The Multicultural Affairs Office was established to develop a culturally-diverse outreach program for all Ohioans. Recognizing the importance of developing relationships with communities around Ohio, this office presents cultural awareness programs, builds partnerships with citizen groups, provides accurate information to the media about multicultural relations, publishes and posts information, and nurtures a relationship of respect among different communities, law enforcement, and homeland security officials.

- ***Ohio Northern Border Initiative.*** Designed to bring together a number of law enforcement agencies to protect the 158-mile water border between Canada and the United States across Lake Erie, the Northern Border Initiative features active patrol, response, and surveillance of the region utilizing local, state and federal resources. Also included are programs aimed at law enforcement training, civilian terrorism awareness, infrastructure protection and interoperable communications. Merging human and technological resources provides, for the first time in Ohio's history, a coordinated effort to secure the border for the protection of Ohio's residents and travelers.

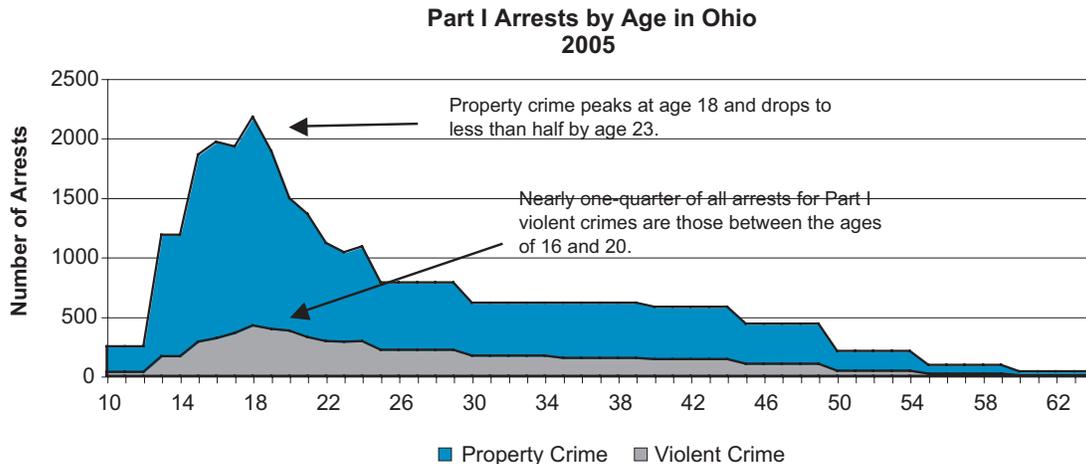
The
Accused

Arrests in Ohio

In 2005, there were 287,972 arrests reported to the FBI by 500 Ohio law enforcement agencies, representing more than nine million residents.²⁵ The violent crimes of murder, rape, robbery, and aggravated assault accounted for nearly three percent of all arrests, while the property crimes of burglary, larceny-theft, motor vehicle theft, and arson accounted for more than 12 percent of arrests. Drug abuse violations constituted another 13 percent of arrests. The majority of all arrests — more than 70 percent, were for less serious or less frequently occurring crimes.

Ohio's Arrestees

Of those arrested in Ohio in 2005, approximately 240,000 — 83 percent — were adults. As the following graph shows, the majority of arrestees were in their late teens and twenties. Specifically, 49 percent of those arrested for serious Part 1 violent and property crimes were under age 24, and 23 percent were under age 18. The peak age of arrest for Part 1 violent crime and property crime was age 18. There were relatively few arrestees over age 55.



Source: FBI Ohio Tables, 2005

Although adults accounted for 83 percent of all Part I violent crime arrests and 75 percent of all Part I property crimes, the percentage of adult arrestees for specific crimes varies considerably, as the next table shows. Information on juvenile arrestees can be found in the *Juvenile Justice* chapter.

Of those arrested in Ohio in 2005, approximately 240,000 — 83 percent — were adults... The peak age of arrest for Part 1 violent crime and property crime was age 18. There were relatively few arrests over age 55.

2005 Ohio Adult Arrestees for Violent and Property Crime	
Type of Offense	Percentage of Adult Arrestees
Violent Crime	83%
Murder	94%
Forcible rape	78%
Robbery	81%
Aggravated assault	84%
Property Crime	75%
Burglary	74%
Larceny-theft	76%
Motor vehicle theft	68%
Arson	42%

Source: FBI Ohio Tables, 2005

Overall, three-quarters of those arrested were male. Males were arrested for 84 percent of serious violent crimes and 69 percent of serious property crimes.

Ohio's arrestees for violent crimes (both male and female) were nearly evenly split between African-Americans and Caucasians. In contrast, a higher percentage of property crime arrestees were Caucasian.²⁶

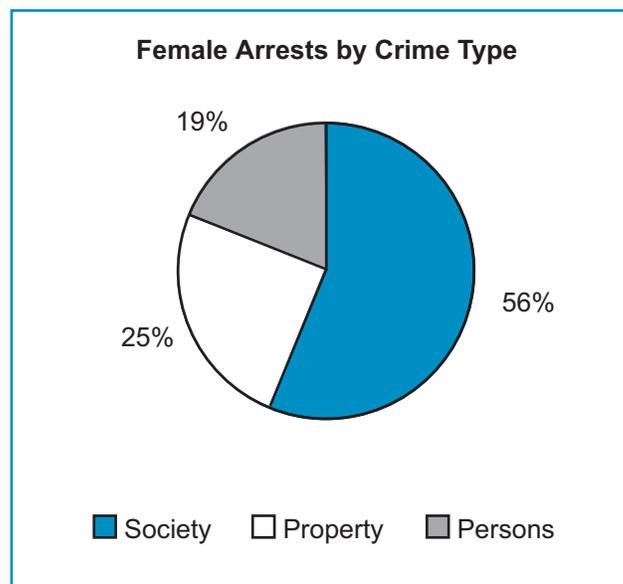
Race of Ohio's 2005 Arrestees by Crime Type		
	African-American Arrestees	Caucasian Arrestees
Violent Crime	51%	49%
Murder	60%	39%
Forcible rape	39%	60%
Robbery	58%	42%
Aggravated Assault	46%	53%
Property Crime	30%	69%
Burglary	33%	67%
Larceny-theft	28%	72%
Motor vehicle theft	51%	49%
Arson	24%	75%
Drug Offenses	39%	60%

Source: FBI Ohio Tables, 2005

Gender of Ohio's 2005 Arrestees by Crime Type		
	Male Arrestees	Female Arrestees
Violent Crime	84%	16%
Murder	88%	12%
Forcible rape	98%	2%
Robbery	88%	12%
Aggravated Assault	78%	22%
Property Crime	69%	31%
Burglary	89%	11%
Larceny-theft	62%	38%
Motor vehicle theft	84%	16%
Arson	83%	17%
Drug Offenses	82%	18%

Source: FBI Ohio Tables, 2005

Incident-based data from the Ohio Incident-Based Reporting System (OIBRS) were analyzed to get a better look at the types of crimes for which females were arrested during 2005.²⁷ Crimes can be categorized into three types: crimes against society, which are crimes that represent the community's prohibitions of engaging in certain types of activities, such as prostitution, disorderly conduct and illegal gambling; crimes against property, which are crimes in which the object of the offense is property; and crimes against individuals, which are crimes where the victim is present and is directly involved in the offense. The OIBRS data indicate that 56 percent of all crimes for which females were arrested were crimes against society. The most frequent societal crimes for which females were arrested were possession of drugs, disorderly conduct, possession of drug paraphernalia, solicitation, and unruly juvenile offenses. Property crimes made up 25 percent of crimes for which females were arrested. Theft made up 57 percent of these property crime arrests. Crimes against individuals made up 19 percent of the arrests. The two most frequent crimes against individuals for which females were arrested were domestic violence and assault.



Source: OIBRS 2005 data, Office of Criminal Justice Services

Drug Use Among Arrestees

Nationwide, an estimated 1.05 million adults aged 18 or over were arrested for a Part I UCR serious violent or property crime in 2004. Data from the *National Survey on Drug Use and Health (NSDUH)* report²⁸ from years 2002-2004 indicated that adults who were arrested for a serious offense were more likely than the general public to have used an illicit drug²⁹ in the past year (60 percent vs. 14 percent). Of those who were arrested for any Part I offense, the most frequently used illicit drug reported to have been used in the past year was marijuana (46 percent), followed by pharmaceutical drugs (29 percent), cocaine (25 percent), and crack (12 percent).

Data from the 2003 Arrestee Drug Abuse Monitoring (ADAM) add credence to the findings of the NSDUH survey.³⁰ A nationwide sampling of male and female arrestees from 39 ADAM sites found that 70 percent of male arrestees and 73 percent of female arrestees tested positive for drugs. Cleveland, one of the ADAM sites, similarly reported that 75 percent of their male arrestees and 73 percent of their female arrestees had drugs in their system. Urine tests indicated that marijuana was the most frequently reported drug used by male arrestees (49 percent), while cocaine (both powder cocaine and crack cocaine) was the most frequently reported drug used by female arrestees (53 percent). Data collection for the ADAM program was suspended in 2004 due to funding constraints.

Nationwide, an estimated 1.05 million adults aged 18 or over were arrested for a Part I UCR serious violent or property crime in 2004.

Although statistics showing a high frequency of substance use among arrestees is often used as “proof” that drugs are the cause of criminal activity, it is not clear that this relationship is causal; that is, that using drugs causes one to commit crime, or that committing crime causes drug use, or whether both are the result of some other factor.

Drug Use By Those Arrested for Serious Violent or Property Crimes 2004

Drug Use by Arrestees Using Illicit Drugs in Past Year	Percentage*
Marijuana	46%
Pharmaceutical drugs	29%
Cocaine	25%
Crack	12%

* Percentages add up to >100 percent due to arrestees who report drug use in multiple categories.

Source: Data from the *National Survey on Drug Use and Health (NSDUH)*, 2002-2004.

Mentally Ill Individuals in the Criminal Justice System

A study by the Bureau of Justice Statistics reported that in 2005, 56 percent of state prisoners and 64 percent of jail inmates reported a history or symptoms of a mental health problem.³¹ The President's New Freedom Commission on Mental Health (2003) estimated that the rate of serious mental illness for persons in jail in this country is three to four times more than that of the general, non-inmate population.³² An intake study conducted at the Ohio Department of Rehabilitation and Correction in 2005 indicated that nearly one-quarter of males and 46 percent of females either self reported, were diagnosed with, or were treated for mental illness at some point in their lives. In addition, researchers found that 72 percent of male and female jail detainees with a serious mental illness have a co-occurring substance abuse disorder.³³ The Bureau of Justice Statistics has documented that more people with mental health problems are being treated in the justice system than in the mental health system.³⁴

Why are so many persons with mental illness found in our criminal justice system? The Sentencing Project identified several contributing factors.³⁵ First, there are a large number of persons who, through deinstitutionalization of state hospitals, have been left in the community without treatment. They also noted that treatment resources and availability has fallen short of the need. Another contributing factor identified by The Sentencing Project is an increasingly punitive approach to individuals who don't fit societal norms. A third factor is the general public's attitude toward mental illness and criminal behavior, exemplified by the public's perception of mentally ill persons as dangerous and their skepticism of the use of the insanity plea in criminal cases. Finally, The Sentencing Project noted that there is a lack of planning and system coordination to assist mentally ill individuals as they reenter society once they leave jail or prison.

The Supreme Court of Ohio created the Advisory Committee on Mental Illness and the Courts to address the issue of the mentally ill in the criminal justice system. With the support of this committee, Ohio has become a leader in implementing programs designed to either divert persons with mental illness from the criminal justice system or to provide mental health and other services to those who enter the justice system.

Law enforcement crisis intervention teams (CIT) and mental health courts are two ways in which Ohio communities are responding to the need for identifying and diverting mentally ill persons from the criminal justice system. Crisis intervention teams are comprised of law enforcement officers specially trained to handle incidents involving a person experiencing a mental health crisis. The CIT officer's goal is to find the best solution for the individual and for the community, whether it is diversion to a mental health facility, incarceration, or another option.

As of December 2006, there were 2,081 trained CIT officers representing 55 Ohio counties. These officers come from a variety of agencies and departments:

- 182 officers from Ohio police departments.
- 44 officers from county sheriffs' offices.
- 99 officers from 17 Ohio colleges and universities.
- 9 officers from the Ohio State Highway Patrol.
- 134 individuals from corrections, court, and mental health organizations.
- 33 park rangers.

Mental health courts are specialized dockets for defendants with mental illness. They provide the individual with the opportunity to engage in court-supervised treatment and ancillary services, such as job training and employment, housing assistance, and more.

As of October 2006, there were 28 mental health courts and dockets throughout Ohio, including five common pleas courts, 16 municipal courts, and 7 juvenile courts.

Characteristics of Offenders in Prisons and Jails				
	State Prison		Local Jail	
	With Mental Health Problem	Without Mental Health Problem	With Mental Health Problem	Without Mental Health Problem
Males	55%	45%	63%	37%
Females	73%	27%	75%	25%
White non-Hispanic	62%	38%	71%	29%
Black non-Hispanic	55%	45%	63%	37%
Hispanic	46%	54%	51%	49%
24 or younger	63%	37%	70%	30%
55 or older	40%	60%	52%	48%
Homeless in year before incarceration	13%	6%	17%	9%
Ever lived in foster home, agency, or institution	18%	10%	14%	6%
Employed a month before arrest	70%	76%	69%	76%
Experienced physical or sexual abuse in past	27%	10%	24%	8%
Have parent/guardian with substance abuse	39%	25%	37%	19%
Have substance dependence or abuse	74%	56%	76%	53%
Used drugs at time of offense	38%	26%	34%	20%
Had violent crime as most serious offense	49%	46%	26%	24%
Used weapon in offense	37%	37%	21%	21%
Mean maximum sentence length	146 months	141 months	40 months	45 months
Received treatment after admission to facility	34%		18%	
Charged with rule violations in facility	58%	43%	19%	9%

Source: *Mental Health Problems of Prison and Jail Inmates*, Bureau of Justice Statistics

Criminal History of Felony Arrestees

According to a Bureau of Justice Statistics (BJS) national report on felony defendants in the 75 largest urban counties,³⁶ 76 percent of defendants had at least one prior arrest, and 50 percent had five or more prior arrest charges. Among those with an arrest record, more than 80 percent had been arrested at least once for a felony.

Defendants' Rights

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.

Fourth Amendment

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

Fifth Amendment

The Fifth 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.

Sixth Amendment

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

Eighth Amendment

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

Pretrial Release and Detention of Felony Defendants

Decisions about bail and pretrial release are typically based on the judgment of whether a defendant will appear in court and whether there is a potential danger to society from crimes that a defendant may commit if released. The BJS report indicated that 62 percent of arrested felons in the 75 largest counties in the U.S. are released before case disposition — 34 percent on financial release (such as bonding out) and 28 percent on non-financial release not requiring the posting of bail. Thirty-two percent were held on bail, and 6 percent were denied bail. The report also noted that 77 percent of defendants with no prior arrests were released, compared to 57 percent of those who had previously been arrested. Defendants charged with a violent offense were less likely to be released than those whose most serious arrest charge was a public-order or drug offense (55 percent versus 68 percent and 66 percent, respectively).

Jail Suicides

Inmates are considered a high-risk group for suicide. A recent study indicated that the lifetime suicide attempt rate for inmates was seven times higher than that of the general population.³⁷

The number of jail suicides nationwide has decreased sharply since the 1980s. In 1983, jail suicides occurred at a rate of 129 per 100,000 inmates, more than 2.7 times higher than the 2002 jail suicide rate of 47 per 100,000 inmates. In 2004 in Ohio, there were 132 attempted suicides, eight of them successful.

What factors contribute to inmate suicide? Lindsey Hayes, an expert in jail suicide prevention, notes several factors:³⁸

- Recent excessive drinking and/or drug use
- Recent loss of stabilizing resources
- Severe guilt or shame over the alleged offense
- Current mental illness
- Poor physical health or terminal illness
- Prior suicide attempt
- Approaching an emotional breaking point

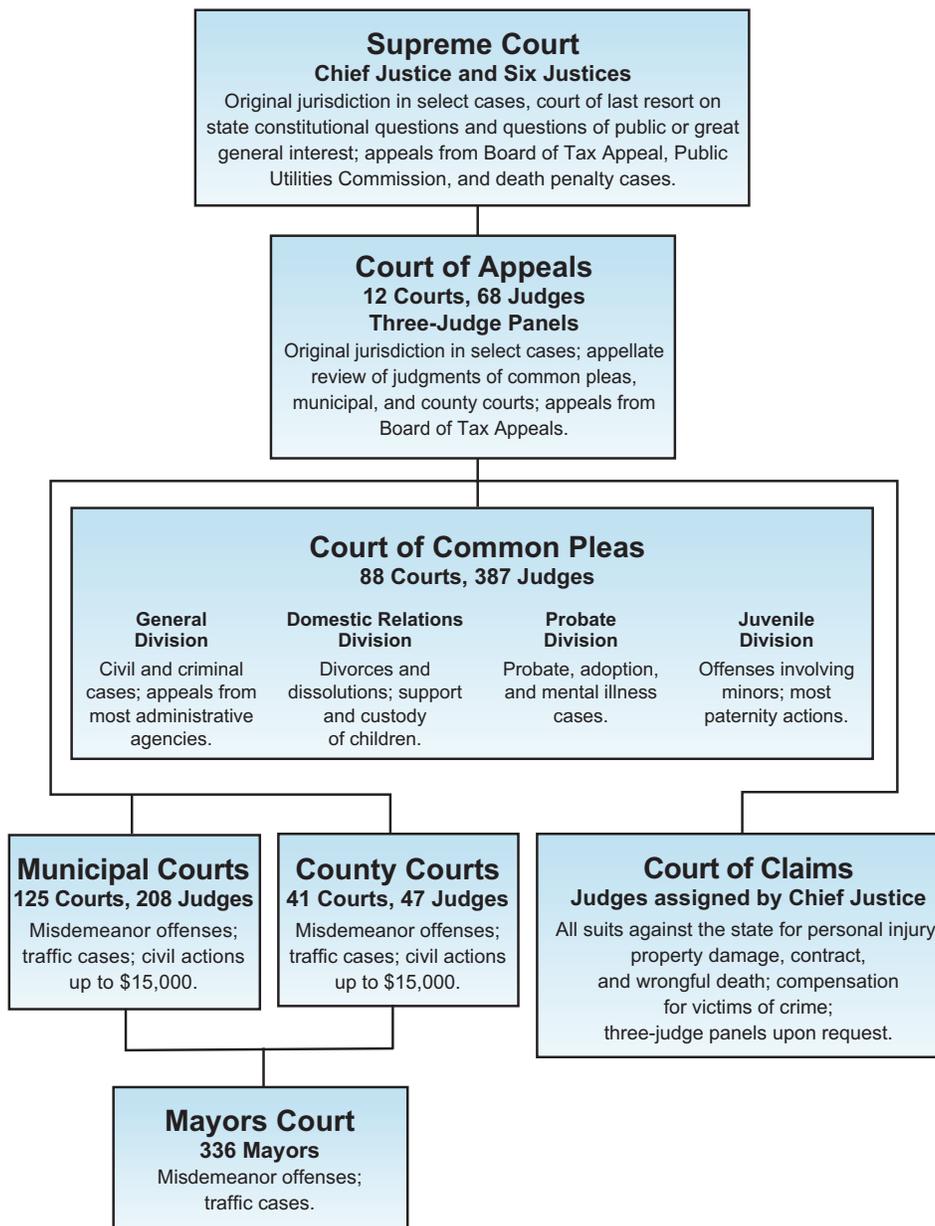
Hayes notes that successful suicide prevention strategies include regular staff training, admission screening procedures, suicide-resistant housing procedures that avoid isolation, supervision procedures for frequency and duration of staff monitoring, intervention procedures for handling suicidal inmates prior to suicide attempts or in response to an attempt in progress, and follow-up procedures for a suicide incident.

Courts

The Role of Courts in Ohio's Justice System

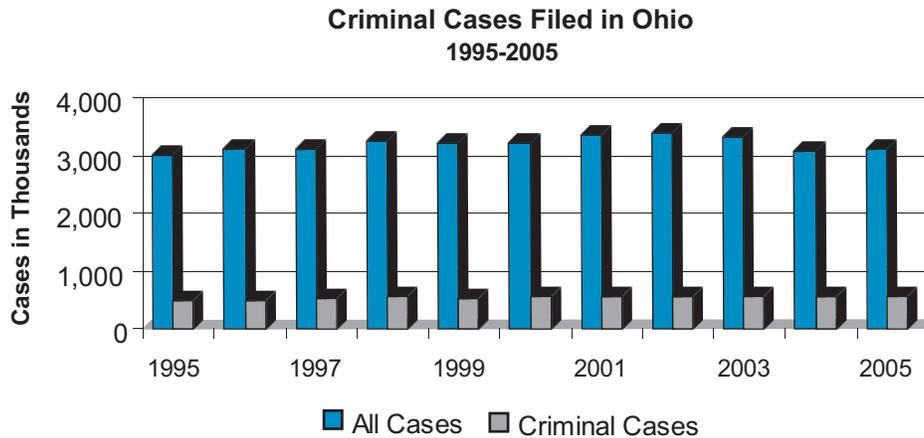
To ensure the checks and balances of the democratic process and to preserve judicial integrity and fairness, Ohio's court system includes courts of original jurisdiction and a multi-level review or appellate process. Article IV, Section 1, of the Ohio Constitution defines the structure of the state's courts (Supreme Court, courts of appeals and common pleas courts and its divisions) and selection of judges. The Ohio General Assembly, as allowed by the state's Constitution, later expanded the court system by statutorily creating municipal, county and mayors courts.

Ohio Court System



Source: *Ohio Courts Summary 2005*, Supreme Court of Ohio

Ohio experienced a 4-percent increase in the number of new cases, including civil actions, filed in the state's courts during the last decade. New criminal filings, both felonies and misdemeanors, constituted 18 percent of the overall volume of cases. The state experienced a modest increase in new criminal case filings from 2000-2003, which leveled off in 2004.



Source: *Ohio Courts Summary, 1995-2005*, Supreme Court of Ohio

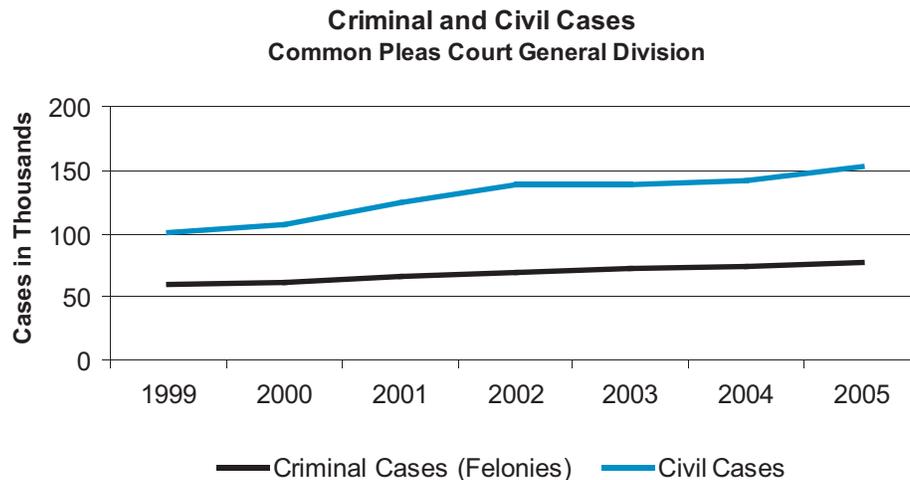
Depending on the level of the offense, a criminal case may come before a common pleas, municipal, or county court in Ohio. Mayor's courts' jurisdiction is limited in scope. Only some matters involving a violation of local ordinances and state traffic laws may be brought before a mayor's court. Because of the limited cases that may be heard in a mayor's court, this chapter will not discuss these courts. For information about these courts, please refer to the Supreme Court of Ohio's web site.

Common Pleas Courts

Every county in the state has a court of common pleas. Common pleas courts are the only trial courts created by the Ohio Constitution, which also permits the creation of specialized divisions within these courts. The General Assembly has created four divisions: General, Domestic Relations, Probate, and Juvenile. Depending on the needs and resources of the county, the court may have one to four of these divisions. Adams, Henry, Morgan, Morrow, Noble, and Wyandot counties do not have any divisions. Each common pleas judge in these counties handles all of these matters. Common pleas judges are elected for a six-year term on a non-partisan ballot. Where there is a judicial vacancy prior to an election date, the Governor will appoint an attorney to fill the vacancy. To retain the seat, the appointed judge must run for election during the next even-numbered year.

Common pleas courts have original jurisdiction, or the authority to rule on a case in the first instance, over felony-level criminal matters as well as appellate jurisdiction from the decisions of boards of county commissioners and over civil matters where the amount at issue is greater than \$15,000. Felony-level criminal cases and some civil matters are heard in the General Division. In contrast, the Domestic Relations Division hears cases involving the termination of marriage (divorces, dissolutions, spousal support, child custody and support). Cases before the Probate Division generally concern probate of wills, estate administration, guardianship, mental competency, and adoption proceedings. The Juvenile Division has jurisdiction over cases

involving minors (under 18 years of age) charged with acts that would be considered crimes if committed by an adult, and cases involving adults in paternity law suits, failure to comply with a court order to pay child support, contributing to the delinquency of a minor and failure to send children to school. Since 2000, Ohio has experienced a steady increase in the number of new felony cases filed.



Source: *Ohio Courts Summary, 1999-2005*, Supreme Court of Ohio

Municipal and County Courts

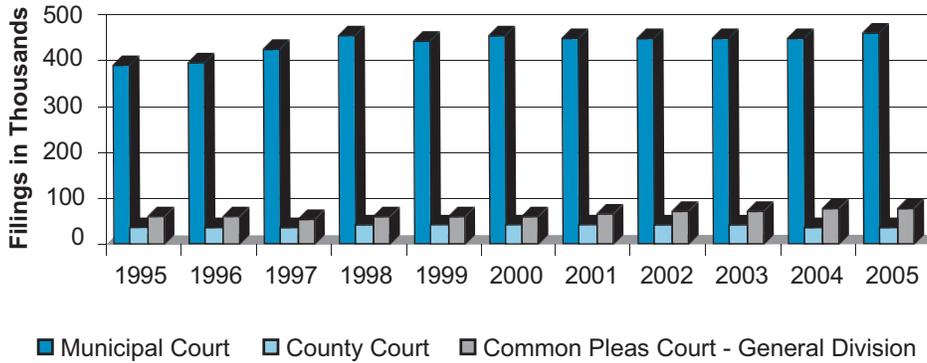
Ohio's municipal and county courts are statutorily created, with the Legislature specifying in which municipal corporations the municipal courts should be established. The General Assembly further specified that county courts be established in counties where a municipal court does not exist, or where the territorial jurisdiction of the municipal court(s) in the county is not coextensive with the boundaries of the county.³⁹

These courts have original jurisdiction over criminal misdemeanors, conduct preliminary hearings in felony cases, set bonds for all criminal defendants after arrest, 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 six-year terms on a non-partisan ballot.

Since 1995, 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 as many new criminal cases filed than common pleas courts in 2005, criminal cases constituted only 20 percent of all new cases filed in municipal courts and only 18 percent of all new cases filed in county courts. In contrast, criminal cases accounted for approximately 34 percent of all new cases filed in the Ohio Common Pleas Court's General Division in 2005.

Since 1995, Ohio has experienced a slight increase in the number of new criminal cases filed in common pleas, county, and municipal courts.

**Municipal, County, and Common Pleas Court Filings
1995-2005**

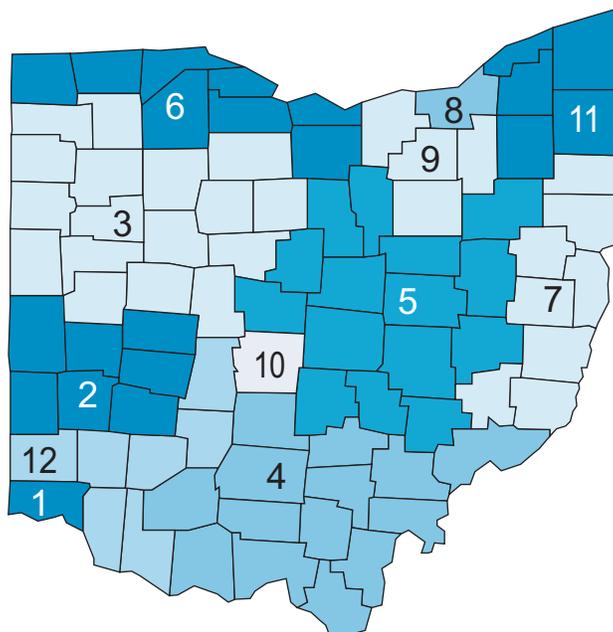


Source: *Ohio Courts Summary, 1995-2005*, Supreme Court of Ohio

Courts of Appeal

Ohio is divided into 12 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 involving the enforcement of a right or the redress of a right violated. These cases involve, 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 each appeal case. Appellate judges are elected for six-year terms on a non-partisan ballot in even-numbered years.

Court of Appeals Districts in Ohio for 2006



Source: Ohio Revised Code Section 2501.01

The Supreme Court of Ohio

Article IV of the Ohio Constitution establishes the Supreme Court as the court of last resort, 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*, which are 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 six-year, staggered terms on a non-partisan ballot. Justices, like judges in Ohio, must be admitted to the practice of law in Ohio and have practiced law for at least six years prior to their election. The electorate elects three justices, including the Chief Justice, in the years that the chief justice runs. In the event a vacancy results prior to the election, the Governor appoints a lawyer with at least six years of experience to fill the vacancy.

The Supreme Court of Ohio

Chief Justice Thomas J. Moyer

Term expires: 2010

Justice Evelyn Lundberg Stratton
Term expires: 2008

Justice Paul E. Pfeifer
Term expires: 2010

Justice Maureen O'Connor
Term expires: 2008

Justice Terrence O'Donnell
Term expires: 2012

Justice Judith Ann Lanzinger
Term expires: 2010

Justice Robert R. Cupp
Term expires: 2012

The Role of the Judge

In 2005, there were 717 elected judges in Ohio, including its seven Supreme Court justices. The principal duty of judges is to ensure the fairness of the proceedings. Trial court judges rule on questions of law; decide the admissibility of evidence; oversee the proper questioning of witnesses; guide the trial procedure; and impose sentences. Judges are guided in the sentencing process by the Ohio Revised Code.

Recognizing the extensive authority given to judges by the legal system, a growing movement in the 1970s began to examine the fairness of sentences. This examination found inconsistencies in the amount of prison time served by similarly situated offenders. As a result, the Ohio Legislature overhauled the criminal felony sentencing law in 1996 and instituted *guided sentencing* principles to reflect *truth-in-sentencing*.

Prior to the new sentencing laws, Ohio judges worked from two paradigms when imposing sentences: *indeterminate* sentencing, or a range (such as 10-25 years) 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 (i.e., flat time), while violent offenders relied on the Ohio Department of Rehabilitation and Correction's Parole Board to determine the length of their incarceration (i.e., indeterminate sentence). Once the judge imposed the sentence, the offender was unlikely to have any other contact with the sentencing judge.

In contrast, Ohio's guided sentencing requires judges to impose a specific sentence of time, yet judges are allowed to choose from a range of sentences available based on the crime committed. Another major change in the law eliminated the Parole Board's ability to grant early release, vesting the authority through *judicial release*⁴⁰ in the sentencing court. Ultimately, a judge's sentence 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.”⁴¹

While the principles of *truth-in-sentencing* remain the central theme of Ohio's sentencing laws, recent federal and state cases have changed slightly, yet significantly, a judge's ability to impose sentences.⁴² Key components that remain unchanged are *determinate* sentences and the legal considerations judges must follow in determining the length of sentence. That is, a judge must impose a specific sentence of time based on the seriousness of the offense, likelihood the defendant will recidivate, and principles and purpose of the statute. Since judges were previously guided in many instances to impose the minimum sentences, other aggravating information learned by the court after the trial could not be used in sentencing the defendant.

Ohio's guided sentencing requires judges to impose a specific sentence of time, yet judges are allowed to choose from a range of sentences available based on the crime committed.

Another important change that took effect as a result of the adoption of the guided sentencing was to end parole — or release from prison as determined by the Adult Parole Authority, a division of the Ohio Department of Rehabilitation and Correction. Instead, the release from prison is determined by the sentencing court, and the offender is placed on post-release control or community supervision for a period of one to five years.



Possible Sanctions Through Community Supervision	
Community Supervision	Possible Sanctions
Residential Sanctions	<ul style="list-style-type: none"> • Community-based correctional facilities • Jails • Halfway houses • Alternative residential facilities
Nonresidential Sanctions	<ul style="list-style-type: none"> • Day reporting • Electronically monitored house arrest • Electronic monitoring without house arrest, community service • Drug treatment • Intensive supervision • Basic supervision, monitored time • Drug and alcohol use monitoring • Curfew term • Required employment • Required education or training, victim offender mediation (with the victim's consent) • License violation report
Financial Sanctions	<ul style="list-style-type: none"> • Restitution • Fines, such as day fines (the offender pays a fine indexed to the offender's daily wage) • Reimbursement of the cost of treatment • Wage garnishment



In 2006, the Supreme Court of Ohio's decision in *State v. Foster*⁴³ changed how sentences are determined where the statute includes sentencing ranges. As a result of *Foster*, trial judges now have broader discretion to impose a definite sentence within the statutory range without having to engage in judicial fact-finding, consecutive sentences, and maximum sentence for "major drug offenders" and "repeat violent offenders" specifications.

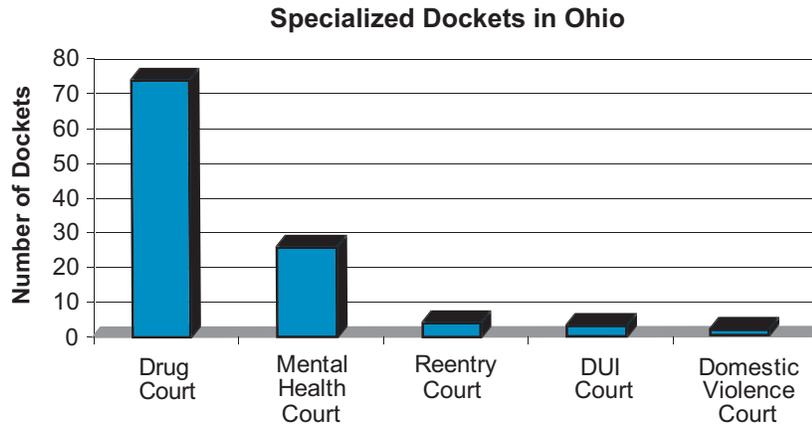
Felony Sentencing Table						
Felony Level	Sentencing Guidance §2929.13(B)-(E)	Prison Terms §2929.14(A)	Maximum Fine §2929.18 (A)(2) & (3)	Repeat Violent Offender Enhancement §2929.14 (D)(2)	Post-Release Control (PRC) Required? §2967.28 (B) & (C)	PRC Period §2967.28(B) & (D)(2)
F-1	Presumption for prison. 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		2, 3, 4, 5, 6, 7, or 8 years	\$15,000			
F-3	No guidance other than purposes and principles. Also applies to "Div.(C)" drug offenses	1, 2, 3, 4, or 5 years	\$10,000	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 other violent offense; otherwise optional	If sex offense, 5 years, no reduction; otherwise, 3 years, reducible by Parole Board
F-4	If any of 9 factors and not amenable to other sanction(s), guidance for prison. 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	None	Yes if sex offense; otherwise optional	
F-5		6, 7, 8, 9, 10, 11, or 12 months	\$2,500			

Source: Ohio Criminal Sentencing Commission

Ohio's Specialized Dockets

The judge's traditional role has evolved as the legal system has become increasingly involved in behavioral treatment for offenders.⁴⁴ This trend is exemplified in the development of drug, mental health, DUI/OMVI, domestic violence and reentry courts. These types of courts are collectively called *specialized dockets*. Ohio is a national leader in specialized dockets, and the number of specialized dockets is constantly increasing.

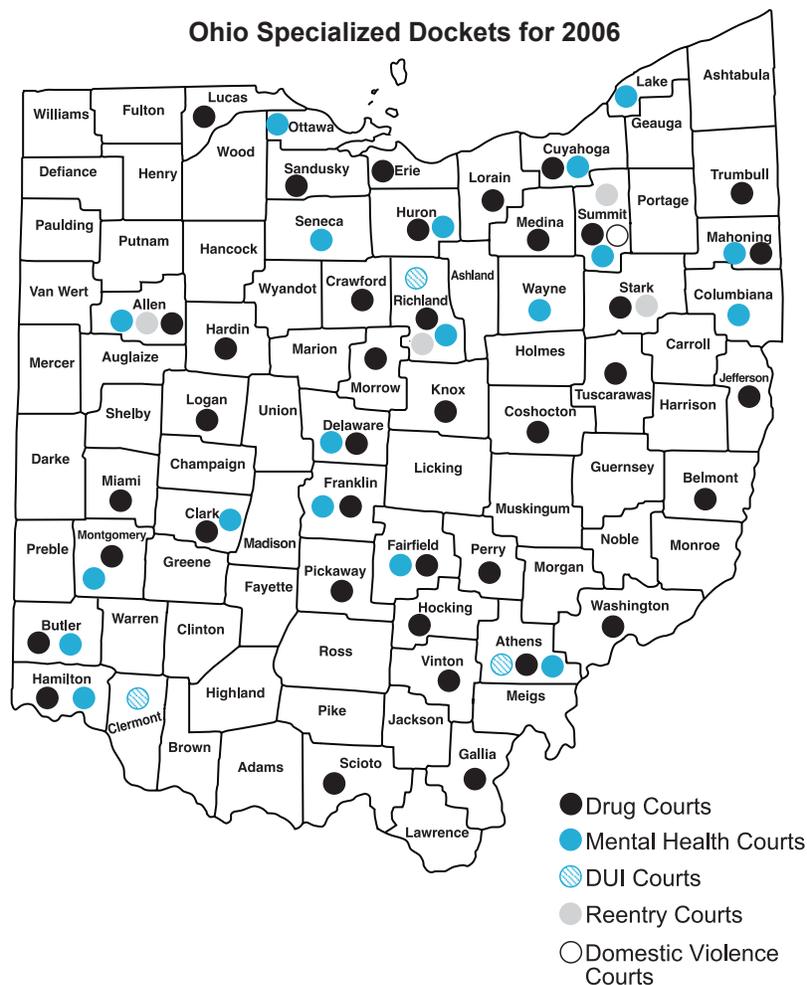
Ohio has the most experience with drug courts. Drug courts allow judges, in collaboration with treatment providers, to design individualized plans to treat offenders as part of the sentence. Since 1995, 74 drug courts in 37 counties have been established in Ohio.



Source: Supreme Court of Ohio

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 re-offend 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 more than 50 percent of those drug court participants remaining crime free in two years.⁴⁵

Another study by UC using a cost-benefit model documented the cost saving advantage of utilizing drug courts to treat felony drug offenders. In this study, UC researchers concluded that “[e]very one dollar spent on drug courts yielded a net savings of \$4.73.”⁴⁶ The cost savings varied with the type of sanction, with the greater cost savings found when drug courts were compared to residential programs.



Source: Supreme Court of Ohio

Other types of specialized dockets follow the same principles of drug court, referred to as the “drug court model.” Ohio has successfully implemented other specialized docket courts such as mental health courts and reentry courts. Ongoing research on mental health courts supports the notion that certain people who suffer from a mental illness or are in crisis and come in contact with the courts can benefit from participating in a diversionary program with a strong treatment component.⁴⁷

The Role of the Prosecutor

Authorized by law to represent their community in all complaints, suits, and legal controversies in their jurisdiction,⁴⁸ prosecutors are responsible for investigating criminal violations, determining appropriate charges, and negotiating pleas. The prosecutor's role is to represent the interest of the state (or municipality) and protect the rights of the public. 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.

In 2001, the U.S. Bureau of Justice Statistics (BJS) conducted a national survey of prosecutors practicing in state courts of general jurisdiction.⁴⁹ This survey excluded prosecutors who operate in municipal, county or otherwise courts of limited jurisdictions. Courts of general jurisdiction are similar to Ohio common pleas courts in that most of the cases before them are felony cases.

The survey indicated that 75 out of 88 counties in Ohio (85 percent) employed a full-time chief prosecutor. In the remaining 13 counties, a part-time chief prosecutor is utilized. In Ohio, the position of chief prosecutor is an elected position. The following table presents the composition of Ohio prosecutors' offices in 2001. As illustrated, offices serving larger jurisdictions have more staff. Based on population records, Cuyahoga, Franklin, Hamilton, Lucas, Montgomery and Summit counties are the largest jurisdictions in Ohio. In contrast, most jurisdictions in the state (48 counties) have populations totaling less than 100,000. Most offices that employ a part-time chief prosecutor serve less populated jurisdictions.⁵⁰

Composition of Ohio Prosecutors Offices 2001					
		Full-time Offices			Part-time Offices
		Large* (400,000 or More)	Medium (100,000 or More)	Small (Under 100,000)	
All Offices					
Median staff size	14	196	26	10	10
Personnel category					
Prosecutors	4	80	9	3	3
Legal services personnel	0	7	1	0	0
Victim advocates	2	6	3	1	1
Staff investigators	1	5	2	1	0
Support staff	4	60	7	2	3
Other	3	31	4	3	3

*The total staff size does not equal the total of the personnel categories due to the use of medians rather than means.

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

Increasingly, prosecutors offices must devote more resources to handle the volume of criminal cases. The median office budget for offices employing a full-time chief prosecutor during 2001 was \$510,000. A closer look within the category of full-time offices revealed a broad range in office budget based on population size. The median office budget for an office employing a part-time chief prosecutor in 2001 was \$303,000.

Ohio Prosecutors Office Budgets 2001					
		Full-time Offices by Population Served			Part-time Offices
		Large (400,000 or More)	Medium (100,000 or More)	Small (Under 100,000)	
All Offices					
Median Budget	\$487,658	\$9,850,000	\$1,100,000	\$382,000	\$303,000

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

In 2005, the U.S. Bureau of Justice Statistics conducted a nationally representative survey of prosecutors offices that practice in courts of general jurisdictions.⁵¹ Prosecutors reported facing an increasingly demanding caseload and, in many instances, the cases were more complex, yet resources remained relatively unchanged since what was reported in the *2001 National Survey of State Prosecutors*.⁵² Survey results indicated that prosecutors offices are prosecuting more computer-related crimes such as credit card fraud or cyberstalking, and the offices are more involved in community-related activities, such as task forces.⁵³

The decision to prosecute special felonies may be driven in part by available resources. The survey also revealed that the median annual budget for prosecutors offices was \$355,000 in 2005.⁵⁴ Considering only small jurisdictions with populations under 250,000 — similar to the size of most Ohio counties — the median prosecutorial budget was \$389,000 compared to \$33,232,000 in large districts with populations of 1,000,000 or more.⁵⁵

Representation of the Defendant in Criminal Cases

The United States and Ohio Constitutions guarantee the right to counsel in all criminal cases. As the American legal system has evolved, this right has been interpreted to mean that if the accused is indigent and cannot afford legal representation, i.e., an attorney, the court will ensure the accused is provided one. Indigent defendants receive legal representation through the county public defender's office, court-appointed counsel, or the state public defender's office.⁵⁶ Defense counsel must zealously represent the accused, protect the constitutional rights of the accused, and ensure the prosecution meets the burden of proof.⁵⁷

While the standards of indigency are established by the state public defender's office, generally, the court will find a person indigent if the person's income falls below 125 percent of the current poverty threshold as established by the U.S. Office of Management and Budget.⁵⁸ A person is presumed indigent if the person's income is between 125 percent and 187.5 percent of the federal poverty threshold and if any of the following apply: 1) the household income minus allowable expense is 125 percent of the poverty threshold; 2) allowable expenses were paid from the household income; or 3) the person's liabilities or expenses are greater than the household income.⁵⁹

State and county public defenders generally provide representation to indigent adults charged with an offense where the penalty could result in the loss of liberty or life. The court looks first to the county public defender's office to provide representation to an indigent defendant. However, the court will appoint a local attorney in counties where a county public defender is not available

to represent an indigent defendant, or where there is a conflict forbidding the public defender's office from representing the defendant. County public defenders' offices act independently from the state public defender's office, which will, on request, provide the county with technical assistance.

The Ohio Public Defender's Office is also called on for trials in major cases, such as capital murder, where local representation is inadequate for a particular type of case, and where the county lacks a public defender's office. The state of Ohio's Public Defender's Office, through contracts, operates two branch offices — the Trumbull County Branch Office and Multi-County Branch Office. These branch offices represent criminal indigent defendants at the county level. The Multi-County Branch includes Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross and Washington counties. Notwithstanding these activities, most of the state's public defender's work takes place in post-conviction proceedings, where the office's intake section reviews the validity of offenders' appeals.

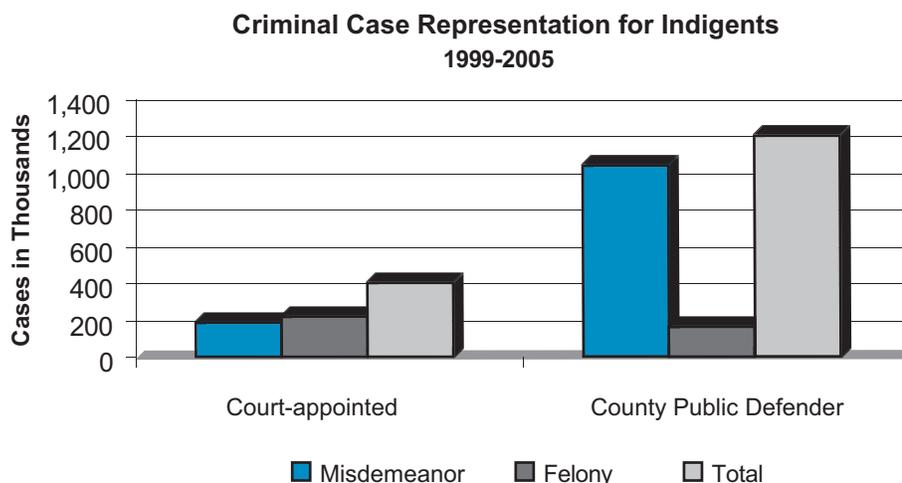
State and county public defenders generally provide representation to indigent adults charged with an offense where the penalty could result in the loss of liberty or life.

Ohio's indigent defense caseload accounts for more than 300,000 cases yearly. Most indigent persons are represented by a county public defender as opposed to a court-appointed attorney or the Ohio Public Defender's Office.

Indigent Defense Caseloads 1999-2005							
	1999	2000	2001	2002	2003	2004	2005
County public defender	204,018	211,314	209,129	200,285	240,244	246,218	247,613
Court-appointed counsel	88,878	95,439	103,602	112,885	126,572	131,138	137,959
Ohio public defender	7,160	9,646	9,931	9,302	10,513	7,417	8,013

Source: *Ohio Public Defender Commission Annual Report, 1999-2005*, Ohio Public Defender's Office

Whereas the likelihood that an indigent defendant in a felony case would be represented by a court-appointed counsel as compared to a county public defender does not appear to be significant — only 1.3 times more likely to be represented by a court-appointed counsel than a county public defender — it does appear that an indigent defendant charged with a misdemeanor is more likely to be represented by a county public defender than a court-appointed counsel. In 2005, an indigent person with a misdemeanor charge was 5.3 times more likely to be represented by a county public defender than a court-appointed counsel.



Resource: *Ohio Public Defender Commission Annual Report, 1999-2005*, Ohio Public Defender's Office

Court-appointed counsel accounted for approximately 55 percent of the cost of legal representation to indigent defendants in 2005. The cost of indigent representation by appointed counsel and county public defenders in felony and misdemeanor cases accounted for 27 percent of the total costs of public defense.

Cost Comparison for Public Defense 1999-2005		
	County Public Defender Cost	Court-appointed Counsel Cost
1999	\$ 30,850,834	\$ 29,111,615
2000	\$ 33,290,474	\$ 33,514,043
2001	\$ 34,726,419	\$ 37,159,627
2002	\$ 39,742,003	\$ 42,151,845
2003	\$ 41,686,404	\$ 49,046,237
2004	\$ 42,971,530	\$ 51,689,960
2005	\$ 44,755,739	\$ 53,812,326

Source: *Ohio Public Defender Commission Annual Report, 1999-2005*, Ohio Public Defender's Office

The court may appoint counsel even in instances where the county has a public defender's office. Reasons for doing so may include conflict of interest, lack of expertise to try a particular type of crime, or sheer volume of cases requiring representation. As the following table indicates, court-appointed counsel is more likely to participate in a felony case than a misdemeanor case. Furthermore, the complexity of trying felony cases is reflected in the table as it takes more resources to handle a felony offense than a misdemeanor offense. For example, the average cost for a felony case handled by court-appointed counsel in 2005 was \$547 in comparison to \$206 for a misdemeanor offense handled by court-appointed counsel.

The total expected budget for felony cases is more than three times larger than for misdemeanor cases. Likewise, counsel devotes nearly three times as many hours in felony cases as compared to misdemeanor cases.

Court-appointed Counsel for Felony and Misdemeanor Cases, Hours and Costs 1999-2005								
Year	Felony				Misdemeanor			
	Cases	Hours	Average Case Cost	Total in Millions	Cases	Hours	Average Case Cost	Total in Millions
1999	26,463	364,462	\$468	\$12.3	21,217	102,705	\$174	\$3.6
2000	27,198	378,650	\$503	\$13.6	20,553	104,299	\$186	\$3.8
2001	28,472	398,181	\$518	\$14.7	22,330	113,218	\$192	\$4.2
2002	30,844	432,532	\$541	\$16.6	25,522	130,297	\$198	\$5.0
2003	33,792	476,088	\$563	\$19.0	29,984	153,373	\$205	\$6.1
2004	35,662	496,793	\$555	\$19.8	30,123	155,884	\$207	\$6.2
2005	37,744	516,552	\$547	\$20.6	31,039	158,735	\$206	\$6.3

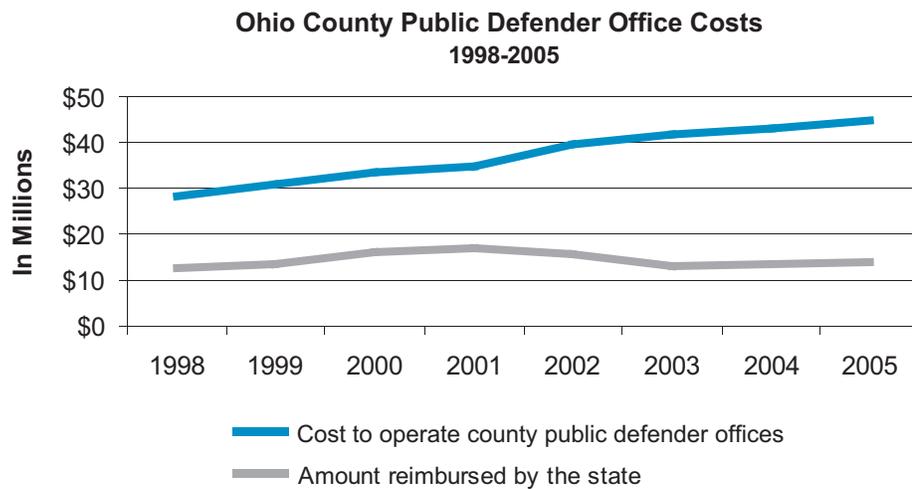
Source: *Ohio Public Defender Commission Annual Report 1999-2005*, Ohio Public Defender's Office

The cost of providing public defense services is growing at a faster rate than the number of cases being managed. Between 1999 and 2005, the combined caseload of county public defenders and court-appointed counsel rose 31 percent. In contrast, the aggregate cost of representing indigent persons increased 64 percent in this same period.

Ohio Costs of Defense 1999-2005			
Year	Aggregate Costs	Combined Number of Cases	Average Cost per Case
1999	\$59,962,449	292,896	\$204.72
2000	\$66,804,517	306,753	\$217.78
2001	\$71,886,046	312,731	\$229.87
2002	\$81,893,848	313,170	\$261.50
2003	\$90,732,641	366,816	\$247.35
2004	\$94,661,490	377,356	\$250.85
2005	\$98,568,065	385,572	\$255.64

Source: *Ohio Public Defender Commission Annual Report 1999-2005*, Ohio Public Defender's Office

The cost to operate county public defender offices increased nearly 60 percent from \$28.1 million in 1998, to \$44.7 million in 2005. 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.⁶⁰



Source: *Ohio Public Defender Commission Annual Report 1999-2005*, Ohio Public Defender's Office

The Defendant's Initial Appearance

During the defendant's initial appearance, the defendant is allowed to read the complaint and is advised of the charges, his right to counsel, his right to not make any statements, his right to a preliminary hearing in a felony case (when an indictment has not been issued), and his right to jury trial, if appropriate. 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, if appropriate.⁶¹

Following the initial appearance, the court determines a date for a preliminary hearing. In felony cases, the defendant can waive the preliminary hearing only in writing. A preliminary hearing will not be held if the defendant's charge results from a grand jury indictment, which is a statement that there is reason to believe the defendant has committed a public offense that contains sufficient specificity to inform the defendant of all the elements of the offense with which he is charged. During this hearing, the prosecution states its case, examines witnesses, and presents evidence. The defendant's counsel or the defendant, if not represented by an attorney (also known as a pro se litigant) 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 probable cause exists to believe the defendant committed a crime, the court makes the appropriate entries in the record and sets a date for trial.

The Role of the Grand Jury

Another way in which a defendant can be charged with a crime is for the prosecution to obtain an indictment from a grand jury. If the prosecutor believes there is sufficient evidence to charge an individual with a felony-level crime, the case may be brought before a grand jury to determine 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 accused or defense counsel. The grand jury consists of nine members, including the foreperson, and up to five alternate grand jurors.⁶² Decisions are reached by the concurrence of at least seven members of this body. When sufficient evidence exists, an indictment is issued to detain the individual, stating with sufficient specificity that the defendant has committed a public offense and informing the defendant of all the elements of the offense with which he is charged. Following an indictment by the grand jury, the prosecutor cannot terminate the case without the court's approval.

A criminal case is diverted from trial when the prosecution and defense negotiate a plea, which may include reducing or eliminating charges in exchange for the defendant's guilty plea. A guilty or no-contest plea to the stated charge or to a reduced charge may take place *before* the grand jury indicts, or at *any* time during the case prior to the rendering of a verdict.

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. The court will decide if bail is appropriate. If bail is appropriate, the court will determine the type and amount of bail. Indigent defendants will be assigned counsel.

Following arraignment, the court may schedule a pretrial conference⁶³ where the prosecution and defense may discuss the defendant's plea. If these plea negotiations result in a guilty or no contest plea, the judge may order a pre-sentence investigation report and set a sentencing date.⁶⁴ The court will also rule on pretrial motions during the pretrial conference.

Should the pretrial conference not result in a plea, the case proceeds to trial.

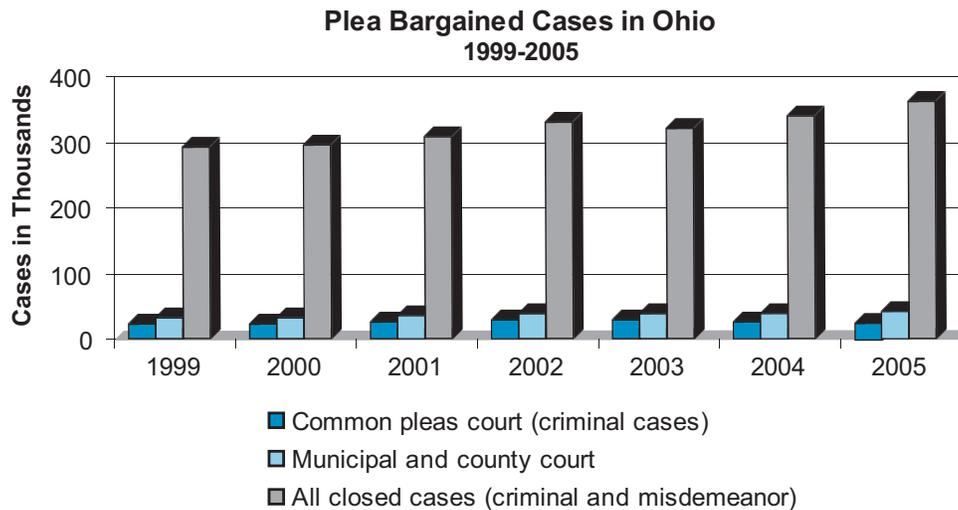
Bail Types

If a judge determines a defendant is not a danger to the community, the judge will set bail and allow the offender to be released. Bail in Ohio includes:

- ✓ a *signature or recognizance 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 10 percent of the amount of the bond in cash, with the deposit returned if all conditions are met; and
- ✓ a *surety bond*, secured by real estate, securities, or a cash deposit at the option of the defendant.

Plea Bargaining

Between 1999 and 2005, there was a 25-percent increase in Ohio's municipal and county court cases where defendants pled guilty or no contest to a reduced charge. During the same period, common pleas courts experienced an 11-percent increase in these cases.⁶⁵ In 2005, pleas to a reduced charge accounted for 28 percent (25,329) of the total closed cases in common pleas courts, and 15 percent (40,641) of the total closed cases in municipal and county courts.⁶⁶



Source: *Ohio Courts Summary, 1999-2005*, Supreme Court of Ohio

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. By agreeing to participate in the program, the 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.⁶⁷ A victim may file objections to diversion with the court. The court will then evaluate the prosecutor’s 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. Upon successful completion of the program, 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 proceed with the original criminal charge.

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 wheel, or jury pool, from eligible voters and individuals with a drivers license.⁶⁸ From this pool, a subset of individuals, or the *venire*,⁶⁹ 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.

Both the prosecution and defense have limited opportunity to excuse potential jurors. Neither race nor gender of the juror can be used as a basis to excuse a potential juror. Individuals may be excused for cause 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/her.
- ✓ Has been subpoenaed in good faith as a witness in the case.
- ✓ Expressed 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.
- ✓ Does not have English as his native language, and his knowledge of English is insufficient to permit him to understand the facts and the law in the case.
- ✓ Is otherwise unsuitable for any other cause to serve as a juror.⁷⁰

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.⁷¹

Twelve jurors are empanelled for felony cases and eight jurors for misdemeanor cases.⁷² Once the jury has been selected, the jurors are sworn-in. Jurors receive a modest stipend for their service. As result of recent changes in the law, the state no longer imposes a ceiling for the juror's stipend. County commissioners now have full discretion to determine the exact amount of the stipend. Jurors' stipends come from the county treasury.⁷³

Jury Trials

With the penalty for felony offenses involving loss of liberty or life, an overwhelming number of jury trials in Ohio occur in common pleas courts. As illustrated in the following graphic, common pleas courts typically hold twice as many jury trials as compared to municipal and county courts combined. Defendants charged with a felony offense who do not want a jury trial must waive the right in writing.⁷⁴ Those accused of criminal misdemeanors must request a jury trial, except where the potential penalty includes incarceration for more than six months.⁷⁵

Number of Jury Trials in Ohio 1999-2005							
	1999	2000	2001	2002	2003	2004	2005
Common pleas court (criminal cases)	1,680	1,589	1,747	1,711	1,643	1,653	1,832
Municipal court (misdemeanors)	758	750	795	761	623	644	601
County court (misdemeanors)	183	167	114	219	124	144	185

Source: *Ohio Courts Summary, 1999-2005*, Supreme Court of Ohio

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.⁷⁶ A three-judge panel is assembled for bench trials where the sentence may include capital punishment. In all, 79 percent of criminal trials held in Ohio from 1999-2005 were bench trials.

Number of Bench Trials in Ohio 1999-2005							
	1999	2000	2001	2002	2003	2004	2005
Common pleas court (criminal cases)	727	623	712	741	803	934	963
Municipal court (misdemeanors)	8,174	8,380	7,646	8,040	7,469	7,334	7,436
County court (misdemeanors)	1,303	1,300	1,271	1,338	1,120	1,371	745

Source: *Ohio Courts Summary, 1999-2005*, Supreme Court of Ohio

Right to a Speedy Trial

The right to a speedy trial is guaranteed by the Ohio and U.S. constitutions. This means that the criminal matter must be brought before the court so it can be ruled upon without undue delay. In Ohio, the law requires the common pleas courts to schedule a hearing date no later than 30 days after the defendant has been arraigned.⁷⁷ Despite the nearly six million new criminal cases filed in Ohio from 1999-2005, an insignificant number of cases were dismissed due to lack of a speedy trial.

Sentencing Options

The sentencing hearing is often the last critical contact the defendant has with the court. A defendant found guilty of a criminal charge returns to court to hear the sentence. 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 in 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.

During sentencing, judges also determine whether defendants found guilty on several criminal charges should serve *concurrent* or *consecutive* terms. Historically, consecutive terms are imposed when the gravity of the crime or the defendant's record warrants a longer prison term. Thus, the defendant is sentenced to serve each term per charge separately. Conversely, offenders receiving concurrent terms will serve their prison terms at the same time for their various offenses. Under the original determinate sentence scheme of the mid-1990s, judges were guided to impose concurrent sentences, and impose consecutive sentences only in cases when the judge could articulate the basis of the sentence based on the jury's finding. Recent rulings by the Supreme Court of Ohio have changed the sentencing principles slightly, yet significantly, in that judges have broader discretion to impose consecutive sentences when the court warrants it appropriate and defendants no longer have the right to appeal a consecutive sentence.

Participating in the Legal System

A principal tenet of the judicial system in a democracy is the open communication between actors in the system: the prosecution, the defendant and the judge. Yet, this basic tenet has become increasingly challenged by a global society, where victims, defendants, and witnesses are unable to fully participate in or access the judicial system due to language barriers.

Order Issued Regarding Limited English Proficient (LEP) Services

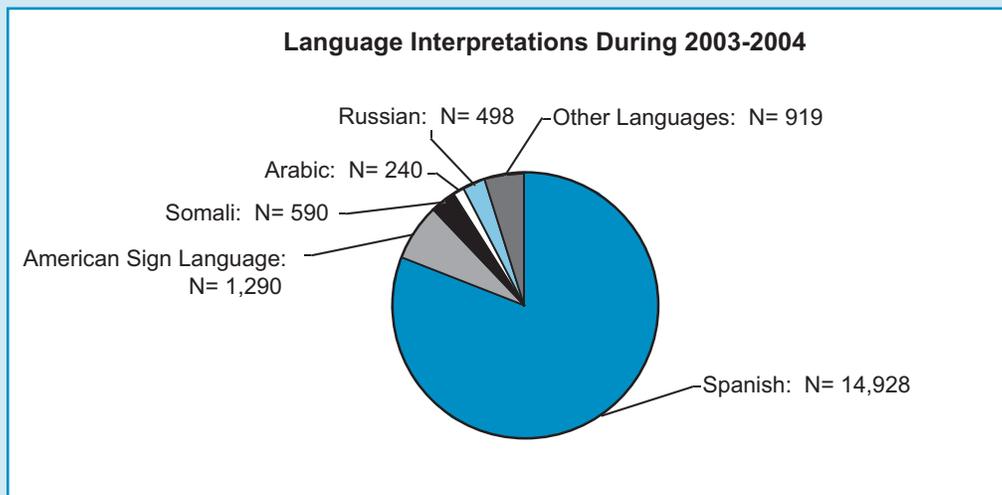
In 1998, then-President Bill Clinton issued Presidential Executive Order 13166, which requires that all agencies receiving federal funding, regardless of the amount, make their services accessible to persons who are limited English proficient (LEP). President George Bush reaffirmed this Order. LEP refers to a person's inability to communicate due to limited knowledge of English and the obligation of the system to provide meaningful assistance to such individuals. The authority for such a mandate comes from Title VI of the Civil Rights Act of 1964, which prohibits discrimination, among other reasons, based on national origin. Language is a significant component of national origin. The U.S. Department of Justice issued guidelines to help systems comply with the Executive Order.

Nearly coinciding with the issuance of Presidential Order 13166, the Supreme Court of Ohio's Commission on Racial Fairness issued its report,⁷⁸ where it recognized that court interpreter services for non-English speaking individuals are critical for the effective administration of justice. Specifically, the Commission made three recommendations concerning interpreter services in the court: a certification process for court interpreters; the adoption of a code of conduct for court interpreters, and judicial education on the use of interpreters in the court. The Supreme Court's Racial Fairness Task Force subsequently examined these recommendations and suggested a course of action to implement them.⁷⁹ As a result of the task force's action plan, the Supreme Court of Ohio took two important steps:

- First, it joined the National Center for State Courts' Consortium for State Courts Interpreter Certification, indicating its intention to raise the standard and improve court interpreter services.
- Second, the Supreme Court created an initiative to oversee the implementation of the other aspects of the task force's action plan.

Supreme Court Conducted Surveys on Interpreter Services in Ohio

The Supreme Court of Ohio conducted two surveys to determine the state of interpreter services in Ohio's courts. The first one surveyed courts and asked mainly about the incidence of interpreters used in the court. During a 12-month period from 2003 to 2004, 18,465 interpretations were conducted in Ohio courts, yet many courts also recognized that no formal records were kept about proceedings needing interpreter services.⁸⁰ Thus, it is quite possible that the instances of using an interpreter were undercounted. The survey also revealed that interpretations involved 57 different languages. The most used languages were Spanish, American Sign Language, Somali, Russian, and Arabic.



Source: *Report on the Use of Interpreters in Ohio Courts*, Supreme Court of Ohio

The other survey measured the training of those providing interpreter services to Ohio courts. This survey revealed that most people providing interpreting services to Ohio courts do not have any formal training. This finding is of most concern to the Court, as it is evidence that in many instances, interpretations are being done inaccurately or incompletely, or the interpreter is inappropriately inserting his or her thoughts.

The other area of concern the survey identified was the inconsistent manner in which courts employed interpreters. In many instances, the courts were not following any specific standard to assess the skills or qualifications of interpreters. In response to the need for certifying interpreters and ensuring that the quality of interpretation provides meaningful access to LEP persons, the Supreme Court of Ohio has embarked on providing highly specialized training for interpreters in the legal field. In addition, the Court is drafting canons of ethics and a code of professional conduct to guide the service performed by court interpreters. Because Spanish is historically the most common interpreter service needed, the Court will be conducting certification examinations in Spanish first.

Corrections

The Correctional System in Ohio

Offenders in Ohio waiting for trial or convicted of a criminal offense are the responsibility of the correctional system. It is generally accepted that the primary purposes of the correctional system are to punish the offender, protect public safety, and rehabilitate offenders. The correctional system is based on a continuum of sanctions ranging from least restrictive to most restrictive in movement and supervision. The most restrictive sentence is served at an adult prison or juvenile institution. An offender in the system may be sentenced to more than one sanction in the continuum.



Corrections are often thought of as institutions such as jails or prisons. However, Ohio's correctional system includes a variety of additional institutional and non-institutional programs that comprise the less restrictive elements of the system.

This chapter begins by describing community-based programs, jails, and other non-prison institutions. Prisons are then described, followed by post-release programs and institutions. This chapter also contains a highlight on Sex Offender Registration and Notification (SORN). Juvenile corrections are described in the *Juvenile Justice* chapter.

Probation

Probation is the supervision of offenders and it serves as the base for community sanctions sentences in Ohio. The majority of offenders on local control sanctions are supervised by locally operated probation departments as part of the common pleas court. Ohio also has probation for misdemeanor offenders as part of the county or municipal court. Most of the urban areas in Ohio have municipal probation departments.

The State of Ohio supervises some adult offenders on probation. In the 1970s, a concerted effort was made by the State of Ohio to ensure that all 88 common pleas courts had probation services available. To assist in that effort, the Adult Parole Authority and the Ohio Department of Rehabilitation and Correction (ODRC) contracted with local common pleas courts to provide all or some of the probation services for the county. In those common pleas courts that receive services from the state, the probation officer reports to the state Adult Parole Authority instead of the local common pleas judge. The local judge retains the decision-making authority during sentencing.

The number of offenders on probation in Ohio is large and is increasing. The Bureau of Justice Statistics⁸¹ annually surveys state and local probation departments. On December 31, 2005, there were 239,036 probationers under supervision in Ohio. The number of probationers in Ohio has increased since the end of 1998 when there were 178,830 on probation. Ohio’s probation population is one of the largest in the country.

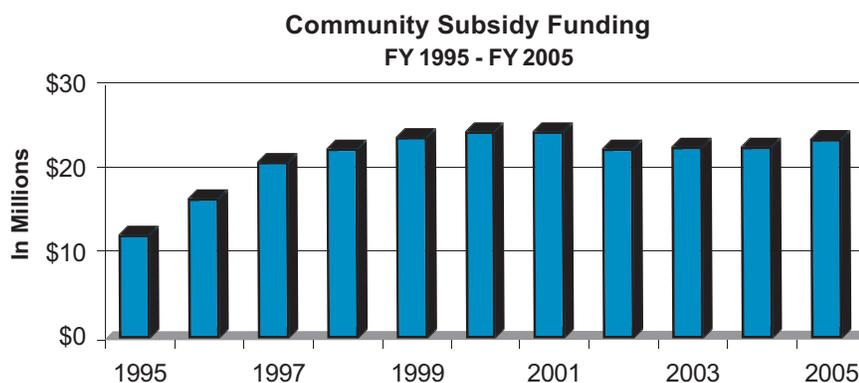
Probation Populations in 2005			
State	Probation Population December 31, 2005	Percentage Change in Population During 2005	Rate per 100,000 Adult Residents
Indiana	121,014	- 0.5%	2,583
Illinois	143,136	- 0.5%	1,500
Kentucky	35,230	8.0%	1,100
Michigan	178,609	1.1%	2,350
Ohio	239,036	3.6%	2,745
Pennsylvania	167,561	0.1%	1,741
West Virginia	7,646	9.6%	553

Source: *Probation and Parole in the United States, 2005*, Bureau of Justice Statistics

Community Corrections Act

State subsidies assist local correctional programs. In 1979, the Ohio General Assembly passed the Community Corrections Act (CCA), which allowed the state to provide financial assistance to local county governments for expansion of community correctional programming. The Act required counties to establish local corrections planning boards responsible for creating local correctional plans. The correctional plans were required to analyze the current correctional system in the county, identify needs based on that analysis, and implement programs to meet those needs. These programs were implemented on a pilot basis across the state in the 1990s.

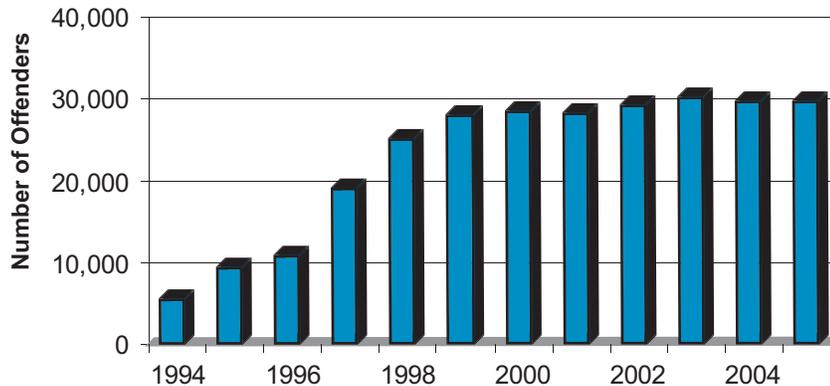
With Ohio’s 1996 changes in sentencing to the presumption of local sentencing for fourth- and fifth-degree felons, there was a large infusion of CCA money to local government to develop new programming. Currently, 80 counties have local planning boards and receive state funding for pretrial services, specialized probation or jail diversion programs. Only eight counties do not receive funding under the program.



Source: *Community Correction Act Annual Report*, Ohio Department of Rehabilitation and Correction

Offenders who are subject to jail sentences but receive community-based services instead of jail are said to be diverted from jail. Similarly, offenders who are subject to prison sentences but instead receive community-based services are said to be diverted from prison. State funds support both types of diversion. The number of offenders who receive services through these funds has increased substantially since 1996. In FY 2005, 29,675 offenders were served by prison and jail diversion funds combined.

Offenders Served by State Subsidies
FY 1994 - FY 2005



Source: *Community Correction Act Annual Report*, Ohio Department of Rehabilitation and Correction

Community programs assist in the collection of restitution and court costs. Offenders in community programs are required to obtain and maintain employment. During the past four years, the programs have become more effective in collecting these funds from employed offenders. In FY 2005, offenders earned \$79,427,751. From this, they paid \$3,926,615 in court costs, \$1,550,641 in child support, and \$2,601,064 in restitution. There has been a 270-percent increase in the amount of child support paid by this population since FY 2001. Additionally, offenders performed 365,276 hours of community service work in their communities.

Jails

Jails in Ohio are operated by the county sheriff or by local police departments and are used to incarcerate offenders awaiting trial or those with sentences of less than one year. Jails hold both pretrial and sentenced offenders. Ohio currently has five classifications of jails:

- **Full-service jails** hold both pre-trial and sentenced prisoners, and provide a full range of services. Most of the full-service jails in Ohio are operated by sheriffs' departments or large city police departments.
- **Minimum security jails** were originally designed as a response to the long waiting lists of Ohioans sentenced for operating a vehicle under the influence. Minimum-security jails were built at a lower cost than full-service jails. The facilities provided substance abuse treatment programs. Changes in the legislation now allow for other nonviolent felony and misdemeanor offenders to be sentenced to these facilities.
- **Twelve-day jails** are designed to provide short-term holding for prisoners of no more than 12 consecutive days. These jails do not provide many treatment services. Twelve-day jails are typically operated by cities, villages, and townships. Prior to 2005, these jails were operated as five-day jails.

- **Twelve-hour jails** are designed to hold alleged offenders until they can appear in court or until they can be transferred to another facility. As with 12-day jails, these jails are usually operated by cities, villages, and townships.
- **Temporary holding facilities** may only hold offenders up to six hours. These facilities do not operate under Ohio's Minimum Jail Standards as do the other four types of jails.

The average daily jail population in Ohio continues to grow. During the 1980s and early 1990s, full-service jails experienced crowding and had long lists of people waiting to serve sentences. Due to the shortage of jail space, only the most serious offenders were housed in jail. As a result, some of the larger jurisdictions had difficulty getting misdemeanor and lower-level felony offenders to appear for trial. An increase in funding for jail construction has increased the capacity of Ohio's jails.

Ohio's Average Daily Population in Jails								
	1998	1999	2000	2001	2002	2003	2004	2005
Full-service jails	14,959	15,951	16,113	16,664	17,445	17,275	18,469	19,953
Minimum security jails	735	704	719	762	683	687	699	641
12-day jails*	377	380	371	420	372	427	408	443
12-hour jails	29	43	51	51	37	23	18	15
Total	16,100	17,078	17,254	17,897	18,537	18,412	19,594	21,052
Increase by year		6.1%	1.0%	3.7%	3.6%	-0.7%	6.4%	7.4%

* Prior to 2005, these jails were operated as five-day jails.

Source: *Annual Jail Report*, Ohio Department of Rehabilitation and Correction

In 2005, full-service jails were at approximately 98 percent of actual capacity while minimum-security jails were at 81 percent of actual capacity. The national percent of jail capacity occupied that year was 95 percent.⁸² Jail populations in Ohio increased more rapidly than the national average,⁸³ rising nearly 31 percent between 1998 and 2005.

Housing costs for Ohio's jails have fluctuated over the past several years. Per diem costs generally peaked in the years 1999 and 2000 before decreasing to their current levels.

Ohio Jail Per Diem Costs*								
	1998	1999	2000	2001	2002	2003	2004	2005
Full-service jails	\$56.63	\$62.43	\$66.68	\$61.43	\$62.19	\$61.58	\$60.94	\$58.19
Minimum security jails	\$53.08	\$56.77	\$66.45	\$52.74	\$52.92	\$57.25	\$57.43	\$56.14
12-day jails**	\$58.06	\$76.80	\$75.69	\$60.61	\$64.57	\$66.17	\$69.91	\$66.85

* The figures are the average cost per facility.

** Twelve-day jail figures include five-day jail figures for years prior to 2005.

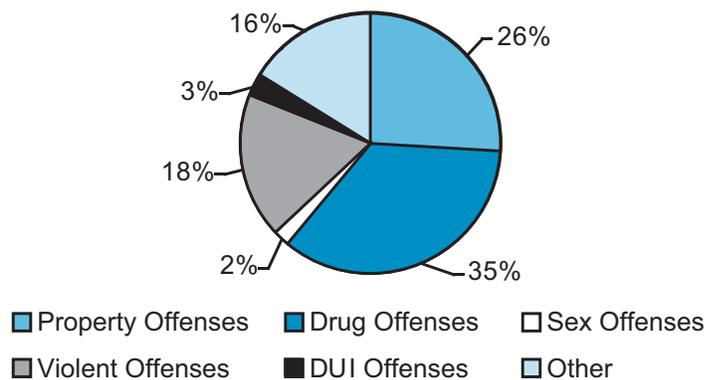
Source: *Annual Jail Report*, Ohio Department of Rehabilitation and Correction

Community Based Correctional Facilities

Community Based Correctional Facilities (CBCF) provide judges with an option other than prison. A community based correctional facility is meant to be the last in the range of graduated community sanctions prior to a prison sentence. An offender may be sentenced to a CBCF for a term of up to six months. To be eligible for a CBCF, an offender must be convicted of a nonviolent felony. The majority of offenders sentenced to CBCFs are sentenced for lower-level fourth- and fifth-degree felony offenses (74 percent in FY 2006). The original CBCF, MonDay in Dayton, opened in 1978 as a probation alternative funded by ODRC. The annual budget for all Ohio CBCFs was \$55,054,445 in FY 2006.

CBCFs provide services to 87 of 88 Ohio counties. The number of offenders in CBCFs has increased during the past five years, reaching 5,385 offenders in FY 2006.

Offenses of CBCF Offenders - FY 2006



Source: *Bureau of Community Corrections Executive Summary*, Ohio Department of Rehabilitation and Correction

Programming in the CBCFs emphasizes the offender's responsibility to the court, community, and victim. An offender is confined in the CBCF during the first 30 days for assessment to determine the offender's needs and provide intensive programming. Following this, the offender is gradually released to the community for education, job training, treatment programming, and employment. Upon release from the facility, offenders are usually placed on probation to continue community supervision.

CBCF offenders completed 212,696 hours of community service work during FY 2006. In addition, offenders are required to obtain and maintain employment. In FY 2006, offenders paid \$295,337 in court costs and fines, \$44,721 in restitution to victims, and \$74,796 in back child support.

Prisons

Ohio's prisons are designed for the most serious offenders. ODRC is responsible for the operation and supervision of the 32 prisons in Ohio. Four prisons are for females, 26 are for males, one is an inmate medical facility and one is for inmates in need of intensive psychiatric treatment. Security levels in prison range from minimum security level 1 to a very high security level 5. Ohio opened its first high maximum-security prison in 1998 to provide housing for those offenders who could not be maintained in the general population.

Ohio Prison Capacity July 3, 2006				
Prison	Security Level	Designed Bed Capacity	Population 7/3/2006	Percent of Capacity
Allen Correctional Institution	2	844	1,312	155%
Belmont Correctional Institution	1, 2	1,607	2,503	156%
Chillicothe Correctional Institution	2	1,673	2,859	171%
Corrections Medical Center ³	5	210	117	56%
Correctional Reception Center	3	900	1,860	207%
Dayton Correctional Institution	2	482	413	86%
Franklin Pre-Release Center ¹	1, 2	361	476	132%
Grafton Correctional Institution	1, 2	939	1,430	152%
Hocking Correctional Facility	1, 2	298	469	157%
Lake Erie Correctional Institution ⁴	1, 2	1,124	1,470	131%
Lebanon Correctional Institution	3	1,481	2,231	151%
London Correctional Institution	1, 2	1,810	2,184	121%
Lorain Correctional Institution	3	756	1,990	263%
Madison Correctional Institution	1, 3	1,915	2,080	109%
Mansfield Correctional Institution	3	1,564	2,232	143%
Marion Correctional Institution	1, 2	1,656	1,922	116%
Montgomery Education and Pre-Release Center	1	352	346	98%
Noble Correctional Institution	2	1,855	2,332	126%
North Coast Correctional Treatment Facility ⁴	1	560	600	107%
North Central Correctional Institution	1, 2	1,855	2,279	123%
Northeast Pre-Release Center ¹	1, 2	640	582	91%
Oakwood Correctional Institution ²	3	191	111	58%
Ohio Reformatory for Women ¹	1, 2, 3, 4	1,246	2,055	165%
Ohio State Penitentiary	5, 1	684	533	78%
Pickaway Correctional Institution	1	2,065	1,976	96%
Richland Correctional Institution	1, 2	1,855	2,410	130%
Ross Correctional Institution	1, 2	1,403	2,294	164%
Southeastern Correctional Institution	1, 2	1,072	1,479	138%
Southern Ohio Correctional Facility	4	1,538	1,141	74%
Trumbull Correctional Institution ¹	1, 3	902	1,313	146%
Toledo Correctional Institution	1, 3	904	803	89%
Warren Correctional Institution	3	679	1,005	148%
Total		35,421	46,807	132%

Source: Ohio Department of Rehabilitation and Correction

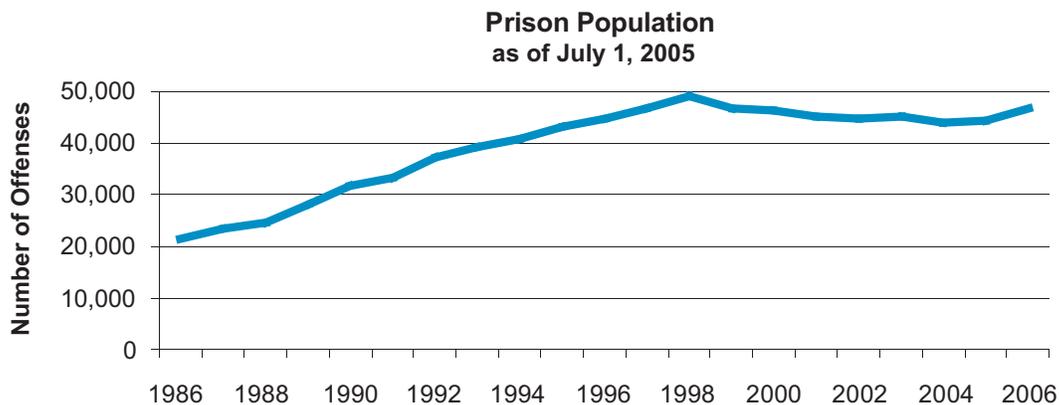
¹ Female institutions; at Trumbull Correctional Institution, only the camp (level 1) is female

² Male and female in need of intensive psychiatric treatment

³ Male and female medical hospital

⁴ Privately operated

Ohio's prison population is counted every year on July 1. Beginning in 1974, the prison population rose all but one year to a peak in 1998. The population then began to drop, due to changes in parole guidelines and the new sentencing structure.⁸⁴ These sentencing changes, which were designed to reduce prison populations by incarcerating only those offenders who are a threat to public safety and increasing community programs for non-violent offenders, were passed in 1996. Following the policy changes, the population decreased from the high of 49,029 inmates in 1998 to a low of 44,134 inmates in 2004. However, the prison population began increasing in 2004 and reached 48,482 inmates on December 31, 2006.

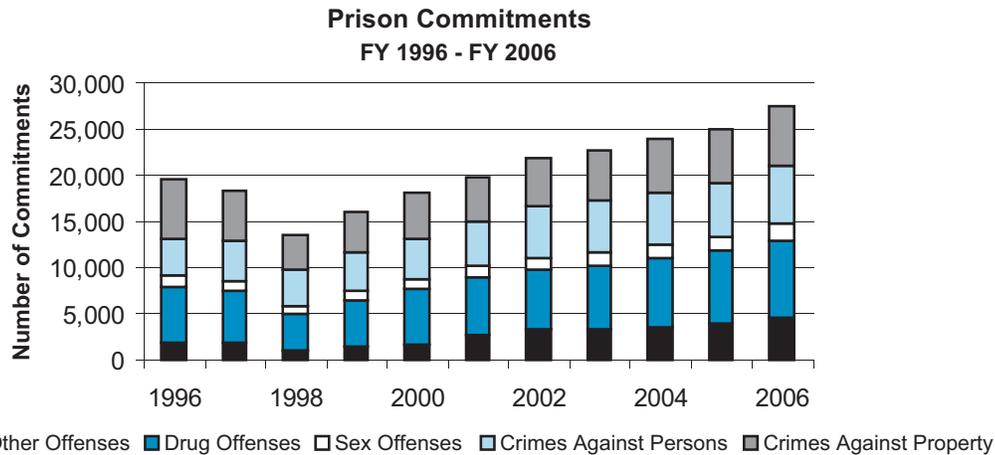


Source: Ohio Department of Rehabilitation and Correction Institutional Census

The construction of new prisons over the last 20 years has helped keep up with the increasing numbers of offenders committed to the state system. However, 23 of the 32 prisons are operating with a population higher than the design capacity. The female population has been increasing at a higher rate than the male population during the past several years. As a result, in early 2005, the camp at Trumbull Correctional Institution was converted from a male to female unit.

Another way to look at the number of offenders in prison is to count the number of offenders committed to ODRC. The number of offenders committed to prison is not the same as the one-day prison population count. The number of commitments is how many offenders are taken into the prison system with a new felony commitment from court during a year. The ODRC annual intake peaked in FY 1992 at 20,594, decreased to 17,681 in FY 1998 and then increased to an all-time high of 27,431 in FY 2006.

Ohio's 1996 sentencing changes were designed to reduce prison populations by incarcerating only those offenders who are a threat to public safety, and increasing community programs for non-violent offenders.



Source: *Commitment Report 1996-2006*, Ohio Department of Rehabilitation and Correction

Projections show commitments to ODRC will continually increase to a high of 35,623 inmates during calendar year 2016.⁸⁵ Without some policy change, Ohio’s prison population is projected to grow to almost 65,000.

Two developments appear to be driving the increase in Ohio’s prison intake. First, commitments have particularly increased for third-degree felony offenses as well as non-support, DUI, and domestic violence.⁸⁶ Second, an increasing percent of the intake to Ohio’s prisons is the repeat offender.⁸⁷ The percent of first-time commitments dropped from 61 percent in FY 1998 to 51 percent in FY 2006. At the same time, the number of inmates committed three or more times has increased from 22 percent in FY 1998 to 27 percent in FY 2006.

ODRC Prison Population Projections for July 1, 2007 to July 1, 2016			
Date	Male	Female	Total
10/2/2006*	43,965	3,554	47,519
7/1/2007	45,485	3,726	49,211
7/1/2008	47,563	3,985	51,548
7/1/2009	49,354	4,249	53,603
7/1/2010	50,889	4,416	55,305
7/1/2011	52,625	4,598	57,223
7/1/2012	53,832	4,699	58,531
7/1/2013	55,384	4,802	60,186
7/1/2014	56,941	4,914	61,855
7/1/2015	58,184	5,088	63,272
7/1/2016	59,756	5,214	64,970

*Actual population on October 2, 2006.

Source: *Ohio Prison Population Projections and Intake Estimates FY 2007 - FY 2016*, Ohio Department of Rehabilitation and Correction

Characteristics of Ohio's Inmates

The Bureau of Research at ODRC completes an intensive intake study of all offenders committed during two months of each year to get a snapshot of who goes to prison. Most of the sample (97 percent) pled guilty at the time of their adjudication in 2005. Most of the male offenders had less than a high school education, were unemployed, were single, and had a history of substance abuse. Female offenders were nearly twice as likely as males to have a mental health problem. Females also indicated considerably more evidence of a history of physical and sexual abuse. In 2005, 59 percent of males and 74 percent of females were incarcerated on a determinate sentence of six to 12 months.

Characteristics of Ohio's Intake Population 2005		
	Males	Females
Ethnicity		
African-American	49%	36%
Caucasian	50%	63%
Median age		
	30 years	34 years
Education		
Less than high school diploma	44%	42%
High school/GED	39%	36%
Some college/college degree	17%	22%
Employment status at arrest		
Unemployed	54%	72%
Employed full time	32%	19%
Employed part time or temp	14%	9%
Marital status		
Single	69%	54%
Married	11%	10%
Separated	7%	12%
Divorced	13%	22%
Widowed	< 1%	2%
Number of dependent children		
One	8%	16%
Two	8%	14%
Three or more	7%	9%
Evidence of substance abuse		
	77%	81%
Evidence of physical abuse		
	9%	24%
Evidence of sexual abuse		
	5%	29%
History of mental illness		
	24%	46%

Source: 2005 Annual Intake Study, Ohio Department of Rehabilitation and Correction

Most had never been committed to a state juvenile institution (84 percent) or been a juvenile social service placement (81 percent). However, 76 percent had a prior adult non-violent misdemeanor conviction. Seventy-eight percent had at least one prior term of adult probation. Half of the intake sample had a prior prison incarceration.

Commitments between 2001 and 2005 were similar in terms of the felony level of the most serious offense for which the offender was committed. However, during that period, the percent of third-degree felony offenses increased by 5 percent, while the percent of fifth-degree felonies decreased by 10 percent. This trend is consistent with the goals of the 1996 sentencing laws and subsequent revisions.

Commitments by Most Serious Offense of Conviction*						
Felony Level	FY 2001			FY 2006		
	Female	Male	Total	Female	Male	Total
Death	0%	<1%	<1%	0	<1%	<1%
Life	<1%	1%	1%	<1%	1%	1%
First-degree	5%	8%	8%	3%	8%	8%
Second-degree	6%	11%	10%	9%	12%	12%
Third-degree	14%	17%	17%	16%	23%	22%
Fourth-degree	19%	24%	23%	23%	25%	25%
Fifth-degree	56%	40%	42%	49%	30%	32%

* The numbers in this table reflect only commitments under the sentencing law changes that occurred in 1996, which is 97 percent of the commitments in FY 2001 and 99.8 percent of the commitments in FY 2006.

Source: *Commitment Report FY 2001 and FY 2006*, Ohio Department of Rehabilitation and Correction

Prisoners with more serious criminal backgrounds are generally sentenced to longer terms in prison than less serious offenders. Part of this results from the crime for which they were convicted. Prisoners convicted of more serious crimes are generally sentenced to longer terms than prisoners convicted of less serious crimes. The other factor is crimes previously committed by the prisoner and the sentences they received, especially prior incarcerations. For example, males are generally sentenced for longer terms because males are typically convicted of more serious offenses than females, and female prisoners typically have fewer prior incarcerations.

Prison Population by Most Serious Offense of Conviction			
July 1, 2006			
Felony Level	Female	Male	Total
Death	0%	<1%	<1%
Life	7%	11%	11%
First-degree	17%	30%	29%
Second-degree	17%	20%	20%
Third-degree	21%	20%	20%
Fourth-degree	14%	10%	11%
Fifth-degree	24%	9%	10%

Source: Ohio Department of Rehabilitation and Correction Institutional Census

Prior Incarcerations for Prisoners July 1, 2006			
	Female	Male	Total
None	70%	54%	55%
One prior	16%	22%	22%
Two prior	7%	12%	11%
Three or more priors	7%	12%	12%

Source: Ohio Department of Rehabilitation and Correction 7/1/2006 Institutional Census, Bureau of Research

Fifty-seven percent of the intake population were serving less than one year. The most frequent offenses with sentences of less than one year were drug offenses (36 percent) and property offenses (28 percent). One reason the time served for this population is short is because they received credit against the length of sentence for the time they served while in a local jail.

When committed, offenders go to a reception center where they are assessed on their risks and needs. The assessment process can take up to two months, which reduces the time they have available for treatment services. Many vocational training and apprenticeship programs require the offender be present in the system for more than one year.

Calendar Year 2005 Intake with Sentences Less than One Year (N=15,576) 10 Most Frequent Crimes (n=11,544)		
Top 10 Offenses	Number	Percent of 15,576
Drug possession	3,816	27%
Drug trafficking	1,772	13%
Theft	1,512	11%
Receiving stolen property	1,123	8%
Burglary (second-, third-, and fourth-degree felonies)	693	5%
Domestic violence	641	5%
Nonsupport of dependants	569	4%
Forgery	565	4%
Breaking and entering	529	4%
Escape	324	2%
Subtotal	11,544	83%

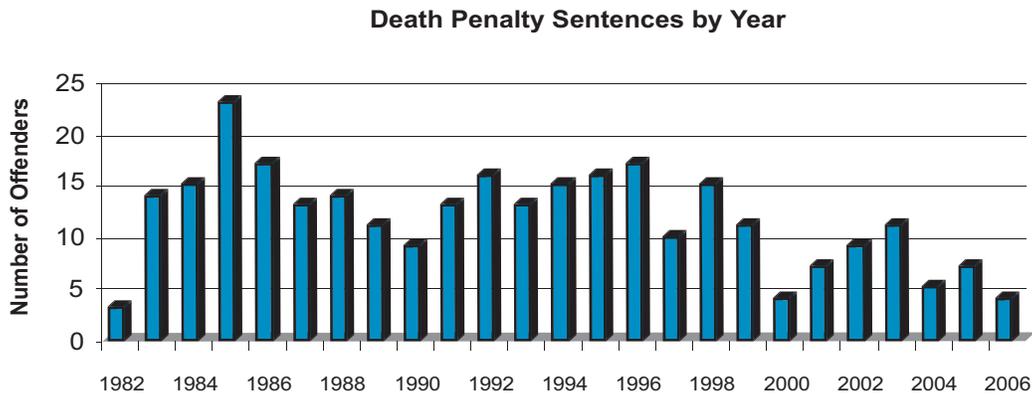
Source: *Characteristics of Those Who Enter DRC with an Expected Stay of Less than One Year*, Ohio Department of Rehabilitation and Correction

Serious felony offenders have actually served more time in prison since the 1996 sentencing revisions changed the release pattern of offenders. During the development of the new sentencing legislation in 1996, the Ohio Sentencing Commission wanted to ensure that more serious felony offenders were serving longer sentences. The parole board took this goal into account as part of making the decision to release offenders convicted prior to 1996. The average length of stay for the most serious felonies, first-degree felonies, has increased from 7.7 years in 1996 to 9.7 years in 2005. On average, male offenders serve more time than female offenders. Males served an average

of 9.8 years, and females served 7.3 years for a first-degree felony. However, ODRC data show that first-time female offenders serve more time than first-time male offenders for some offenses.

Death Penalty

The number of death sentences in Ohio per year has varied since 1982. The Ohio State Public Defender’s Office represents offenders convicted of the death penalty in Ohio. Since it was re-instituted in 1981, 292 offenders have been sentenced to death. The imposition of the death penalty has varied, with a high of 23 cases in 1985 and a low of four in 2000 and 2006.



Source: Ohio State Public Defender’s Office

The vast majority received the death penalty for the murder of one victim (72 percent), with 20 percent having two victims and 8 percent having three or more victims. Forty-nine percent of the offenders receiving the death penalty were Caucasian and 47 percent were African-American. More than half (58 percent) of the offenders were age 30 or younger at the time of sentence. Offenders under the age of 30 at the time of the murder tended to be African-American (57 percent) and those 30 and older tended to be Caucasian (64 percent). The mean age of offenders receiving the death penalty was 31, with a range of 18 to 68.

Since 1981, 98 offenders have been removed from death row in Ohio. Forty-two percent (41 offenders) of those removed from death row were removed because their sentence or specification had been reversed, removed, or found inappropriate by an appellate court. The next most frequent removal was through death — 14 through natural causes, 24 through execution, four through suicide, and three through an accidental overdose. Fifty-seven percent of those removed were Caucasian and 43 percent were minorities. The average length of stay on death row before being removed was 8.6 years with a range of less than one year to 23 years.

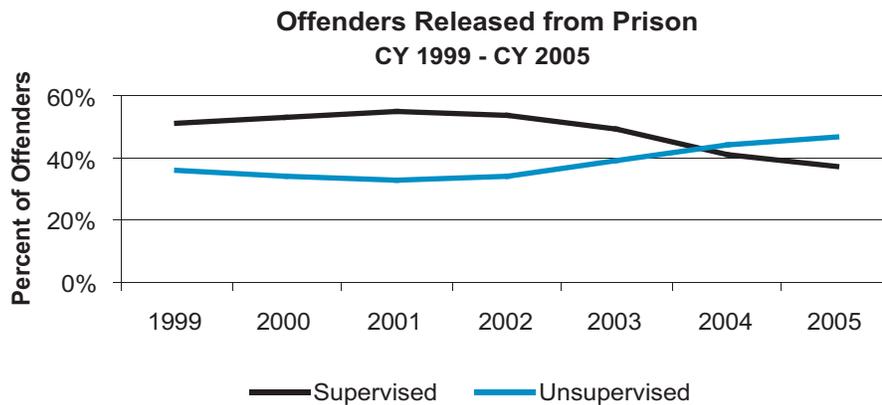
Post-release Control

Offenders who complete their determinate sentence and offenders who receive an indeterminate sentence and complete their maximum sentence are released from prison without community supervision. For both groups of offenders, they have completed the definite term of confinement in their sentence.

The situation is different for those who do not complete their definite term of confinement. To be released before the end of their maximum sentence, offenders with indeterminate sentences must have a parole hearing. The Parole Board reviews the case and the offender's conduct in prison, and if it approves release, sets the post-release control term (such as community supervision) from one to five years. For offenders with determinate sentences, the authority to grant early release is the court that sentenced the offender to prison. Sometimes, the early release is initiated by a recommendation from the Parole Board, but the decision is made by the local judge.

For the first few years after the 1996 sentencing changes, the proportion of inmates released to post-release control increased as offenders with indeterminate sentences continued to move through the prison system. However, beginning in 2002, the proportion of inmates released without post-release control began to increase as more offenders with determinate sentences completed their terms of confinement.

Despite the increasing percent of adult offenders on unsupervised release, the number of offenders supervised by the Ohio Adult Parole Authority (APA) is still large. The ODRC conducted a census of all offenders under supervision of the Adult Parole Authority on July 1, 2006. The census found that the state supervised 14,096 offenders on pre-prison status. On the census day, the APA was also supervising 17,882 offenders who had been released from prison and 896 offenders who were on transitional control (a status similar to work release from prison).



Source: Ohio Department of Rehabilitation and Correction

Offenders who are under supervision remain so for periods of a few months to several years, depending on their adjustment to the community. State parole officer caseloads may consist of probationers, parolees, post-release control cases, transitional control cases, community control cases, compact cases, or intermediate transitional detention cases. Most supervision units are multi-functional and supervise a variety of cases, with additional responsibilities such as preparing presentence and parole board investigation reports. Some specialized units do exist, such as fugitive units that work to apprehend parolees that have absconded and sex offender units that provide intensive supervision to released sex offenders. Offenders released on parole or post-release control may also be required to spend time in community sanctions such as halfway houses, alternative residential facilities, or restitution. Present caseloads include approximately 62 offenders per officer.

Total Supervision Population July 1, 2006	
Release Type	Percentage
Post-release control/intensive program prison PRC	37%
Community control	29%
Parole	14%
Compact probation	7%
Judicial release	5%
Compact parole	3%
Probation/shock probation	1%
Transitional control	3%
Treatment in lieu	1%

Source: *Ohio Adult Parole Authority Census 2006*,
Ohio Department of Rehabilitation and Correction

From the end of 1997 to 2006, there has been an 86-percent increase in total cases under supervision. The majority of this increase is due to a 292-percent increase in the number of persons on parole and post release control.

Halfway Houses

Halfway houses are an intermediate residential sanction that is used by both sentencing judges and the parole board when offenders are sentenced or released from prison. Halfway houses provide a semi-secure placement where the offender lives at the facility but works and attends programs in the community. Halfway house programs assist offenders in learning life and employment skills intended to reduce the chance of re-offending. Most of Ohio's halfway houses have implemented cognitive behavioral programs to readjust the thinking process of offenders. While an offender on probation may be sentenced to a halfway house for a term of up to six months, there is a five-year limitation on the amount of time a parolee or an offender on post-release control may stay in a halfway house.

Referrals to halfway houses are coordinated through an ODRC centralized placement office unless a local probation department has a contract with the halfway house. Most of the halfway houses in Ohio also have contracts with the federal Bureau of Prisons. In FY 2005, halfway houses received \$38,103,794 in funding from the state. Additional funding for programs is provided through contracts with the federal and local governments.

There are currently 34 halfway houses in Ohio, operated by 25 different private, non-profit organizations.

Halfway House Bed Distribution FY 2005				
Status	Male Beds	Female Beds	DUI Beds	Total Beds
Transitional control	493	79		572
Parole/post-release control	623.5	86		709.5
Community control	244.5	49		293.5
Mental health transition	56	0		56
Intensive program prisons	22	15	10	47
Total	1,439	229	10	1,678

Source: *Community Residential Services Annual Report FY 2005*, Ohio Department of Rehabilitation and Correction

A total of 7,941 offenders participated in halfway house programs in FY 2005. The majority of clients were male (87 percent), unmarried (89 percent) and had completed the 11th grade. Fifty percent were African-American. The average offender age was 34.4 years. Fifty-four percent were felony offenders convicted of first-, second- or third-degree felonies. Thirty-one percent had been convicted of violent offenses, 26 percent property offenses, and 32 percent drug offenses. Ninety-four percent had been convicted of at least one prior felony. Nine percent were convicted of five or more prior felonies.

The employment of the offender at the time of release is a major part of the program. Offenders earned \$5,928,625 during 2005, paid \$55,380 in restitution to victims, \$71,232 in court costs, and \$99,591 in child support. All offenders complete community service while in the program. In FY 2005, 80,724 community service hours were worked.

Sex Offender Registration and Notification (SORN)

The following section discusses sex offenders in Ohio’s prison system. It also describes steps taken to register sex offenders and provide notification to courts, law enforcement, and the general public of released sex offenders in their communities.

Sex Offenders in Ohio’s Prisons

Sex offenders make up about 17 percent of the prison population. On July 1, 2006, there were 8,070 male sex offenders and 117 female sex offenders in Ohio’s prisons. In addition, there were 324 offenders committed for registration violations. Sex offenders make up about 19 percent of the male inmates and 3 percent of the female inmates.

Most of the sex offenders are Caucasian (67 percent of male sex offenders and 83 percent of female sex offenders). The male sex offenders are older (mean age 34 years) than the general population of offenders (mean age 31 years). Sex offenders have fewer prior incarcerations than the general population. Ninety-two percent of female inmates and 72 percent of male inmates had no prior incarcerations. In general, male sex offenders were serving sentences for more serious felonies than female sex offenders.

Felony Level of Sex Offenders July 2006			
Felony Level	Females	Males	Total
Death	0%	>1%	>1%
Life	14%	13%	13%
First-degree	45%	55%	55%
Second-degree	14%	11%	11%
Third-degree	24%	17%	17%
Fourth-degree	1%	4%	4%
Fifth-degree	2%	>1%	>1%

Source: Ohio Department of Rehabilitation and Correction

Male sex offenders, on average, served eight more years on all first-degree offenses (29.5 years) than females (21.8 years). The difference between males and females narrows when the conviction offense is rape (25 years for males versus 21 years for females). The average aggregate sentence of sex offenders is higher than that of the general offender population.

The Ohio Sex Offender Registration and Notification (SORN) Registry was started following the passage of legislation in 1997. The electronic SORN registry, which is accessible to the public, was started late in 2003 by the Ohio Attorney General. In January 2007, there were more than 15,000 entries in the public database. The Ohio SORN database is connected to the National Sex Offender Registry. In Ohio, sex offenders are given one of the following designations:

- **Tier 1**

A person who has been convicted of, or pleaded guilty to, committing a lower-level sexually oriented offense such as importuning, voyeurism, sexual imposition, or pandering obscenity. Tier 1 offenders must register for 15 years.

- **Tier 2**

A person who has been convicted of, or pleaded guilty to, committing a mid-level sexually oriented offense such as compelling prostitution, gross sexual imposition on a victim under 13 years of age, or kidnapping with sexual motivation. Also, anyone classified as a Tier 1 offender who commits any sexual offense. Tier 2 offenders must register for 25 years.

- **Tier 3**

A person who has been convicted of, or pleaded guilty to, committing an upper-level sexually oriented offense such as rape, aggravated murder with sexual motivation, or felonious assault with sexual motivation. Also, anyone classified as a Tier 2 or Tier 3 offender who commits any sexual offense. Tier 3 offenders must register for life.

Juveniles make up 3 percent of sex offender registrants. Child victim designations are rarely used in Ohio. The majority of the offenders fall into the sexually oriented offender or sexual predator designations. Under Ohio law, the sexual predator designation means that as the result of a hearing, the sentencing judge has determined that the offender is likely to commit another sex crime. It is different than the sexually violent predator specification, which is a determination of the severity of the offense and a pattern of sexual offending.

Ohio's Sex Offender Registry is Ranked First in the Country

Ohio was rated the best registration and notification state in 2006 by the Notification is Prevention Foundation.⁸⁸ Ohio was given the highest score in community notification, efficiency of the data, and accuracy of the data.

Convictions for failure to register are increasing. The number of offenders being convicted for failure to register and update information has been steadily increasing over the past five years.

SORN Commitments by Calendar Year							
Offense	2000	2001	2002	2003	2004	2005	2006
Duty to register	9	0	15	10	30	38	53
Failure to register	8	51	70	99	127	181	209
Failure to verify registration	24	14	28	26	61	76	86
Total SORN commitments	41	65	113	135	218	295	368

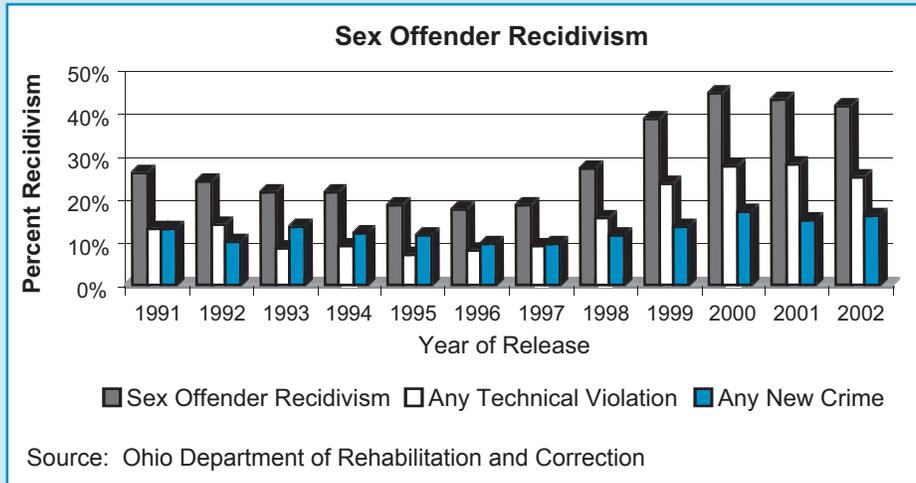
Source: Ohio Department of Rehabilitation and Correction

There is one reported instance in which the Ohio registry was used by a victim to identify a sex offender in Clark County. Using the information in the registry, the offender was successfully apprehended.

Sex Offender Recidivism

Sex offender recidivism has increased over the past five years. The rate of recidivism for any offender with a sex offense, including those whose most serious offense is not a sex offense, has increased from 18 percent in 1997 (the last year before sex offender registration in Ohio began in

1998) to 41 percent in 2002. The technical violation rate for this group of offenders has more than doubled since 1997. As a group, these offenders are usually released on some form of supervision and are placed on high risk and needs supervision. Sex offenders are not only supervised by correctional authorities, they are also required to periodically report to the local sheriff and are subject to law enforcement verification visits. Sex offenders receive technical violations (25 percent in 2002) at a much higher rate than all other offenders (11 percent in 2002.)



Juvenile Justice

Juvenile Justice in Ohio

The juvenile justice system is a dynamic and complex structure intended to meet the specialized needs of the youth involved. Trends in offending and victimization have changed; consequently, the system has been forced to respond in a variety of innovative and creative ways. This chapter will present an overview of the juvenile justice system, including historical context, legislation that impacted the evolution of the system, and the current state of the juvenile justice system in Ohio. Trends in offending and victimization will be explored, as well as the current methods of processing juveniles through the system. Programmatic response and current correctional strategy, as well as key issues that involve the criminal justice system, will also be highlighted.

History of Ohio's Juvenile Justice System

The current state of juvenile justice in Ohio and the issues it must confront are best understood in the historical context and development of the system. It is within this context that the relationships between ideology and practice regarding the responses to challenges, defining responsibility, and direction of the system make the most sense.

The formal juvenile justice system was created in the late nineteenth century in an effort to reform certain policies that pertained to youthful offenders. Historically, imposing sanctions for juvenile offenders has largely mirrored those of adults. Prior to the late 1800s, minors were routinely housed alongside adult offenders, and it was not uncommon for children over the age of seven to share jail space with adults. It was not until the Quaker reformers of the nineteenth century spearheaded efforts to change this practice that the idea of establishing a separate system of justice for youth began to take hold.

The Quaker reformers believed that poverty and destitution were the catalysts for many youthful offenders to engage in criminal or antisocial behavior. Citing humanitarian concerns, the Quaker reformers, who were interested in rehabilitating rather than punishing children, were instrumental in establishing and building the New York House of Refuge in 1824. The House of Refuge was intended to interrupt the cycle of destitution that they thought led to juvenile crime. The reformatory housed juveniles who earlier would have been placed in adult jails.

In 1857, Ohio began pioneering the concept of the “open system” of reformatories in response to suggestions made by Charles Remelin of Cincinnati, who had just returned from Europe, where he spent time examining reformatory institutions for youth. On January 30, 1858, 10 boys were brought from the House of Refuge of Cincinnati, and placed at the Boys’ Industrial School, Ohio’s reformatory for juvenile male offenders, located six miles south of Lancaster (Fairfield County), in the Hocking Hills. The institution was organized on the cottage or segregate system, was not surrounded by walls and was entirely free from bolts, bars or other suggestions of restraint. It was the first penal institution in America to try the “open system” experiment, and operated so successfully that 28 states have used the Lancaster school as a model.⁸⁹

The Girls’ Industrial School in Ohio was established in 1869 to educate and rehabilitate girls convicted of crimes or judged incorrigible. Girls between the ages of 7-15 who were in trouble (homeless, orphaned, juvenile offenders, prostitutes, etc.) from all over the state were sent to live there. It, too, followed the cottage system, in which girls lived together in a cottage, worked together doing farm chores, and learned skilled trades.⁹⁰ Beginning in 1899, other states began to address the problem of youth incarceration and went on to establish similar youth reform homes.⁹¹

These early reforms marked a notable paradigm shift in the juvenile justice system. The focus shifted from individual responsibility and accountability to one based on a newfound conviction that society has a responsibility to recover the lives of its young offenders before they become absorbed in the criminal activity in which they are taking part. The doctrine of *parens patriae*⁹² became the basis for the juvenile justice system as it began exercising its authority over youth and assumed responsibility for “parenting” youthful offenders. Under this new structure, youth were under the jurisdiction of the juvenile court until such time as they began to exhibit positive changes or they aged out of the system. One of the key changes that occurred during this time was youth were no longer treated as adult offenders — they did not get tried as adults nor were they housed within adult correctional facilities. Juvenile court cases were typically heard in the more informal court specifically designed for resolving matters involving juveniles. 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.

Key Legislation

The reformation efforts, critical in establishing a separate system of justice for juveniles, manifested some unintended consequences. Theoretically, because juvenile courts were acting in the child’s best interest under the *parens patriae* doctrine, many of the constitutional rights afforded offenders in the adult system were deemed unnecessary. In some cases, the lack of procedural safeguards directly contributed to the arbitrary application of discretionary power.

Juvenile courts purposely attempted to make their proceedings unlike adult criminal trials, oftentimes denying youth who were facing a potential loss of liberty the due process of rights extended to them through the Fifth and 14th Amendments to the Constitution. Many youth were processed through the system without the assistance of attorneys or others who could protect their interest. In addition, extra legal factors, outside of the legal facts surrounding the crime or delinquent behavior, were often introduced into the case as evidence and were given significant consideration by the judge. Early reformatories became similar to orphanages in several ways, with many of the youth housed in the reformatories being either orphans or homeless children. Thus, *parens patriae* led juvenile courts to become a mechanism of social control that imposed the social, political, and religious views of the mainstream culture on youth who had no voice or means to object.

Prior to the 1960s, the juvenile courts devoted very little time or resources to the due process or “individual rights” of offenders. By the 1960s, juvenile courts maintained jurisdiction over nearly all cases involving persons under the age of 18. Transfers into the adult criminal system in Ohio were made only through a waiver of the juvenile court’s authority. The wide-sweeping social changes and conflicts of the 1960s significantly impacted the country and greatly influenced perceptions about key core values such as law, justice, fairness, and equality. The foundational institutions of the country, including the juvenile justice system, were re-examined in terms of these values.

The 1967 U.S. Supreme Court decision *In re Gault* affirmed the requirement that juvenile courts uphold the due process of law rights of juveniles under the U.S. Constitution’s Bill of Rights. After reviewing Arizona’s decision to confine Gerald Francis Gault, a juvenile delinquent, until he should reach age 21, the Court ruled that the constitutional guarantee of due process applies to proceedings in which juveniles are charged as delinquents. Gault, who was 15 at the time of

the incident, was taken into custody as the result of a complaint that he had made lewd telephone calls to a neighbor, and was subsequently placed in detention at the order of an Arizona juvenile court judge. The Supreme Court decision was significant in setting precedent that youth had a right to receive fair treatment under the law. In addition, the Court's decision in the *Gault* case affirmed the following rights be extended to minors:⁹³

- ✓ The right to receive notice of charges.
- ✓ The right to obtain legal counsel.
- ✓ The right to confrontation and cross-examination.
- ✓ The privilege against self-incrimination.
- ✓ The right to receive a transcript of the proceedings.
- ✓ The right to appellate review.

In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act, a precursor to subsequent federal acts. The Act was designed to encourage states to develop plans and programs that would work on a community level to discourage juvenile delinquency and address issues surrounding juvenile justice. The state-level programs, once drafted and approved, could then be eligible to receive federal funding.

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act that provided, for the first time, a unified national program to deal with juvenile delinquency prevention and control. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Runaway Youth Program, and the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) were created to continue efforts of preventing juvenile delinquency, deinstitutionalizing youth already in the juvenile justice system, and ensuring that juvenile offenders were housed separately from adult offenders.

The Act provides grant funding to states for youth programming, based on the states' youth populations. Through reauthorization amendments, additional programs have been added over the years to the original Juvenile Justice and Delinquency Prevention Act:

- 1977** - Programs were developed to assist learning-disabled children that entered the juvenile justice system.
- 1984** - A new missing and exploited children program was added, and strong support was given to programs that strengthened families.
- 1988** - Studies were called for on prison conditions within the Indian justice system.
- 1990** - The OJJDP began funding child abuse training programs to instruct judicial personnel and prosecutors.
- 1992** - A juvenile boot camp program component designed to introduce delinquent youth to a lifestyle of structure and discipline was added, as was a community prevention grants program providing funding for communities for local juvenile crime prevention plans.
- 2002** - A requirement was put into effect that states participating in the Formula Grants Program address juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who came into contact with the juvenile justice system.

Ohio's Juvenile Population

Despite small increases in the total population in Ohio, the juvenile population (youth under the age of 18 years) has decreased slightly since 2000. In 2000, the juvenile population represented 25 percent of the total population, but in 2005 that number decreased to 24 percent of the total population. Between 2000 and 2005, the actual number of juveniles in Ohio decreased from 2,883,504 to 2,759,112.

Total Juvenile Population by Gender in Ohio 2000-2005						
Year	Total Population	Total Juvenile (female)	Total Juvenile (male)	Total Juvenile Population	Percent of Total Population	Percent Change in Juvenile Population
2000	11,363,803	1,408,305	1,475,199	2,883,504	25.4%	—
2001	11,387,860	1,391,254	1,456,646	2,847,900	25.0%	- 1.3%
2002	11,410,396	1,383,320	1,447,431	2,830,751	24.8%	- 1.5%
2003	11,437,680	1,371,422	1,434,267	2,805,689	24.5%	- 0.9%
2004	11,459,011	1,359,197	1,420,015	2,779,212	24.3%	- 1.0%
2005	11,464,042	1,349,555	1,409,557	2,759,112	24.1%	- 0.7%

Source: U.S. Census Bureau

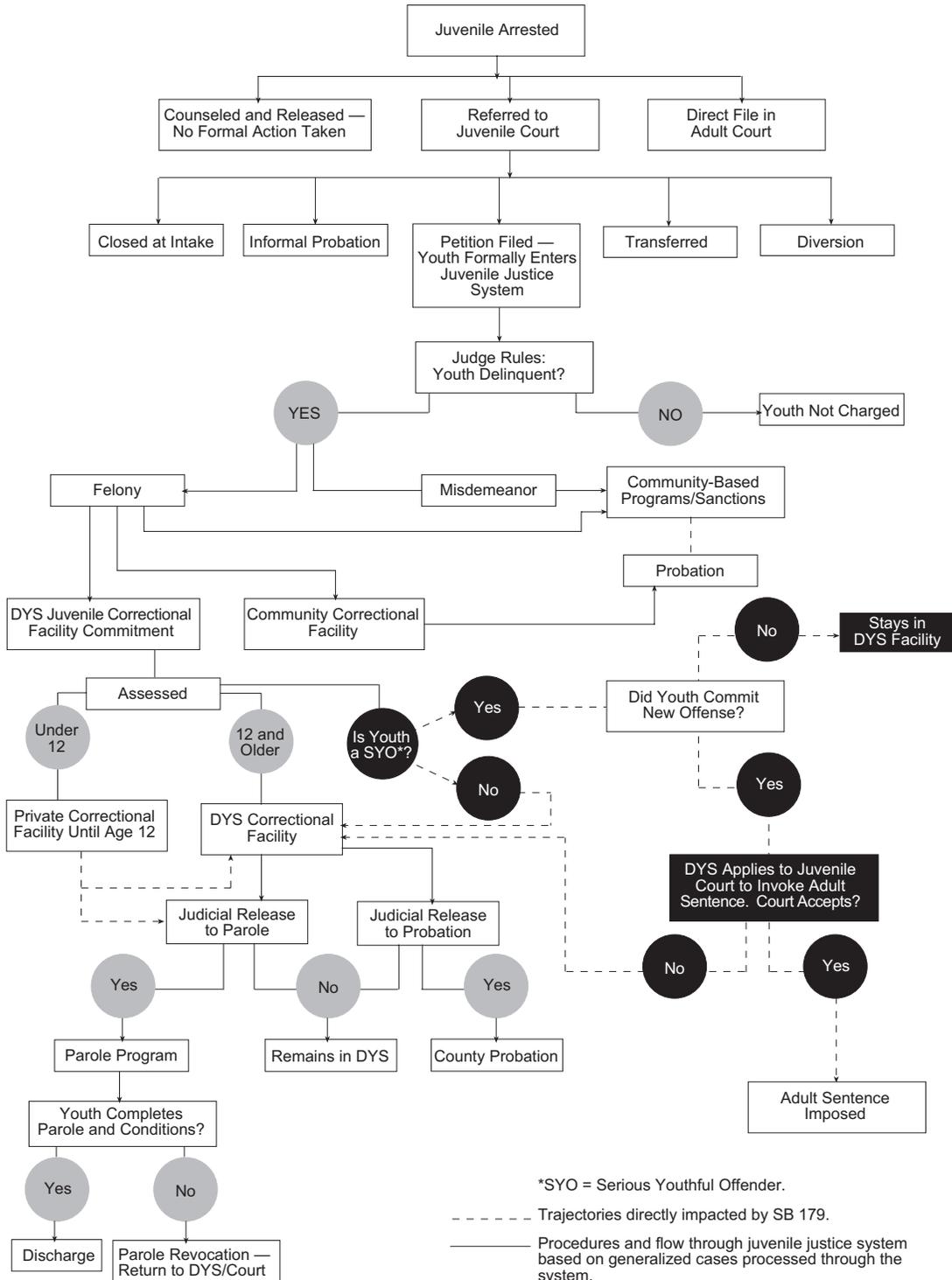
Ohio's Juvenile Justice System

Article IV, Section 1 of the Ohio Constitution grants the statutory authority for the establishment of juvenile courts in Ohio. The Constitution allows for the development of the only trial courts, the courts of common pleas, that have original jurisdiction in all criminal felony cases and all civil cases in which the amount in controversy exceeds \$500. All 88 counties have courts of common pleas and most have specialized divisions created by statute to decide cases involving juveniles, probate, and domestic relations. Depending upon the county in Ohio, the juvenile court can be a division separate from or part of the family, probate, or domestic relations court. The Cuyahoga County Juvenile Court, established in 1902, was the first juvenile court in Ohio. Only seven counties in Ohio do not have courts of common pleas with specialized divisions: Adams, Harrison, Henry, Morgan, Morrow, Noble, and Wyandot counties.

Today's juvenile courts, working in tandem with other governmental child service agencies, exercise a great deal of authority in making decisions that impact the lives of troubled youth. Juveniles are among the most challenging of the special populations served through Ohio's criminal justice system. While the actions and propensity for criminal behavior of the juvenile demand a response, maintaining a proper balance of family and court authority is often difficult to achieve. Furthermore, Ohio's juvenile justice system is based on "home rule" which contributes

another layer to the complexity of the overall system. Home rule allows cities and counties throughout the state to function with a great deal of autonomy. Therefore, most juvenile justice services are provided by local government and can vary from court to court. However, many adhere to some basic principles and procedures.

Juvenile Justice Flow Chart



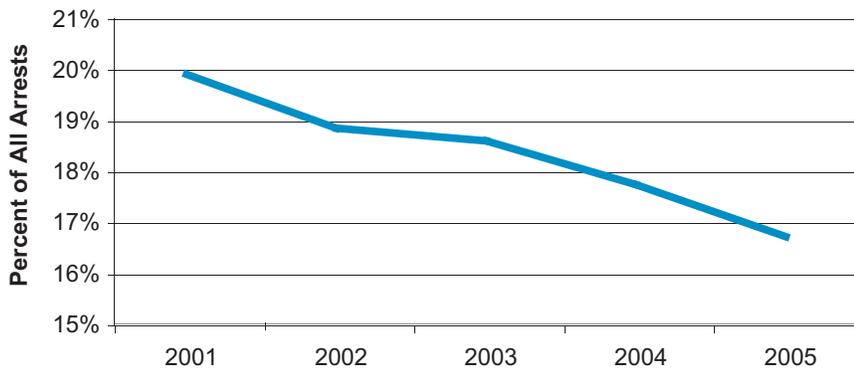
Source: Ohio Department of Youth Services

Initial Contact with the Juvenile Justice System

The juvenile’s initial contact with the juvenile justice system is usually by way of his or her arrest by law enforcement. The youth can also enter the system through “referrals” by parents and schools, delinquency victims, and probation officers. Using information obtained from the victims of the crime committed by the juvenile, the juvenile himself, the juvenile’s parents, and any past records the youth has with the juvenile justice system, the officer assigned to the case must decide whether or not to charge the youth. The decision about whether a youth should be detained and charged, released, or transferred into another youth welfare program is usually made by the juvenile court, or through a pretrial screening done by a division within the clerk of courts office.

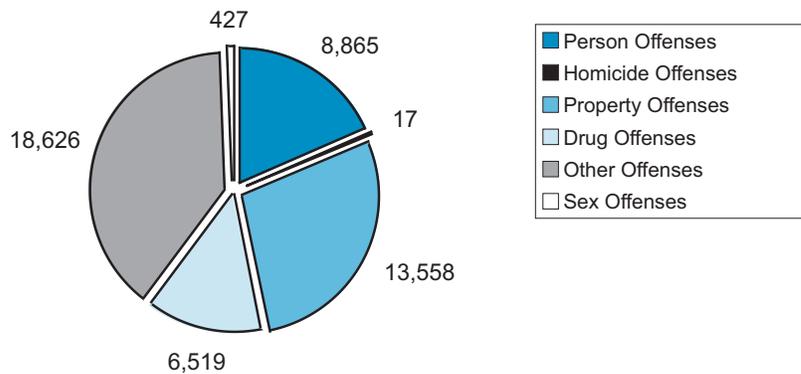
In 2005, there were 48,012 juveniles arrested in Ohio. These arrests were 17 percent of the 287,972 total arrests reported to the FBI by Ohio law enforcement agencies.

**Juvenile Arrests as Percent of Total Arrests
2001-2005**



Source: *Crime in the United States, 2001-2005, FBI*

**Total Juvenile Reported Arrests in Ohio
in 2005**



Source: *Crime in the United States, 2005, FBI*

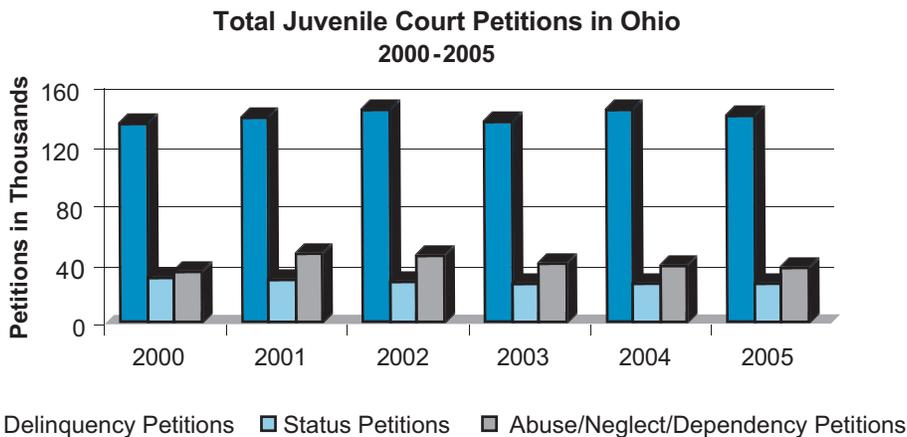
Juvenile Court

Ohio’s juvenile courts handle cases involving persons under 18 years of age who have either violated criminal statutes, have committed a “status offense,” or are otherwise deemed in need of protection from abuse/neglect/dependency. Ohio statutes do not dictate the youngest age at which a juvenile can be adjudicated delinquent. However, the statutes do specify the rules governing the oldest a juvenile can be in order to be processed formally through the juvenile justice system. The Ohio Revised Code mandates that:

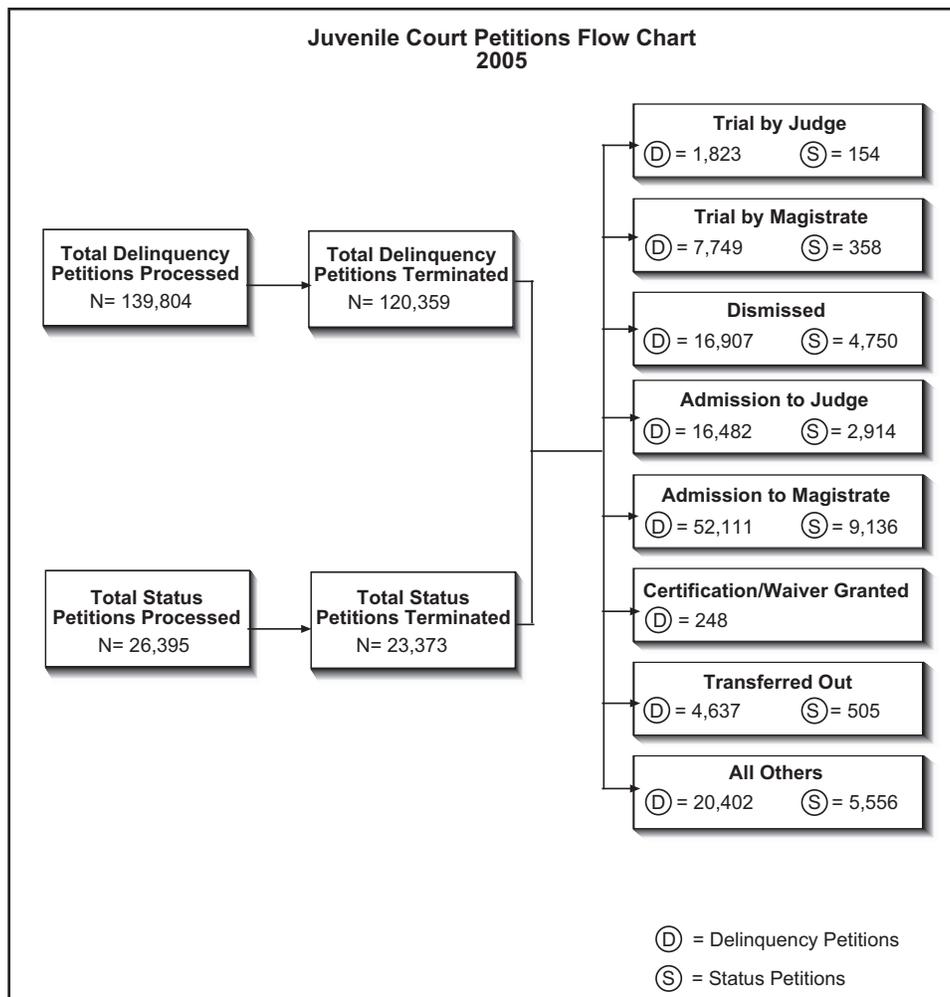
- ✓ A person who commits a crime after attaining the age of 18 will no longer be under the jurisdiction of the juvenile court. (Ohio Revised Code Section 2151.011).
- ✓ The juvenile court can retain jurisdiction of a juvenile who committed a status offense prior to his 18th birthday until he turns 21 (Ohio Revised Code Section 2151.011).
- ✓ The juvenile court may not hear any case against a person accused of committing a felony prior to his 18th birthday but who is apprehended after turning 21. (Ohio Revised Code Section 2151.23(I)).

“Status offenses” are defined as acts that are considered offenses only when committed by a juvenile, such as incorrigibility, truancy, running away, and curfew violations. A child may be ruled “delinquent” when he has been found to have committed an act that would be considered a crime if committed by an adult. Youth who are in need of protection from the state for a variety of other reasons may be processed through juvenile court through an abuse/neglect/dependency petition.

In 2005, there were 139,804 delinquency petitions, 26,395 status petitions, and 36,362 abuse/neglect/dependency petitions processed through Ohio’s juvenile courts. Historically, the delinquency petitions represent a majority of the cases that are processed through the juvenile justice system.



Source: *Ohio Courts Summary 2000-2005*, Supreme Court of Ohio



Source: *Ohio Supreme Court 2005 Annual Report*

When a case reaches the intake department of the local juvenile court, an intake officer or court personnel assigned to conduct intake decides whether to dismiss it, handle it informally, or proceed with it through formal means. Approximately half of all juvenile justice cases are heard informally, and among these, most are dismissed. Cases receive an informal disposition by a judge when a youth admits guilt and agrees to settle the charges by meeting the requirements of the court, which are laid out in a consent decree. Judicial requirements that the youth may have to adhere to at this stage include:

- **Restitution** — Reimbursement is made to the victim, or the juvenile can be required to pay a fine to the community for damages caused.
- **Mandatory curfew** — The juvenile is expected to comply with a strict curfew.
- **School attendance** — The juvenile is mandated to attend school regularly.
- **Community service/work** — The juvenile is expected to perform services within the community as required by the judge.
- **Rehabilitation** — The juvenile is required to participate in anger management, drug treatment, or other rehabilitation programs.

Once all parties have agreed to the consent decree, the youth is released on a probationary basis to fulfill his obligations. During this informal probation time, his progress is monitored by a probation officer. After he has met the requirements of the consent decree, the case is dismissed. If the youth fails to follow through on meeting the orders outlined by the court, he may be required to face a formal hearing.

If, upon initial evaluation of a juvenile's case, a formal hearing is deemed necessary, an initial decision must be made as to how the case will progress through the juvenile justice system. While an investigation into the charges is conducted, a judge must make a determination as to whether or not there is enough evidence to proceed with the case. At this time a judge will also determine if the juvenile should be detained before and through the course of the trial and, if so, define the intent of the detainment. Detention hearings are usually held within 24 hours of arrest. A youth will typically be detained in a secure facility if the evidence supports that the youth poses a threat to himself or to public safety.

Juvenile courts receive either a delinquency or waiver petition from prosecutors. The delinquency petition will ask the judge to declare the youth a delinquent, thereby exercising its jurisdiction over the case. A waiver petition will ask the juvenile court to forfeit its authority and jurisdiction over a case. Once the waiver petition has been approved, it paves the way for the case to be transferred or bound over to adult criminal court.

A delinquency petition informs the judge of the allegations against a youth and asks the judge to adjudicate, or hear and judge, the case in a formal hearing. During an adjudicatory hearing, the testimony of witnesses and the facts of the case are heard. If the juvenile is found to be delinquent by the judge, the case will be remanded for a disposition hearing.

Prior to making decisions at the disposition hearing, the judge may require the probation office to obtain an evaluation of the youth in order to recommend a course of action for the court to take. Probation officials will gather information from a variety of sources in order to make appropriate recommendations to the court. Results of any studies that have been made of the youth, including any psychological evaluations, and/or diagnostic tests, risk assessment evaluations, and victim impact statements may be considered when making recommendations. The disposition plan is intended to advise the court on which of the available options would best benefit the youth and the community.

Juvenile Disposition

During the disposition hearing, the probation officer, prosecutor, and juvenile are permitted to propose disposition strategies. The recommendations frequently include drug rehabilitation, limited (weekend) confinement, restitution, and residential placement. A youth may be placed on probation or within a residential facility for a designated period of time, or until the requirements of the disposition have been met. His progress will be assessed through periodic review hearings by the court. Once the orders of the disposition have been met, the case will be terminated.

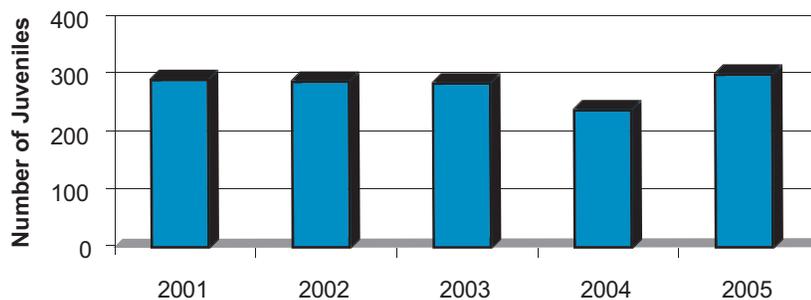
Delinquent youth who have been named wards of the state are ordered to the custody of the Ohio Department of Youth Services (ODYS). These youth will serve out their sentence in a community correctional facility or in one of the nine correctional/treatment facilities managed under the direction of the ODYS. Levels of security vary among facilities, some being similar to prisons, and some resembling group homes. According to ODYS, 8,802 youth were adjudicated delinquent for a felony-level offense in FY 2005.⁹⁴

Technically, the youth is placed in the custody of ODYS up to age 21; however, the youth can be released prior to that time if appropriate conditions are met. Once released from the institution, the youth will be placed on aftercare. Aftercare is similar to parole; essentially, the youth's progress and behavior are monitored by the juvenile corrections department for a period of time designated by the court.

Juveniles Prosecuted as Adults

For some especially heinous or egregious crimes, a prosecutor or intake officer can request that a case be heard in criminal court through a submission of a waiver petition. In this instance, the court holds a special hearing to make a determination on the "Relinquishment of Jurisdiction for Purposes of Criminal Prosecution," or a Rule 30 hearing. This special hearing is named for its corresponding rule number in the Ohio Rules of Juvenile Procedure and is used to determine whether or not the youth charged can be bound over to adult court to proceed with prosecution of the case. The court decides where the case will be heard by looking into the facts of the situation, and assessing the likelihood that the youth would be rehabilitated under the care of the juvenile justice system. Factors that affect the court's decision are the criminal history of the youth, the success of past rehabilitation efforts, the age of the youth, and the amount of time youth services would have to work with him. If a judge approves a petition waiver, the case is directed toward criminal court and the juvenile court waives its jurisdiction. If a judge denies a petition waiver, the case is slated to the juvenile court and an adjudicatory hearing is scheduled. In some instances, the case can maintain dual jurisdiction. The Rule 30 hearing is also used in the classification of a youth as a Serious Youthful Offender, which then allows for dual jurisdiction between the juvenile and the adult court systems.

**Juveniles Bound Over to Adult Court
2001-2005**



Source: Ohio Department of Youth Services

The new category of Serious Youthful Offender, created through Ohio Senate Bill 179, mandates these juveniles have statutory and constitutional rights commensurate with those of adults. This is due to the possibility of the imposition of an adult sentence in addition to a juvenile disposition upon conviction. Therefore, typical proceedings in juvenile court are altered to ensure adult substantive and procedural protections where appropriate. The amendment makes it clear that juvenile protections and confidentiality apply, both before a probable cause determination that the child may be subject to serious youthful offender disposition, and after a determination that the child shall not be given a serious youthful offender disposition.

The procedures governing whether or not a case can be bound over to adult criminal court require that the following four criteria are met:

- The complaint filed in the juvenile court must allege that the child is delinquent as the result of committing an act that would be a felony if committed by an adult (Ohio Revised Code Section 2152.12(B)).
- The juvenile court must find that the child was 14 years of age or older at the time the act was charged (Ohio Revised Code Section 2152.12(B)(1)).
- There must be probable cause to believe that the child committed the act charged (Ohio Revised Code Section 2152.12(B)(2)).
- After considering and weighing the applicable factors, the court must find that the child is not amenable to care and rehabilitation in the juvenile system and that the safety of the community requires that the child be subject to adult sanctions (Ohio Rev. Code Section 2152.12(B)(3)).

Juvenile Court Becoming More Like Adult Court

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 prompted legislators nationwide to enact increased penalties for juveniles and lower the age juveniles can enter the criminal justice system. Beginning in 2002, legislative changes modeled Ohio's juvenile justice system more closely on the state's adult system. The foundation of Ohio's juvenile justice system shifted to protecting public interest and safety, holding offenders accountable for their actions, restoring the victim, rehabilitating offenders, and providing for the care, protection, and mental and physical development of the juveniles. The new sentencing structure relies on the juvenile's age 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.
- Traditional juvenile treatment, including a range of services from court-run programs to state commitment.

Blended sentences allow juvenile courts to impose an adult sentence, holding it in abeyance provided the young offender successfully completes the juvenile disposition. In 2005, there were 33 youth committed to ODYS who received blended sentences, and in the first six months of 2006 there were an additional 18 youth committed under the blended sentencing structure.

Blended sentences allow juvenile courts to impose an adult sentence, holding it in abeyance provided the young offender successfully completes the juvenile disposition.

Juvenile Sentences by Age and Transfer Eligibility				
Offense	Transfer Eligible		Not Transfer Eligible	
	Ages 17 and 16	Ages 15 and 14	Ages 13 and 12	Ages 11 and 10
Aggravated murder and murder	Mandatory transfer	Mandatory transfer or blended	Discretionary blended	Discretionary blended
Attempted aggravated murder and murder	Mandatory transfer	Mandatory transfer or blended	Discretionary blended	Discretionary blended
First-degree violent felony and enhancement	Mandatory transfer	Discretionary blended or blended	Discretionary blended	Discretionary blended
First-degree non-violent felony and enhancement	Discretionary blended	Discretionary blended	Discretionary blended	Traditional treatment
First-degree felony	Discretionary blended	Discretionary blended	Traditional treatment	Traditional treatment
Second-degree felony enhanced	Mandatory transfer or blended	Discretionary blended	Discretionary blended	Traditional treatment
Second-degree felony	Discretionary blended	Discretionary blended	Traditional treatment	Traditional treatment
Third-degree felony enhanced	Discretionary blended	Discretionary blended	Traditional treatment	Traditional treatment
Third-degree felony	Discretionary blended	Traditional treatment	Traditional treatment	Traditional treatment
Fourth- and Fifth-degree felony enhanced	Discretionary blended	Traditional treatment	Traditional treatment	Traditional treatment
Fourth- and Fifth-degree felony	Traditional treatment	Traditional treatment	Traditional treatment	Traditional treatment

Source: Ohio Criminal Sentencing Commission

The more punishment-oriented juvenile justice changes also include enhancements, lowered age of jurisdiction, and more sentencing options. *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 ODYS for a serious felony. Ohio's juvenile legislation also lowered the age of jurisdiction for the ODYS to age 10. By Executive Order, juvenile offenders age 10 and 11 who are committed to ODYS 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 an ODYS 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.

Serious Youthful Offender Legislation

Serious youthful offenders have been specifically targeted by the General Assembly. Prior to January 2002, when Ohio Senate Bill 179 (123rd General Assembly) was signed into law by the Governor, juvenile dispositions in Ohio focused primarily on the treatment and rehabilitation of offenders. However, the increasing visibility of violent juvenile crimes prompted legislators to enact increased penalties for juveniles and lower the age juveniles can enter the criminal system.

Senate Bill 179 (S.B. 179) is significant in that it contains language that redefines the purpose of juvenile justice and authorizes blended (juvenile and adult) sentencing for Serious Youthful Offenders (SYO), as well as other juvenile justice reforms. House Bill 393 (H.B. 393) was later passed to clarify some of the issues arising from the language contained in S.B. 179.

Senate Bill 179 explicitly states that the purpose clause for Ohio's juvenile justice system has expanded from rehabilitation and removing the taint of criminality from young offenders to also focus on protecting the public interest and safety, holding the offender accountable for the his actions, restoring the victim, providing for the care, protection, and mental and physical development of children, and rehabilitating the offender. According to the bill, these purposes must be achieved by instituting a system of graduated sanctions and services.

The new sentencing structure outlined initially under S.B. 179, and then further clarified under H.B. 393, 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. The following is a summary of the key provisions of S.B. 179 and H.B. 393 legislation.

- It clarifies that the court, in imposing the juvenile part of the blended sentence, can draw from the full range of traditional juvenile choices (ODYS terms, gun specs, community and/or financial dispositions). Although the proposed maximum for all offenses remains until age 21, certain categories of offenders would receive enhanced minimum sentences.
- It asks the Supreme Court to amend the Juvenile Rules to allow magistrates to handle ministerial aspects of SYO cases (such as arraignment and bail), but not trials and sentencing.
- It decreases the minimum age for commitment to the Ohio Department of Youth Services (ODYS) from 12 years of age to 10 years of age if the delinquent act is aggravated murder, murder, arson, or a first- or second-degree felony offense of violence. However, Governor Taft, when signing S.B. 179 into law, attached an executive order stating that 10- and 11-year-olds must not be placed in state facilities, but must be placed in secure, private treatment facilities. S.B. 179 mandates that if the child falls in the SYO (serious

youthful offender category), the court must give a blended sentence in the following cases: a 12- or 13-year-old adjudicated for enhanced murder; a 14- or 15-year-old charged with murder; and a presumed transfer in which the juvenile proved amenability to treatment in the juvenile system.

- It clarifies that an offender must be 14 and engaged in specified conduct that permits invocation of the adult portion *and* the child’s conduct demonstrates that the child is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction. S.B. 179 provides for blended sentences under which some serious offenders receive both a juvenile and an adult sentence (in juvenile court). The adult sentence would initially be *stayed* pending the satisfactory completion of the juvenile portion, and the juvenile court is authorized to invoke the adult portion of the sentence if the child does not satisfactorily complete the juvenile portion. In no case can the total prison sentence (juvenile and adult) exceed the maximum prison term available for an adult who is convicted of violating the same criminal offense. The adult portion of the sentence could be invoked after initiation and request for a court hearing by ODYS personnel who believe that the juvenile creates a substantial risk to safety or seriously jeopardizes the programming and treatment of others within an ODYS facility.
- It harmonizes S.B. 179 with S.B. 3, the juvenile sex offender registration (J-SORN) Law and clarifies some provisions (Ohio Revised Code sections 2152.19, 2152.82, 2152.83, 2152.84, 2950.01, 2950.04, 2950.09, and 2950.14).
- It clarifies that an SYO’s “dispositional sentence” means he or she is “adjudicated delinquent” for purposes of J-SORN (Ohio Revised Code Section 2950.01(N)).
- It restores a parent’s right to inspect a child’s juvenile record, while shielding arrest records and witness statements from parental disclosure (Ohio Revised Code sections 2151.18(A) and 2152.71(A)).

The Ohio Governor’s Council on Juvenile Justice’s 2006 report specifically looked at changes brought about by S.B. 179.⁹⁵ The report covered data findings from a 10-year evaluation of ODYS admissions (1995 through 2005) to see if S.B. 179 had an impact on the populations in the ODYS institutions. The evaluation found that felony admissions decreased dramatically from 2,795 in 1995 when RECLAIM began, to 1,463 in 2005 — a decrease of 47.7 percent. More interestingly, the report revealed that felony admissions declined every year with the exception of 2002, the year that S.B. 179 took effect.

Additional findings in the report as it relates to the impact of S.B. 179 include:

- In the years prior to the passage of S.B. 179, the racial distribution of felony admissions was 48 percent Caucasian, 47 percent African-American, and 5 percent other. In the years following the passage of S.B. 179, there were 47 percent Caucasian, 48 percent African-American, and 5 percent other who were admitted to ODYS on a felony charge.
- Since S.B. 179 went into effect, only two youth ages 10-11 have been admitted to a ODYS institution.
- Of the 88 counties in Ohio, 32 of them had at least one serious youthful offender (SYO), with a significant proportion of them (37 percent) coming from Summit and Cuyahoga counties. Since enactment of the bill, 135 youth have been classified as a SYO and committed to a ODYS facility. More than 50 percent (33 of 65) of the African-American SYO commitments were from Summit and Cuyahoga Counties.

- The number of firearm specifications before and after S.B. 179 has remained constant; however, there has been a dramatic increase in the number of youth receiving the firearm specifications. For the period prior to S.B. 179, youth receiving one-, two-, and three-year firearm specifications was 55, two, and 73, respectively. After S.B. 179 passed, the numbers increased to 162, 20, and 120, respectively.
- Of the 422 firearm specifications given to ODYS-committed youth, 320 (76 percent) came from one of five counties: Cuyahoga (23 percent), Franklin (17 percent), Hamilton (14 percent), Mahoning (11 percent), or Montgomery (11 percent).

Graduated Sanctions

Over the past decade, *graduated sanctions* has evolved into the dominant conceptual framework for organizing interventions with juvenile offenders. The model first received widespread attention when it was included as a key component of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders (1993). Graduated sanctions, as defined in the Juvenile Justice and Delinquency Prevention Act of 2002, refers to:

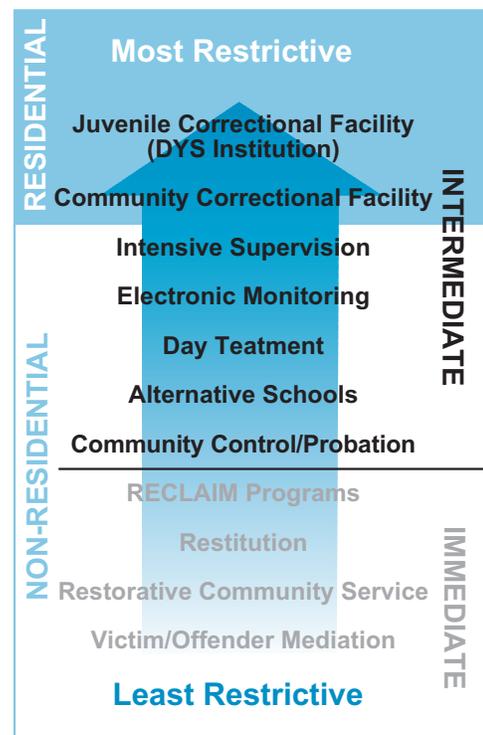
“an accountability-based graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system.”

Graduated sanctioning emphasizes the need to hold juvenile offenders accountable for any and all offenses committed while promoting the use of progressively more severe sanctions for repeat offenders. The graduated sanctions strategy is intended to be used as a multi-tiered continuum of interventions that allows the juvenile justice system to carefully match its sanction and treatment response based upon the offense severity, level of risk, and service needs of the juvenile. The continuum includes immediate sanctions within the community for first-time nonviolent offenders, intermediate sanctions within the community for more serious offenders, and secure care programs such as community correctional facilities and institutional commitment to one of ODYS' facilities for the most violent offenders or those who pose the highest risk to public safety.

The front end of the continuum of interventions includes immediate sanctions, which are targeted toward less serious, low risk, non-chronic offenders. They are designed as early interventions that hold youth accountable for their illegal behavior by imposing the least intrusive sanctions and, if required, calls for the youth to obtain any necessary services that will further aid the juvenile from engaging in the illegal behavior in the future.

Immediate sanctions are frequently delivered in the context of diversion from formal court processing. Typical immediate sanctions include a restorative justice intervention, which is considered an ideal model for dealing with first time and minor repeat offenders by providing a mechanism that holds youth accountable, but at the same time bypassing formal court

Juvenile Graduated Sanctions Model



proceedings. The restorative justice practices include, but are not limited to, victim – offender mediation, various community decision-making and conferencing processes (such as reparative boards, family group conferencing), restorative community services, restitution, victim and community impact statements, and victim awareness panels.

Intermediate sanctions are the next step in Ohio’s graduated sanctions. These sanctions are for juveniles who continue to offend following immediate interventions, youth who have committed more serious felony offenses, and some violent offenders who need supervision, structure, and monitoring, but not necessarily confinement. Intermediate sanctions strive to hold youth accountable for their actions through more restrictive and intensive interventions (nonresidential or residential), but are less restrictive or intrusive than secure care.

The use of intermediate sanctions provides effective alternatives for managing low- to moderate-risk youth who can be supervised in less costly programs, and assures that secure care space is reserved for the most serious offenders who require more restrictive sanctions. Typical intermediate sanctions include community-based corrections such as intensive supervision, day treatment, probation, electronic monitoring, and alternative schools.

The most restrictive sanction on the continuum of graduated sanctions is placement in secure care. Secure care may be either in a community correctional facility or through institutional placement at one of the state run juvenile correctional facilities. Sanctions involving secure care are reserved for the highest risk offenders who pose a significant threat to public safety or are in need of more intensive services than what can be provided through immediate or intermediate sanctions. Secure care provides treatment and transition services while a youth is removed from home, usually in a state training school or a residential treatment facility. Transition services span the final phase of confinement and the first phase of reentry and include prerelease planning with the offender, family, community agencies, and the local team interacting with the court during this phase. Reentry programming involves those sanctions and services applied during the planned period of community supervision following release, leading to case closure/termination.

RECLAIM Ohio

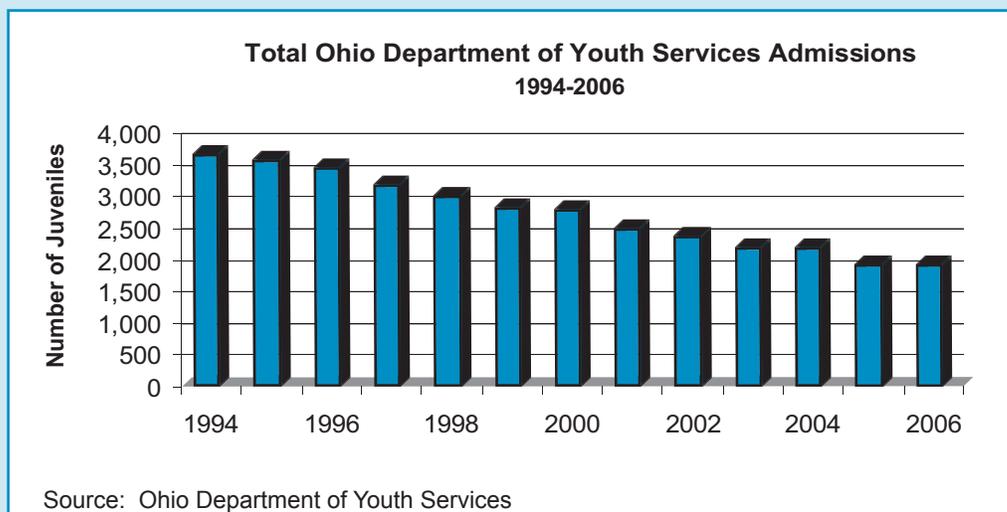
In 1993, not only were Ohio’s juvenile institutions crowded, but the number of juveniles being committed to the state was steadily increasing. ODYS, in partnership with the Ohio Association of Family and Juvenile Court Judges, created a comprehensive initiative to help aid local juvenile courts and their communities in administering and implementing graduated sanctions to better respond to the individualized needs of the adjudicated youth. 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.

RECLAIM Ohio is a Nationally Recognized Funding Model

Under RECLAIM, funds that were once allocated for the operation of state facilities are instead given to each county for the treatment of youthful offenders. This made it much easier to adopt a graduated sanction strategy by providing more local control to the individual juvenile courts and encouraging the courts to develop or purchase a range of community-based options and interventions.

Money received by the local juvenile courts through RECLAIM are used to fund an array of treatment, intervention, diversion and prevention programs designed to be the initial step in the continuum of interventions. This continuum allows the juvenile justice system to carefully match its sanction and treatment response based upon the offense severity, level of risk, and service needs of the juvenile. RECLAIM monies can be used to fund traditional sanctions like probation and electronic monitoring, to more specialized services like substance abuse classes, day treatment, alternative schools, intensive probation, electronic monitoring and residential treatment.

Each year, RECLAIM-funded programs provide services to many Ohio youth. Based on reported expenditures by the courts in FY 2005, the top program areas used were out-of-home placement, probation, intensive probation, restitution and community service, and diversion. Overall, the program has helped to significantly reduce the number of youth who are committed to ODYS institutions by 48 percent from when it began in January 1994 to 2005. The number of commitments has decreased from a high of 3,639 in 1994 to 1,880 in 2006.



Juvenile judges use RECLAIM funds to sentence juvenile offenders and order treatment within the local community, or pay to commit youth to an ODYS 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 three-year gun specifications without using community RECLAIM resources.

An independent evaluation has found RECLAIM Ohio to be cost effective. The most recent comprehensive evaluation of Ohio's RECLAIM-funded programs was conducted in 2005 by the University of Cincinnati. Their study examined the recidivism rates for youth served through RECLAIM Ohio programs and whether or not there were any differences in recidivism rates between differing types of RECLAIM-funded programs. The study included 10,866 youth terminated from the 349 RECLAIM programs represented across the state. Recidivism was defined as any new felony conviction or adjudication, or entry into an ODYS or Ohio Department of Rehabilitation and Correction (ODRC) facility. The study found that recidivism for higher-risk offenders was significantly reduced in RECLAIM programs that offered more services and structure.

The study also found that RECLAIM programs of shorter duration and less intensity were more effective with lower- to moderate-risk youth. The costs associated with placement in a RECLAIM program averaged about \$1,960 per youth. The study concluded that the RECLAIM programs were cost effective alternatives for low- and moderate-risk youth who do not pose a significant threat to public safety.⁹⁶

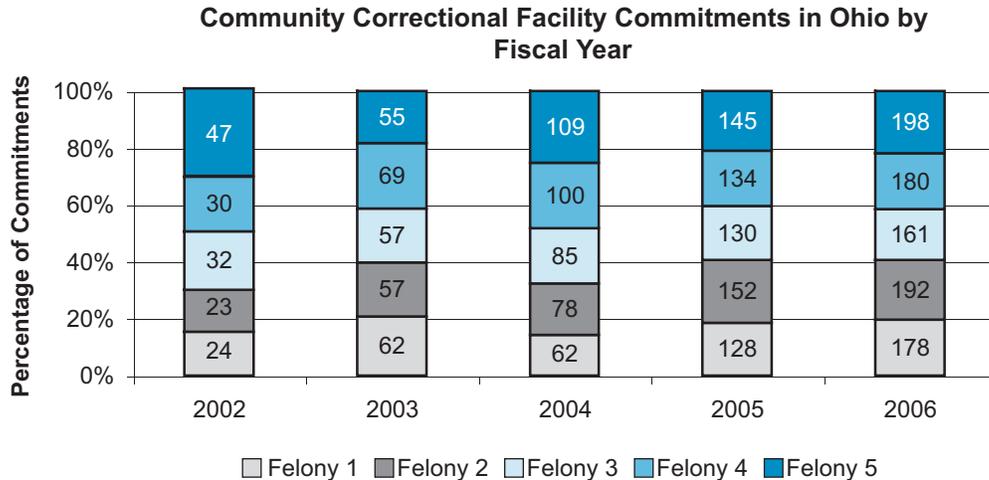
Community Correctional Facilities in Ohio

A community correctional facility (CCF) is a secure, locally operated community residential facility for youth. CCFs are similar to Ohio's community based correctional facilities for adult offenders. The Department of Youth Services provides nearly 100 percent of the operational costs of the 12 CCFs. These facilities are used to treat lower-level felony delinquent youth who otherwise would be committed to an ODYS operated facility. Each CCF includes basic programs such as education, job training and substance abuse counseling, and encourages family involvement in all phases of programming.

Juvenile Community Correctional Facilities in Ohio				
Facility	Bed Capacity	Male/ Female	Programming and Specialized Services	Average Length of Stay
Butler County Juvenile Rehabilitation Center	46	Male	Sex offenders, substance abuse, abuse survivors	190 Days
Hocking Valley Community Residential Center	22	Male	Substance abuse, sex offenders, anger management, communication skills, thinking errors	6 Months
Juvenile Residential Center of Northwest Ohio	42	Male	Sex offenders	6 Months
Lucas County Youth Treatment Center	44	Male and Female	Criminal thinking error correction, behavior and feelings management, alcohol and drug abuse	12 Months
Miami Valley Juvenile Rehabilitation Center	30	Male and Female	All	4–12 Months
Montgomery County Center for Adolescent Services	50 – 55	Male and Female	Behavior modification, alcohol and drug abuse	6–9 Months
Multi-County Juvenile Attention System	24	Male	Mild sexual offenders, behavior modification	180 Days
North Central Ohio Rehabilitation Center	20	Male	Behavior modification, alcohol and drug abuse	6–9 Months
Northern Ohio Juvenile Community Correctional Facility	30	Male	Drug and alcohol, sex offenders	5–7 Months
Oakview Group Home	10	Male	Alcohol and drug abuse	6–8 Months
Perry/Multi-County Juvenile Facility	10	Male	Behavior modification	6 Months
West Central Juvenile Rehabilitation Center	36	Male	Sexual offenders, drug and alcohol abuse	6 Months

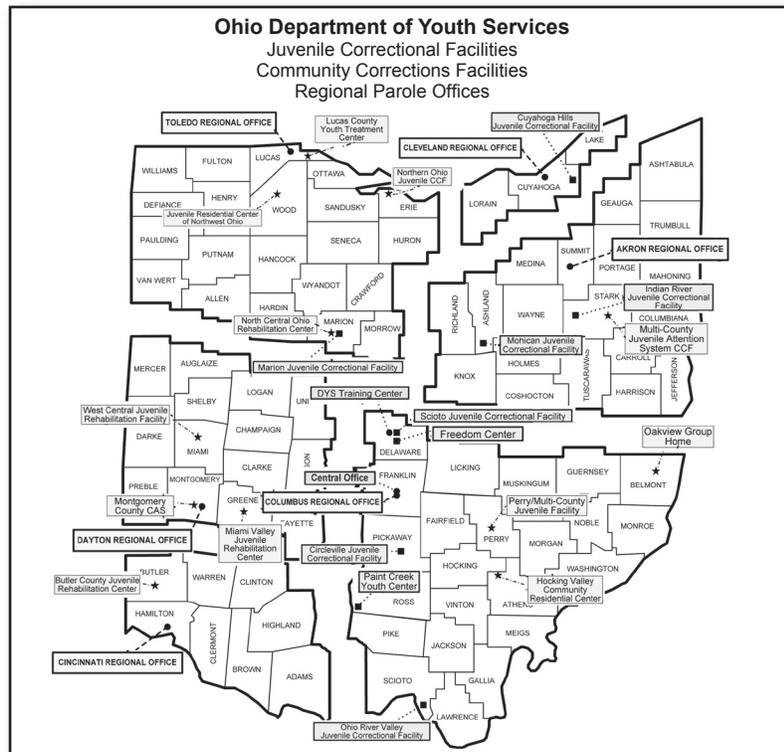
Source: Ohio Department of Youth Services

In 2005, there were 513 youth served through CCFs across Ohio, and in the first half of 2006, an additional 554 were served. A recent study found that the costs associated with placement in a CCF was estimated at \$29,992 per youth versus \$1,960 per youth for RECLAIM and \$51,217 per youth for institutional commitment.⁹⁷



Source: Ohio Department of Youth Services

The University of Cincinnati conducted a comprehensive evaluation of Ohio community correctional facilities in 2005 to examine the recidivism rates of youth served through CCFs. The study examined the recidivism rates of the 348 offenders served through the 10 CCFs included in the study. The study found that lower-risk offenders performed worse when placed in CCF or ODYS facilities when compared to lower-risk offenders placed in RECLAIM programs. Conversely, the study concluded that the very high-risk offenders performed better when placed in CCF or ODYS facilities than in RECLAIM programs.⁹⁸



Source: Ohio Department of Youth Services

State Juvenile Correctional Facilities

State juvenile correctional facilities are secure institutions supported by state revenues. Most commitments to ODYS state correctional facilities are offenders committed for the first time on the instant offense. In 2006, there were 3,071 juvenile offenders served through ODYS. The typical ODYS juvenile offender has an average of 1.3 stays at any one of the ODYS institutions, and an average length of stay of 15.5 months (480 days). The average cost per day per inmate is \$158.

Department of Youth Services Juvenile Correctional Centers in Ohio				
Institution	Year Built	Security Level	Bed Capacity	2005 Average Daily Population
Circleville Juvenile Correctional Facility	1994	Min to med	144	214
Cuyahoga Hills Juvenile Correctional Facility	1969	Min to med	274	246
Freedom Center	1956	Min to med	24	21
Indian River Juvenile Correctional Facility	1973	Min to close	238	218
Marion Juvenile Correctional Facility	1999	Min to max	348	262
Mohican Juvenile Correctional Facility	1935	Min to med	168	165
Ohio River Valley Juvenile Correctional Facility	1996	Min to close	396	283
Scioto Juvenile Correctional Facility	1994	Min to close	239 (m) 165 (f)	169 males 101 females
Paint Creek Youth Center	1986	Medium	25*	25

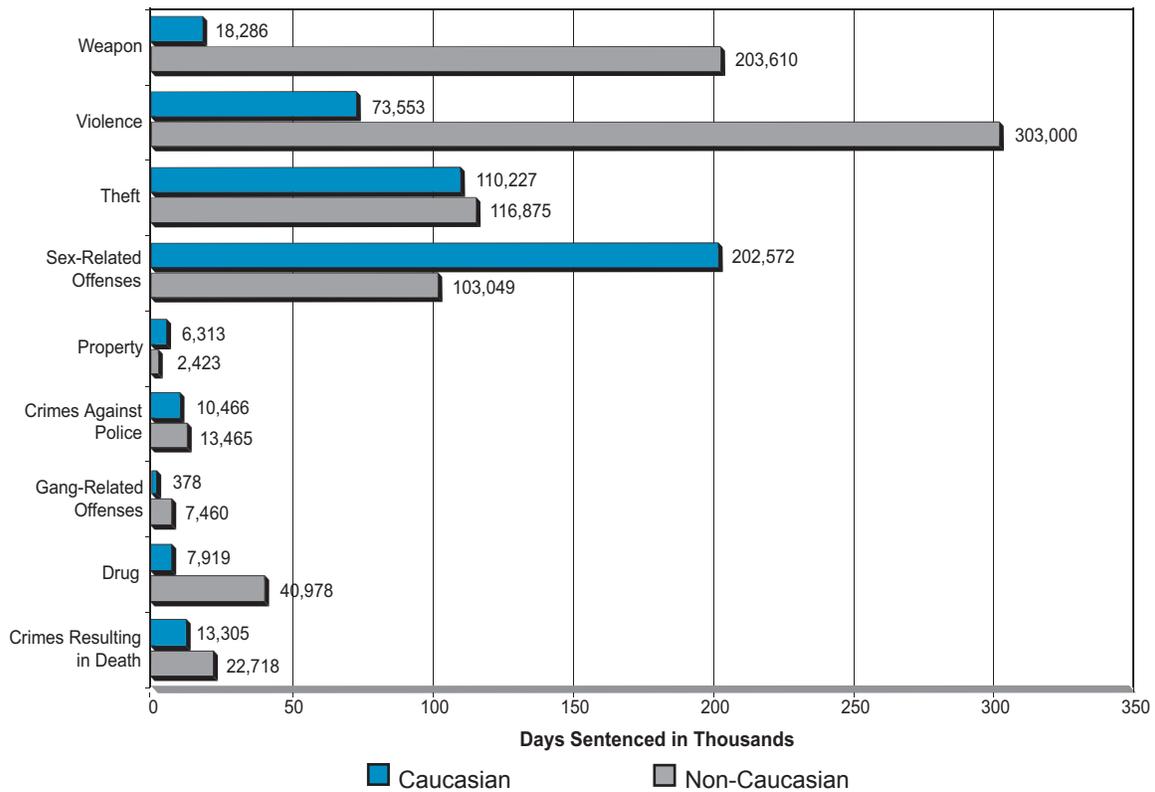
* Contract is for 25 beds with provider.

Source: Ohio Department of Youth Services

In 2005, 1,431 youth were committed to an ODYS facility for committing 2,227 felony offenses. The total admissions increased to 1,855 youth when revocations were included. The majority of ODYS commitments involved males (1,732, or 93 percent) with serious felony offenses. Fifty-eight percent of all juvenile commitments were African-American, 37 percent were Caucasian, 3 percent were Hispanic, and 2 percent were categorized as other. The average age of youth currently serving time in any ODYS institution is 17.7 years, a dramatic increase from 16.2 years reported in 2003.⁹⁹

As of January 2007, the total number of days to be served by offenders currently serving time in an ODYS facility was 1,248,676 days. The number of days to be served by non-Caucasian offenders was 805,659, or 65 percent of the total number of days to be served, while Caucasian offenders were sentenced to serve 443,011 days, or 35 percent of the total number of days to be served.

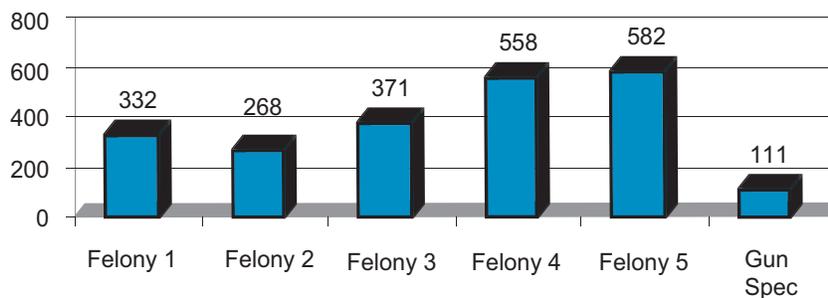
ODYS Total Number of Days Sentenced by Race and Offense*



* Total number of days calculated and distributed in the virtually exclusive categories reflected above.
 Source: Ohio Department of Youth Services

Juveniles committed to ODYS must be adjudicated of an offense that would be a felony if committed by an adult. The majority of offenders are adjudicated for fourth- and fifth-degree felony offenses. While most youth committed to ODYS facilities are property offenders, commitments for offenses against persons and sex offenses have increased since 1997.

2005 ODYS Offenses by Felony Level



Source: Ohio Department of Youth Services

Ohio Comparison of Youth Arrested to Youth Committed to ODYS by Most Serious Offense Category		
Committing Offense	Arrested*	Committed to ODYS**
Homicide offenses		
Murder/attempted murder/ complicity to murder***		6
Voluntary manslaughter		5
Aggravated vehicular homicide		2
Total	13	13
Sex offenses		
Rape/complicity to rape	153	102
Attempted rape		8
Gross sexual imposition		61
Other sex offenses	354	6
Total	507	177
Person offenses		
Felonious assault		91
Aggravated assault	694	21
Assault	6,821	63
Aggravated robbery		110
Robbery	528	85
Domestic violence		30
Other person offenses	1,412	6
Total	9,455	406
Property offenses		
Vandalism	2,232	16
Aggravated burglary		15
Burglary	2,069	191
Breaking and entering		42
Theft	6,857	153
Unauthorized use of motor vehicle/ Motor vehicle theft	887	2
Receiving stolen property	1,104	137
Other property offenses	427	4
Total	13,576	560
Drug offenses		
Possession of drugs	3,124	79
Trafficking drugs	387	46
Drug abuse	3,643	6
Other drug offenses	3,340	9
Total	10,494	140
Other offenses		
Escape/fleeing		42
Carrying a concealed weapon		43
Arson/aggravated arson	212	17
Remaining offenses	17,191	32
Total	17,403	135
Revocations/readmissions for violations	n/a	424
Grand total	51,448	1,855

* As reported to the FBI and included in the *Uniform Crime Reports*.

** Excludes those who are committed for violations or revocations.

*** Refers to all youth committed for Murder (Ohio Revised Code Section 2903.02), regardless of felony degree.

Juvenile Sex Offenders in Ohio

The effective treatment and supervision of sex offenders is receiving a significant amount of attention. This is in part due to the Adam Walsh Child Protection and Safety Act. The bill establishes a National Sex Offender Registry, creates mandatory minimums for federal crimes of violence against victims under 12 years of age, increases penalties for sex offenders, provides more resources to enforce sexual exploitation laws, and provides more tools to prosecute accused sex offenders. The provisions of the federal legislation require that states update their current state law to bring it in line with the federal mandates.

Juvenile sex offenders have become a growing population of the ODYS population. In 2005, there were 671 sex offenders in ODYS custody (448 in the institutions and 223 on parole). These numbers are reflective of only those youth sent to ODYS for a sexually related offense. This number does not reflect those youth who may have perpetrated sex offenses in their past but were committed to a DYS institution for a non-sexual offense. ODYS estimates that 7 to 8 percent of the offenders in sex offender programming within the ODYS institutions were not committed to DYS for sex-related crimes. The following table illustrates the commitments to ODYS for sexually related offenses.

2005 ODYS Sex Offender Commitments by Offense Type		
Type of Offense	Within Institution	On Parole
First-degree felony		
Rape (attempted, committed, complicity)	225	110
Aggravated arson	1	0
Aggravated burglary	1	0
Kidnapping for special purpose	2	2
Second-degree felony		
Rape (attempted, committed, complicity)	18	8
Robbery	1	0
Felonious assault	1	0
Illegal use of minor in nudity-oriented material/pandering	1	1
Third-degree felony		
Rape	1	0
Gross sexual imposition/sexual battery	114	67
Abduction/escape	2	0
Felonious assault/robbery	2	2
Fourth-degree felony		
Gross sexual imposition/importuning/pandering /sexual battery/ solicitation of person under 13	51	29
Aggravated assault	0	1
Drug-related charges	2	0

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Fourth-degree felony continued:

Arson/domestic violence	2	0
Receiving stolen property	3	0
Fifth-degree felony		
Domestic violence/assault/physical harm	4	1
Gross sexual imposition	9	2
Weapons charges	3	1
Breaking and entering/receiving stolen property	2	1

Source: Ohio Department of Youth Services

The management of juvenile sex offenders is based roughly on the research gathered from the adult counterparts. Research conducted on adult sex offenders found that assessment of sex offenders when they enter the criminal justice system, development and implementation of effective treatment programs for sex offenders while they are institutionalized, and close supervision of sex offenders when they are released back into the community have all proven effective strategies in containing sex offender behavior.

Institutional Programming

While placed in secure care facilities, youth are provided with a variety of programs and treatment options that are aimed at addressing the risk factors that led to their involvement in the juvenile justice system. The youth are provided with educational, vocational, mental health, sex offender, gender specific, substance abuse, medical, victim awareness, and aftercare/re-entry services.

Chartered by the state, ODYS operates a school district that requires attendance by all incarcerated youth with the exception of those who already hold high school or General Education Diplomas (GEDs). The school offers core credits needed for graduation and remedial programs. ODYS also provides a wide range of vocational job skills training at its various institutions, including horticulture, barbering, printing, and office technology.

During the 2005-2006 school year, there were 2,918 youth enrolled in the ODYS schools. Forty-six percent of the students enrolled were identified as in need of special education services. In 2005, 1,040 youth received Title I services (i.e., special education). Of the special education population, approximately 50 percent of the youth were identified as emotionally disturbed, 23 percent had a specific learning disability, 20 percent were identified as cognitively disabled, and the remaining 7 percent were distributed amongst the other special education categories.

Of those youth who were enrolled in the ODYS schools during the 2005-2006 school year, 329 youth obtained their GEDs and 45 earned their diploma. In addition, 1,806 students participated in career tech programming, and 918 students took one of the Ohio State Achievement Tests (sixth-, seventh-, eighth-grade or the Ohio Graduation Test). Of those students taking the test, 385 students passed at least one section.

One of the most challenging issues confronting juvenile justice today is providing services to youth who suffer from mental illness. Studies have found that youth in the juvenile justice system experience substantially higher rates of mental health disorders than youth in the general population. In fact, some researchers have concluded that the correctional institutions have once again become surrogate mental hospitals (*Cocozza, 2000*).¹⁰⁰ The major conclusion drawn from a review of 34 studies (*Otto et al., 1992*)¹⁰¹ found that mental illness prevalence rates in adult corrections populations are two to four times higher than the rates in the general adult population (*Teplin, 1990*).¹⁰²

Examination of the impact of serving mentally ill youthful offenders is important because without the necessary treatment, juvenile offenders with mental health needs are more likely to re-offend and return to the juvenile justice system. Some youth are caught in a cycle of needing mental health services, entering the juvenile justice system and receiving assistance, then being released without access to the necessary community mental health services for continued treatment. According to a 1999 study by the Bureau of Justice Statistics, 79 percent of mentally ill offenders sentenced to jail had prior offenses, compared to 72 percent of non-mentally ill offenders. During this same period, 57 percent of mentally ill offenders on probation had prior offenses, compared to 46 percent of non-mentally ill offenders.

A large percent of youth committed to ODYS have a history of mental health treatment or receive treatment from ODYS. 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 found that

86 percent of females and 27 percent of males had significant mental health symptoms. Another 1997 sample taken from Scioto's Juvenile Correctional Facility 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 ODYS facilities were on its mental health caseload to receive psychiatric and/or psychological care and follow-up.

All ODYS facilities employ full-time psychology staff and contract for psychiatric services. Juvenile offenders diagnosed with severe mental illnesses are housed in the 12-bed intensive mental health unit at the Marion Juvenile Correctional Facility or are 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.

Mental health services demand a significant amount of ODYS resources. The amount of resources expended to treat these youth is much greater than most people realize. In a one-year period, 20,063 prescriptions and refills were allocated to treat juvenile offenders.¹⁰³ The total amount of resources spent on the prescriptions and refills in a one-year period was \$1,391,918.

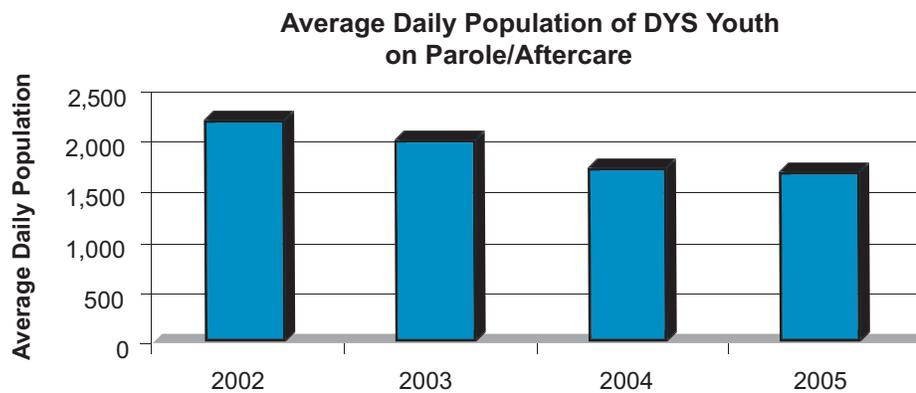
State Pharmacy Medication Cost in 2005		
ODYS Facility	Total Prescriptions/ Refills	Total Cost
Cuyahoga Hills Juvenile Correctional Facility	2,318	\$135,531.27
Psychotropic	454	\$29,885.77
Not psychotropic	1,864	\$105,645.50
Circleville Juvenile Correctional Facility	2,826	\$168,221.11
Psychotropic	1,253	\$84,231.28
Not psychotropic	1,573	\$83,989.83
Mohican Juvenile Correctional Facility	2,082	\$96,573.84
Psychotropic	666	\$34,125.27
Not psychotropic	1,416	\$62,448.57
Indian River Juvenile Correctional Facility	2,187	\$168,171.85
Psychotropic	948	\$96,115.83
Not psychotropic	1,239	\$72,056.02
Ohio River Valley Juvenile Correctional Facility	4,176	\$293,282.54
Psychotropic	1,824	\$160,495.79
Not psychotropic	2,352	\$132,786.75
Scioto Juvenile Correctional Facility - Females	3,158	\$226,891.14
Psychotropic	1,478	\$137,626.32
Not Psychotropic	1,680	\$89,264.82
Scioto Juvenile Correctional Facility - Males	3,316	\$303,246.52
Psychotropic	1,449	\$191,803.98
Not Psychotropic	1,867	\$111,442.54

Source: Ohio Department of Youth Services

Ohio is developing community-based options for mentally ill juvenile offenders. 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 ODYS are placed on aftercare and supervised by parole officers. ODYS coordinates parole services from six regional sites throughout Ohio: Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo. On average, there were 1,662 youth on parole in FY 2005.



Source: Ohio Department of Youth Services

Successful reentry of offenders is a key component of the juvenile justice continuum. Virtually all the youth in the custody of ODYS eventually return to his or her home community. To increase the chance for successful transition to occur, the department relies upon a number of collaborations with community partners, including behavioral health providers, law enforcement, courts, Alcohol, Drug and Mental Health Services (ADAMHS) Boards, employment specialists, volunteers and more. At the state level, ODYS has regular interaction with the departments of Mental Health, Alcohol and Drug Addiction Services, and Job and Family Services to help in the mission of rehabilitating youthful offenders.

In 2005, there were 1,479 juvenile offenders released back into their home communities. The average age of the youth discharged was 18.3 years.

2005 ODYS Discharges			
Discharge Type	No. of Cases	Percent of Total*	Average Age
Aged out (reached age 21)	95	6%	21.0
Commitment order retracted	10	<1%	17.5
Court-ordered termination of parole	219	15%	18.4
Deceased	6	<1%	18.5
Custody of ODRC/county/local jurisdiction	328	22%	18.5
Reversal of sentence	6	<1%	17.3

Table continued on next page:

“Discharges” table continued:

Judicial release to parole	64	4%	17.7
Judicial release to probation	67	5%	16.3
Medical	2	<1%	18.5
Other/special	11	<1%	18.5
Prior to projected discharge date	83	6%	17.9
Regular	555	38%	17.9
Transferred custody	8	<1%	17.8
Whereabouts unknown	25	2%	21.0

* Totals >100 percent due to rounding.

Source: Ohio Department of Youth Services

In 2003-2004, Dayton and Toledo were awarded initial demonstration grants through OJJDP to help local courts and communities develop programmatic continuums of immediate, intermediate, secure care, and reentry sanctions for youth who have been referred to the juvenile court.

Recidivism of Juveniles Committed to ODYS

Half of youth committed to ODYS recidivate within three years. Since its inception, one of the goals of juvenile justice has been to reduce the likelihood that youth will end up back in the justice system. Previously the adult and juvenile correctional systems have operated in parallel, but not necessarily in tandem. With greater emphasis placed on the sharing of information, there has been a push to begin exploring criminological questions that span the two systems. One such question researchers were interested in is where youth go when they are released from a juvenile facility. Three years ago, ODYS partnered with the ODRC to examine what happens to youth who have been in an ODYS facility once they are released.

In March 2006, the ODYS Division of Parole and Community Services Bureau of Subsidies released an initial report from their three-year examination of the recidivism rates of youth released from juvenile correctional facilities of ODYS. Recidivism for purposes of this particular study was defined as only those who were returned to ODYS or who were incarcerated in ODRC, within one, two, and three years of release from an ODYS facility. Readmission to ODYS could be either by a new felony commitment or a revocation of parole. Highlights of the study found:

- **One-year recidivism.** Of the 2,088 youth released from DYS facilities during 2004, 30 percent either returned to ODYS or were admitted to ODRC within one year of their release date. This compares to 31 percent of those released in 2003, and 31 percent of 2002 releases.
- **Two-year recidivism.** Of the 2,154 youth released during 2003, 43 percent recidivated within two years of their release date. This compares to 43 percent of those released in 2002.
- **Three-year recidivism.** Of the 2,423 youth released in 2002, half (50 percent) recidivated within three years of their release date.

- ODYS returns versus ODRC admissions.** The number of youth who recidivated and returned to ODYS facilities was greater than the number admitted to adult prisons. For 2004 releases, 24 percent returned to ODYS within one year, while 5 percent were admitted to ODRC facilities. This gap closes over time, however, as ODYS returns slow down and ODRC admissions increase. For youth released in 2002, 29 percent had returned to ODYS, while 20 percent had been admitted to ODRC.
- Males versus females.** The recidivism rate for males was higher than that for females. The gap grew even larger over time, with the recidivism rate after three years at 51 percent for males and 35 percent for females. While the rates for males have been somewhat consistent, there is the start of a decreasing trend worth noting for females (one-year rates decreased from 30 percent to 27 percent to 24 percent in successive years).
- Racial differences.** African-American youth had higher rates of recidivism than Caucasian youth. For one-year recidivism, it was around seven percentage points higher, for two-year recidivism, it was around nine percentage points higher, and for three-year recidivism, it was nearly 14 percentage points higher.

Recidivism Rates by Release Year, Time, and Type					
	Revoked	DYS Felony	Total ODYS Return	ODRC Admits	Total Returned to ODYS or Admitted to ODRC
2005 Releases					
One-year recidivism	17%	7%	24%	6%	30%
2004 Releases					
One-year recidivism	18%	7%	24%	5%	30%
Two-year recidivism	20%	8%	28%	16%	45%
2003 Releases					
One-year recidivism	19%	7%	26%	5%	31%
Two-year recidivism	20%	9%	29%	14%	43%
Three-year recidivism	20%	9%	30%	21%	51%
2002 Releases					
One-year recidivism	17%	8%	25%	6%	31%
Two-year recidivism	19%	9%	29%	15%	43%
Three-year recidivism	20%	10%	29%	21%	50%

* Numbers may not total to 100 percent due to rounding.
 Source: Ohio Department of Youth Services

Recidivism Rates by Release Year and Demographics						
	One-year Recidivism			Two-year Recidivism		Three-year Recidivism
	2002	2003	2004	2002	2003	2002
Gender						
Male	31%	32%	30%	44%	44%	51%
Female	30%	27%	24%	34%	29%	35%
Race						
African-American	34%	34%	33%	48%	48%	57%
Caucasian	29%	29%	26%	38%	39%	43%
Hispanic	21%	26%	23%	36%	34%	42%
Biracial	29%	29%	31%	44%	39%	50%
Other	39%	25%	19%	29%	25%	69%
Age						
12	0%	100%	0%	0%	100%	25%
13	36%	54%	42%	46%	69%	55%
14	40%	48%	46%	51%	60%	58%
15	52%	42%	52%	63%	58%	65%
16	44%	47%	43%	55%	55%	59%
17	29%	33%	30%	39%	43%	47%
18	18%	16%	17%	26%	31%	44%
19	16%	19%	13%	28%	31%	34%
20	15%	8%	9%	20%	17%	24%
21	5%	13%	9%	23%	38%	27%

Source: Ohio Department of Youth Services

Endnotes

Endnotes

¹ *Supplemental Homicide Report* provides detailed information on murder victims, offenders, victim-offender relationship, weapon used, and circumstances surrounding the incident. There are instances in which not all information about an incident is recorded by law enforcement, such as an offender's age or the relationship between victim and offender, however. The data provided in this report is based on incidents for which complete information was provided.

² The victim-offender relationship data is for cases where the relationship is known. For this dataset, 42 percent of victim-offender relationships were known.

³ Intimate is defined here as a family member such as a husband, wife, common-law husband or wife, or a non-family member such as a boyfriend, girlfriend, homosexual partner, ex-husband, or ex-wife.

⁴ Strangulation is not considered a subset of personal weapons under the FBI's classification of types of weapons.

⁵ Kilpatrick, D.G. and Ruggiero, K.J. (2004). *Making Sense of Rape in America: Where do the numbers come from and what do they mean?*

⁶ Egley, A., and Christina E. Ritz (2006). *Highlights of the 2004 National Youth Gang Survey*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

⁷ *2005 National Gang Threat Assessment*. National Alliance of Gang Investigators Associations, (2006).

⁸ FBI 2004 Ohio Tables.

⁹ Snyder, H.N., and Sickmund, M. (2006). *Juvenile Offenders and Victims: 2006 National Report*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

¹⁰ *State of Ohio Profile of Drug Indicators, 2006*. Office of National Drug Control Policy.

¹¹ Examples of restorative practices abound in history, but it was not until the mid-1970s that the thinkers in the restorative justice movement began to formalize the concept as a well-discerning theory.

¹² *Restorative Justice On-Line Notebook*, <http://www.ojp.usdoj.gov/nij/publications/rest-just/>. Dr. Mark Umbreit, professor at the University of Minnesota, developed this working definition of restorative justice to explain a very complex approach, where the crime victim, offender, and the community stand in a "leveled playing field" to engage in a conversation to heal the wound made by the crime.

¹³ "Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the General Assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right

guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.” Article I §10a, Constitution of the State of Ohio.

¹⁴ See <http://www.ovwa.org/> for other information and analysis of Ohio crime victims’ rights.

¹⁵ Participation in OIBRS is voluntary; thus, the data represent only a portion of the Ohio population. The data are not meant to be representative of the entire state.

¹⁶ State-Level Homicide Trends and Characteristics, Bureau of Justice Statistics, <http://bjsdata.ojp.usdoj.gov/dataonline/Search/Homicide/State/StatebyState.cfm>

¹⁷ 18 U.S.C. § 1589-1594; this act has been subsequently expanded and funding reauthorized as recently as 2006.

¹⁸ *Report on Activities to Combat Human Trafficking Fiscal Year 2001-2005*, U.S. Department of Justice, (2006).

¹⁹ *Assessment of U.S. Government to Combat Trafficking in Persons in FY 2005*, U.S. Department of Justice, (2006).

²⁰ Ohio Revised Code sections 2743.51 to 2743.72.

²¹ *Ohio Attorney General’s Crime Victims Section Annual Report for 2006*.

²² *Victim-Centered VOD, JUST Alternatives*, <http://www.justalternatives.org/vodsevere.html>. See also Umbreit, Mark S. and Jean Greenwood. *Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice Through Dialogue, April 2000*, http://www.ojp.usdoj.gov/ovc/publications/infores/restorative_justice/restorative_justice_ascii_pdf/ncj176346.pdf.

²³ Lab, S.P. (1984). “Police Productivity: The other eighty percent.” *Journal of Police Science and Administration*, 12, 297-302.

²⁴ “Exceptional means” refers to those instances in which law enforcement could identify the perpetrator, but was unable to make an arrest due to circumstances beyond their control, such as the death of the suspect.

²⁵ Unless otherwise indicated, arrest data come from the 2005 FBI Ohio Tables.

²⁶ Across all crimes, other races never made up more than one percent of arrestees, so they are not reported here.

²⁷ Participation in OIBRS is voluntary; thus, the data represent only a portion of the Ohio population. The data are not meant to be representative of the entire state.

²⁸ NSDUH Report (2005). *Illicit Drug Use Among Persons Arrested for Serious Crimes*. Office of Applied Studies, Substance Abuse and Mental Health Services Administration.

²⁹ Illicit drug refers to marijuana, cocaine, crack, inhalants, hallucinogens, heroin, or prescription-type drugs used non-medically.

- ³⁰ Zhang, Zhiwei. *Drug and Alcohol Use and Related Matters Among Arrestees 2003*. Developed for the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice by the National Opinion Research Center.
- ³¹ James, Doris J., and Lauren E. Glaze (2006). *Mental Health Problems of Prison and Jail Inmates*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ³² President's New Freedom Commission on Mental Health (2003). *Achieving the Promise: Transforming Mental Health Care in America*. Retrieved August 10, 2003 from the World Wide Web: <http://www.mentalhealthcommission.gov/reports/FinalReport/FullReport-03.htm>.
- ³³ Abram, K.M. and L.A. Teplin (1991). "Co-occurring Disorders Among Mentally Ill Jail Detainees: Implications for Public Policy." *American Psychologist*, 46(10), 1036-1045.
- ³⁴ Ditton, P.M. (1999). *Mental Health and Treatment of Inmates and Probationers*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ³⁵ The Sentencing Project (2002). *Mentally Ill Persons in the Criminal Justice System: An Analysis and Prescription*.
- ³⁶ *Felony Defendants in Large Urban Counties, 2002*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (2006).
- ³⁷ R.C. Bland, Newman, S.C., Dyck, R.J. and Orn, H. (1990). "Prevalence of psychiatric disorders and suicide attempts in a prison population." *Canadian Journal of Psychiatry*, 35(5), 407-413.
- ³⁸ L.M. Hayes (1992). "Can jail suicide be prevented?" *Crisis*, 13(2), 60-62.
- ³⁹ Ohio Revised Code Section 1907.01.
- ⁴⁰ Ohio Revised Code Section 2929.20 describes how and when judicial release may be used.
- ⁴¹ Ohio Revised Code Section 2929.11(A).
- ⁴² See *Apprendi v. New Jersey*, 530 U.S. 466 (2000); *Blakely v. Washington*, 542 U.S. 296 (2004); *U.S. v. Booker*, 543 U.S. 220 (2005); *State v. Foster*, 109 Ohio St.3d 1 (2006); and *State v. Mathis*, 109 Ohio St.3d 54 (2006).
- ⁴³ 109 Ohio St.3d 1 (2006).
- ⁴⁴ Wexler, David and Winick, Bruce J. *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.
- ⁴⁵ Shaffer, Deborah Koetzle et al, *A Description of Ohio's Drug Courts*, Center for Criminal Justice Research, University of Cincinnati, March 2001.
- ⁴⁶ Latessa, Edward J. et al, *Evaluation of Ohio's Drug Courts: A Cost-Benefit Analysis*, University of Cincinnati (2005).
- ⁴⁷ Ritter, Christian et al, *Consequences of Mental Health Court*, Kent State University (2005).
- ⁴⁸ Ohio Revised Code Chapter 309.

⁴⁹ DeFrances, Carol. *Prosecutors in State Courts, 2001*, Bureau of Justice Statistics (BJS), May 2002. A state-specific survey of prosecutors has not been conducted since 2001. However, BJS has conducted other nationally representative samples of prosecutors, including a 2005 survey.

⁵⁰ According to BJS' 2001 prosecutors survey, the population size of nine out of 13 counties employing a part-time chief prosecutor was 50,000; three counties employing a part-time chief prosecutor have a population between 60,000 and 90,000; and, one rural county employing a part-time chief prosecutor has a medium-size population.

⁵¹ Perry, Steven W. *Prosecutors in State Courts, 2005*. Bureau of Justice Statistics, July 2006. Unlike the survey conducted in 2001, this survey did not collect state-specific data.

⁵² *Id.*

⁵³ DeFrances, Carol. *Prosecutors in State Courts, 2001*, Bureau of Justice Statistics, May 2002.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Ohio Revised Code sections 120.06 and 120.16.

⁵⁷ Cannon 7, Ohio Code of Professional Responsibilities.

⁵⁸ Administrative Code 120-1-03.

⁵⁹ *Id.*

⁶⁰ Ohio Revised Code Section 120.18.

⁶¹ Ohio Rules of Criminal Procedure 5(A).

⁶² Ohio Rules of Criminal Procedure 6.

⁶³ Ohio Rules of Criminal Procedure 17.1.

⁶⁴ Ohio Rules of Criminal Procedure 32.2.

⁶⁵ Courts Summary, Supreme Court of Ohio, 1999-2005, <http://www.sconet.state.oh.us/publications/default.asp>.

⁶⁶ *Id.*

⁶⁷ Ohio Revised Code Section 2930.08.

⁶⁸ Ohio Revised Code Section 2313.06.

⁶⁹ Ohio Revised Code Section 2313.21.

⁷⁰ Ohio Rules of Criminal Procedure 24(B); Ohio Revised Code Section 2945.25.

⁷¹ Ohio Rules of Criminal Procedure 24(C); Ohio Revised Code Section 2945.21.

⁷² Ohio Rules of Criminal Procedure 23(B).

⁷³ Ohio Revised Code Section 2313.34(B)(1).

⁷⁴ Ohio Rules of Criminal Procedure 23(A); Ohio Revised Code Section 2945.05.

⁷⁵ Ohio Rules of Criminal Procedure 23(A); Ohio Rules of Criminal Procedure 2(C).

⁷⁶ Ohio Rules of Criminal Procedure 23(C).

⁷⁷ Ohio Revised Code Section 2945.02.

⁷⁸ The full report of the Ohio Racial Fairness Commission can be viewed at <http://www.sconet.state.oh.us/publications/fairness/fairness.pdf>.

⁷⁹ The *Racial Fairness Task Force Report* can be viewed at <http://www.sconet.state.oh.us/publications/fairness/Action-Plan-dev.pdf>. In Chapter 6, the task force offers an implementation plan that adopts the commission's recommendations concerning court interpreter services. Appendices III and IV propose model rules for court interpreter services.

⁸⁰ *Report on the Use of Interpreters in Ohio Courts*, Supreme Court of Ohio, February 2006.

⁸¹ *Probation and Parole in the United States, 1999 – 2005*, Bureau of Justice Statistics Bulletins.

⁸² *Prison and Jail Inmates Mid-Year 2005*, Bureau of Justice Statistics, May 2006.

⁸³ *ibid.*

⁸⁴ Ohio Department of Rehabilitation and Correction.

⁸⁵ Martin, Brian. *Ohio Prison Population Projections and Intake Estimates*, Bureau of Research, Ohio Department of Rehabilitation and Correction, October 2006.

⁸⁶ *ibid.*

⁸⁷ The Ohio Department of Rehabilitation and Correction annually collects detailed data on at least two months of intake to the state prison system. Over time, this data has been determined to be accurate for extrapolating to the full intake population.

⁸⁸ *Annual Survey of States*, Notification is Prevention Foundation, April 2006.

⁸⁹ Gustafson, Leona (2005). Ohio American Local History Network, http://homepages.rootsweb.com/~rocky/ohio_alhn/institutions.htm

⁹⁰ *Ibid.*

⁹¹ Friedman, L.M. (1993). *Crime and Punishment in American History*. New York: Basic Books, 163-165.

⁹² The *parens patriae* doctrine holds the government is the ultimate guardian of all people under a disability, especially children, whose care is only “entrusted” to their parents. Under this doctrine, in a divorce action or a guardianship application, the court retains jurisdiction until the child is 18 years old, and a judge may change custody, child support or other rulings affecting the child's well-being, no matter what the parents may have agreed or the court previously decided.

⁹³ Ironically, these very procedural safeguards paved the way for the juvenile court and the

juvenile justice system to evolve into something similar to the adult court and the adult criminal justice system, and continues to fuel the arguments in support of abolishing the two separate systems altogether. Proponents in favor of abolition of juvenile courts often reference the safeguards that were instilled to protect juveniles as evidence that two separate systems are merely an illusion.

⁹⁴ Unless otherwise indicated, all data from ODYS is fiscal year data.

⁹⁵ Sowards, B. (2006). *Racial Composition of Youth Committed to the Ohio Department of Youth Services: 1995 Through 2005*.

⁹⁶ Lowenkamp, C.T. and Latessa, E.J. (2005). *Evaluation of Ohio's RECLAIM-Funded Programs, Community Correctional Facilities, and ODYS Facilities*.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ As of March 2007, there were 3,293 youth serving time in an ODYS facility. Of the total number of youth, there are 2,316 youth ages 17 or older, bringing the average age of youth serving time to 17.7 years.

¹⁰⁰ Coccozza, J. and Skowrya, K. (2000). "Youth with Mental Health Disorders: Issues and Emerging Responses." Washington, D.C.: *OJJDP Journal* 7(1), 3-13.

¹⁰¹ Otto, R.K., J. Greenstein, M. Johnson and R. Friedman. (1992). Prevalence of mental disorders among youth in the juvenile justice system. In "Responding to the Mental Health Needs of Youth in the Juvenile Justice System," J.J. Coccozza (ed.). Seattle, WA: *The National Coalition for the Mentally Ill in the Criminal Justice System*, 7-48.

¹⁰² Teplin, L.A. (1990). "The Prevalence of Severe Mental Disorders Among Male Urban Jail Detainees: Comparison with the Epidemiological Catchment Area Program." *American Journal of Public Health*, 8(6), 663-669.

¹⁰³ This excludes the Marion and Freedom Center ODYS facilities as they do not use state funds to purchase prescriptions.

Acronyms

Acronyms That May Be Used in This Report

ADAM	Arrestee Drug Abuse Monitoring
ADAMH.....	Alcohol, Drug and Mental Health Services
ADP.....	Average Daily Population
APA	Ohio Adult Parole Authority
BCI&I	Bureau of Criminal Identification and Investigation, Ohio Attorney General’s Office
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
CIMS.....	Contact and Information Management System
CJIS.....	Criminal Justice Information System
COP.....	Community Oriented Policing
CIT	Crisis Intervention Teams
CY	Calendar Year
DARE.....	Drug Abuse Resistance Education
DEA	U.S. Drug Enforcement Administration
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
eOPOTA.....	Electronic Ohio Peace Officer Training Academy
eSORN	Electronic Sex Offender Registration and Notification
F-	Felony
FBI	Federal Bureau of Investigation
FVPSA	Family Violence Prevention and Services Act
FY	Fiscal Year (July 1 – June 30, in Ohio)
GED	General Education Development
HHS.....	U.S. Department of Health and Human Services

- HB Ohio House Bill
- IT Information Technology
- JAG Justice Assistance Grant
- JJ Juvenile Justice
- JJDP Juvenile Justice and Delinquency Prevention Act
- J-SORN Juvenile Sex Offender Registration and Notification
- LE Law Enforcement
- LEADS Law Enforcement Automated Data System
- LEOT Law Enforcement Officer’s Toolkit
- LERP Ohio Law Enforcement Response Plan
- LEP Limited English Proficient
- M- Misdemeanor
- NCVS National Crime Victimization Survey
- NSDUH National Survey on Drug Use and Health
- NGTA National Gang Threat Assessment
- NIBRS National Incident-Based Reporting System
- NIJ National Institute of Justice, Office of Justice Programs,
U.S. Department of Justice
- NIJJDP National Institute for Juvenile Justice and Delinquency Prevention
- NOVA National Organization for Victim Assistance
- NVAW National Violence Against Women Survey
- OCJS Ohio Office of Criminal Justice Services
- ODH Ohio Department of Health
- ODRC Ohio Department of Rehabilitation and Correction
- ODYS Ohio Department of Youth Services
- OIBRS Ohio Incident-Based Reporting System
- OHLEG Ohio Law Enforcement Gateway
- OJJDP Office of Juvenile Justice and Delinquency Prevention
- OLLEISN Ohio Local Law Enforcement Information Sharing Network
- OMVI Operating a Motor Vehicle While Intoxicated
- OPOTA Ohio Peace Officer Training Academy
- OPOTC Ohio Peace Officer Training Commission
- ORC Ohio Revised Code

OVC	Office of Victims of Crime, U.S. Department of Justice
POP	Problem Oriented Policing
PRC	Post-release Control
PSI.....	Pre-sentence Investigation
RECLAIM.....	Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors
SAIC	Ohio Strategic Analysis and Information Center
SB.....	Ohio Senate Bill
SEALE	Southeast Area Law Enforcement Narcotics Unit
SORN.....	Sex Offender Registration and Notification
SRO.....	School Resource Officer
SYO.....	Serious Youthful Offender
TFIS	Task Force Information System
TVPA	Trafficking and Violence Protection Act
UC.....	University of Cincinnati
UCR	Uniform Crime Report
VAWA	Violence Against Women Act
VOD	Victim-Offender Dialogues



TED STRICKLAND, GOVERNOR
HENRY GUZMÁN, DIRECTOR

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OHIO OFFICE OF CRIMINAL JUSTICE SERVICES
1970 W. BROAD ST.
COLUMBUS, OH 43223

www.ocjs.ohio.gov