



Ohio Criminal Justice Statistics



Office of Criminal Justice Services



**OHIO DEPARTMENT
OF PUBLIC SAFETY**
EDUCATION • SERVICE • PROTECTION

Foreword

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 part of its role in statewide criminal justice planning, OCJS is charged with the dissemination of information on criminal justice issues. *Ohio Criminal Justice Statistics* was created to provide Ohio's stakeholders with a snapshot of crime and justice trends from all components of the criminal justice system. It is our hope that this document will serve as a valuable tool for encouraging data-driven decision making to promote effective criminal justice policy.

Ohio Criminal Justice Statistics is divided into the following six chapters that reflect traditional movement across the justice system: crime and victims, law enforcement, arrestees, the court, corrections, and juvenile justice. Data was obtained from numerous state and federal sources which are cited throughout the chapters. Nearly all sources were available online. Readers are encouraged to refer to these sources as data are updated.

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Crime and Victims

Measuring Crime in the United States

Two programs currently exist to provide reliable uniform crime statistics for the nation: the FBI's Uniform Crime Reporting (UCR) Program, and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS). The UCR and NCVS programs are conducted for different purposes, use different methods, and focus on different aspects of crime, but together they provide a comprehensive picture of the state of crime in the nation.

The FBI's UCR Program provides a standardized way for law enforcement to voluntarily report their crime statistics. Crimes are classified into two categories: Part I crimes and Part II crimes. Because of their frequency and severity, the Part I crimes were chosen as the gauge of crime in the nation. Agencies report offense data based on the eight Part I crimes: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Agencies report arrest data for Part I and Part II offenses. In 2010, law enforcement agencies active in the UCR Program represented 97.4 percent of the total population.¹ In Ohio, 90 percent of the population actively reported data to the UCR Program.²

The National Crime Victimization Survey (NCVS) was designed to provide a detailed picture of crime incidents and victims. The survey collects data on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft, and motor vehicle theft. Data is gathered through in-person and telephone interviews with residents ages 12 or older living throughout the United States. While the UCR Program's objective is to provide a reliable set of criminal justice statistics for law enforcement administration, operation, and management, the NCVS was established to provide previously unavailable information about crime (including crime not reported to police), victims, and offenders.

Violent Crime

The FBI's UCR Program defines violent crime as being composed of four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. Violent crimes are defined as those involving force or threat of force.

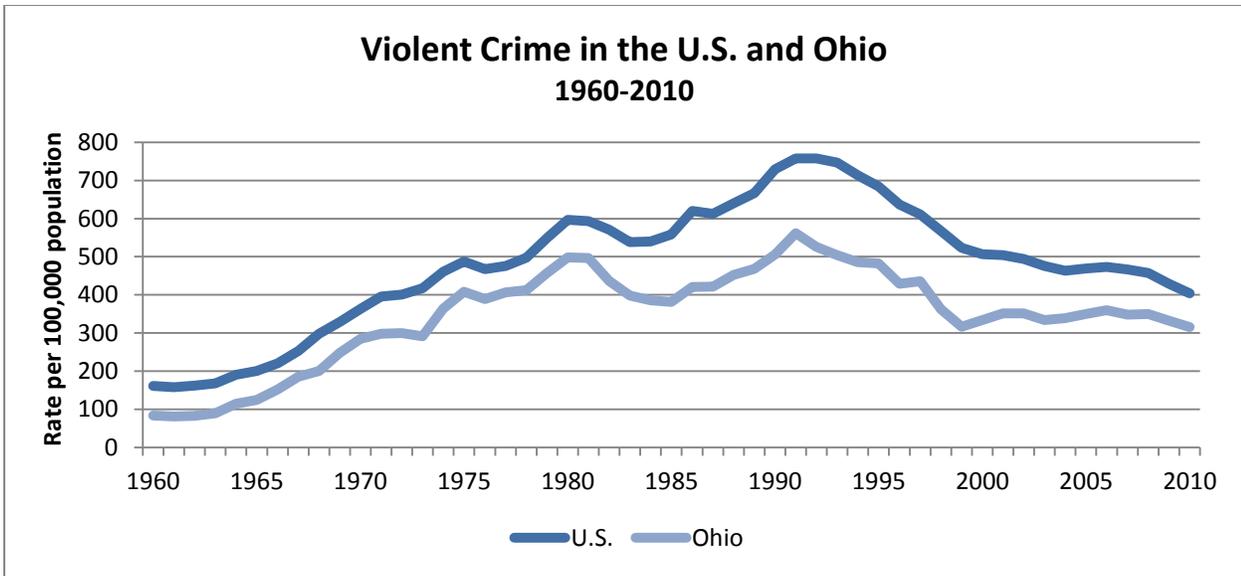
According to data from the FBI's UCR Program, violent crime in Ohio patterned similarly to that of the United States over the past several decades, although consistently at a lower rate.^{3,4} Violence peaked in the early 1990's, and then trended downward to its lowest point in over 30 years.

¹ Federal Bureau of Investigation, *Crime in the United States 2010*.

² Ohio Office of Criminal Justice Services, Ohio Incident-Based Reporting System (OIBRS).

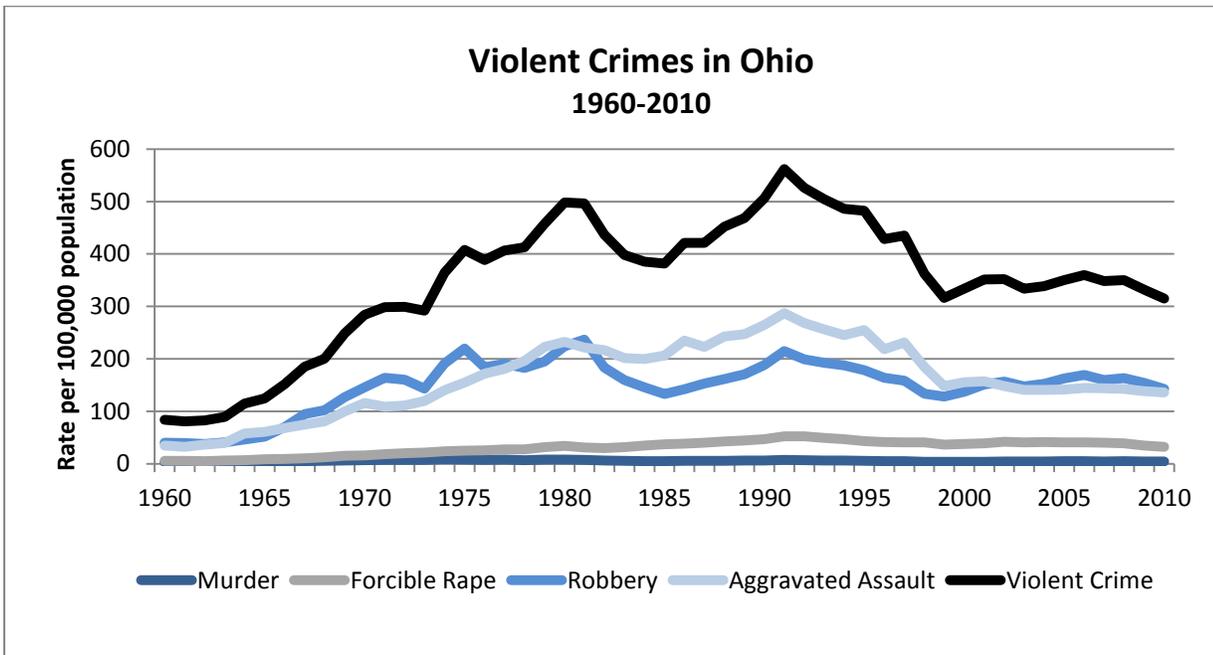
³ Federal Bureau of Investigation, Uniform Crime Reports data 1960-2009.

⁴ Federal Bureau of Investigation, *Crime in the United States 2010*.



Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data
 Source: Federal Bureau of Investigation, Crime in the United States 2010

Between 2001 and 2010, violent crime in Ohio decreased over 10 percent. Contributing to this overall decrease was an 18 percent decline in forcible rape, a 13 percent decline in aggravated assault, and a five percent decline in robbery during this same time period. Murders fluctuated from a low rate of 4.0 per 100,000 in 2001 to a high of 5.1 in 2005. In 2010, the murder rate was 4.1.



Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data
 Source: Federal Bureau of Investigation, Crime in the United States 2010

Murder

The UCR Program defines murder and nonnegligent manslaughter as the willful (nonnegligent) killing of one human being by another.

The murder rate in Ohio has averaged roughly 4.5 per 100,000 population over the past decade. In 2010, Ohio ranked 23rd lowest in the U.S. in murder rate. Law enforcement reported 476 murders in 2010. Ohio's three largest police departments—Cincinnati, Cleveland, and Columbus—accounted for 51 percent of these murder incidents.⁵

According to 2009 homicide data for Ohio⁶, males were more frequently the victims of murders, accounting for 78 percent of murders. This statistic mirrors that for the United States, where 77 percent of homicide victims were male.⁷ The median age of murder victims was 31 years, although the median age for males was 7.5 years younger than the median age for females. Sixty percent of murder victims were black and 40 percent were white. In the United States, the percentage of black and white victims was the same across race, at 48 percent each.⁸

Demographically, Ohio's murder offenders were similar to Ohio's murder victims. In 2009, male offenders outnumbered female offenders by 7.5 to 1. The median age of murder offenders was 25 years. The median age for males was also 25 years, which was 3.5 years younger than the median female offender age of 28.5. Sixty-four percent of murder offenders were black, and 36 percent were white.

The majority of murder victims knew their offender, either as a family member, an acquaintance, or an intimate partner. Clear patterns of gender and racial relationships are also found between victims and their offenders.

Relationship between Victim and Offender in Ohio 2009		
	Female offender	Male offender
Female victim	15%	85%
Male victim	10%	90%
	Black offender	White offender
Black victim	92%	8%
White victim	28%	72%

Source: Federal Bureau of Investigation, Supplementary Homicide Report data, 2009

Ninety-two percent of murder incidents involved a single victim, and of these, another 52 percent involved a single offender. Of the single victim – single offender incidents that occurred in Ohio in 2009 for which relationship data were known, the overwhelming proportion of offenders were known to the victim.

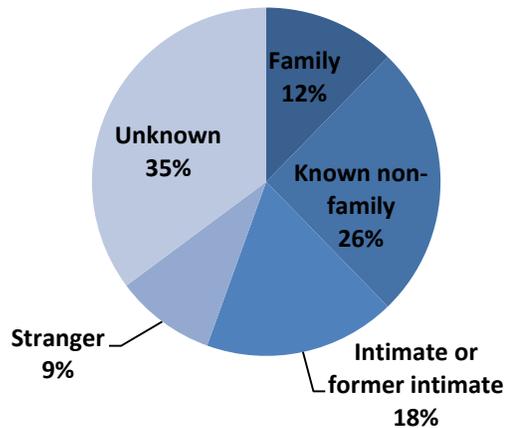
⁵ Ibid.

⁶ Federal Bureau of Investigation, Supplemental Homicide Report data, 2009.

⁷ Federal Bureau of Investigation, *Crime in the United States 2009*.

⁸ Ibid.

Victim-Offender Relationship Single Victim-Single Offender Data



Source: Federal Bureau of Investigation, Supplementary Homicide Report data, 2009

The victim knowing the offender was especially true for female victims. Only six percent of females were murdered by someone identified as a stranger, compared to 20 percent of male victims. Additionally, 60 percent of females were murdered by an intimate or former intimate partner, in contrast to 13 percent of males.

Firearms were the leading weapon identified in homicide incidents, making up 63 percent of all identified weapons. Eight percent of weapons used in homicides fell under the category 'personal weapons', which includes beatings using hands, feet or fists. Eleven percent of homicides involved knives or cutting instruments. Fifteen percent of homicides were due to other or unknown weapons.

Differences in weapon usage emerge as a function of gender. Sixty-eight percent of male offenders used a firearm to commit homicide, as opposed to 28 percent of females. Knives or cutting instruments were used by a higher percentage of females than males, although the overall number of homicides committed by females using these weapons remains low.

Forcible Rape

The UCR Program defines forcible rape as the carnal knowledge of a female forcibly and against her will. Assaults and attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.

The rate of forcible rapes increased steadily from the 1960's through the late 1980's and early 1990's in both Ohio and the United States. Ohio's forcible rape rate surpassed that of the United States in 1985, and peaked in 1991 with a rate of over 52 per 100,000 population. Since then, there has been a slow and steady decrease in

the rate of forcible rapes in the state and nationwide. Ohio’s rate still surpasses that of the United States, and in 2010 Ohio’s rate was at 32 per 100,000 population.⁹

Because sexual crimes are not consistently reported to law enforcement, data from the National Crime Victimization Survey (NCVS) is often used as a measure of the occurrence of rape and sexual assault. Unlike the FBI’s UCR Program, the NCVS measures rapes reported *and* not reported to law enforcement. The following table highlights some of the key features of the methodology for each data source. Despite the different methodologies that each employs, both the UCR and the NCVS indicate that rape has been on the decline the past decade.

UCR and NCVS Measures of Rape and Percent Decrease from 2001 to 2010		
Measure	U.S. percent decrease from 2001 to 2010	Key features of methodology
UCR	18.1%	<ul style="list-style-type: none"> • Measures crime reported to law enforcement • Includes attempts • 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	36.3%	<ul style="list-style-type: none"> • Includes rapes reported and not reported to police • Includes attempts • Includes vaginal, oral, anal sex, & 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 • Does not include statutory rapes • Does not include drug/alcohol facilitated rapes

Source: 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?*

Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data

Source: Bureau of Justice Statistics, *Criminal Victimization 2010*

Results from the NCVS indicate that the majority of females, 68 percent, were violently victimized by individuals known to them. This percentage is even more pronounced for rapes and sexual assaults. Seventy-nine percent of female victims of rape or sexual assault knew their attacker.¹⁰

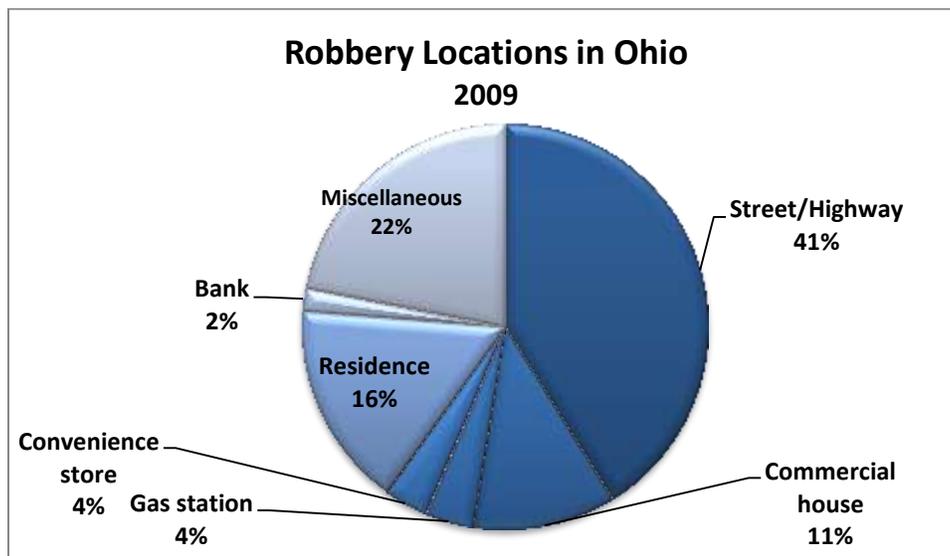
⁹ Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data.

¹⁰ Bureau of Justice Statistics, *Criminal Victimization, 2009*.

Robbery

The UCR Program defines robbery as 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.

In the past decade, the Ohio robbery rate fluctuated from a high of 169 per 100,000 in 2006 to a current-day low of 143 per 100,000 in 2010.¹¹ The same fluctuation was noted nationwide, with robbery peaking in 2006 and declining thereafter, to a modern-day low of 119 per 100,000.¹² In Ohio, over 41 percent of robberies were committed with a firearm. The most frequently reported location robbery location was the street/highway, followed by residences and commercial houses (i.e., businesses other than those already listed).¹³



Source: Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009

¹¹ Federal Bureau of Investigation, *Crime in the United States 2010*.

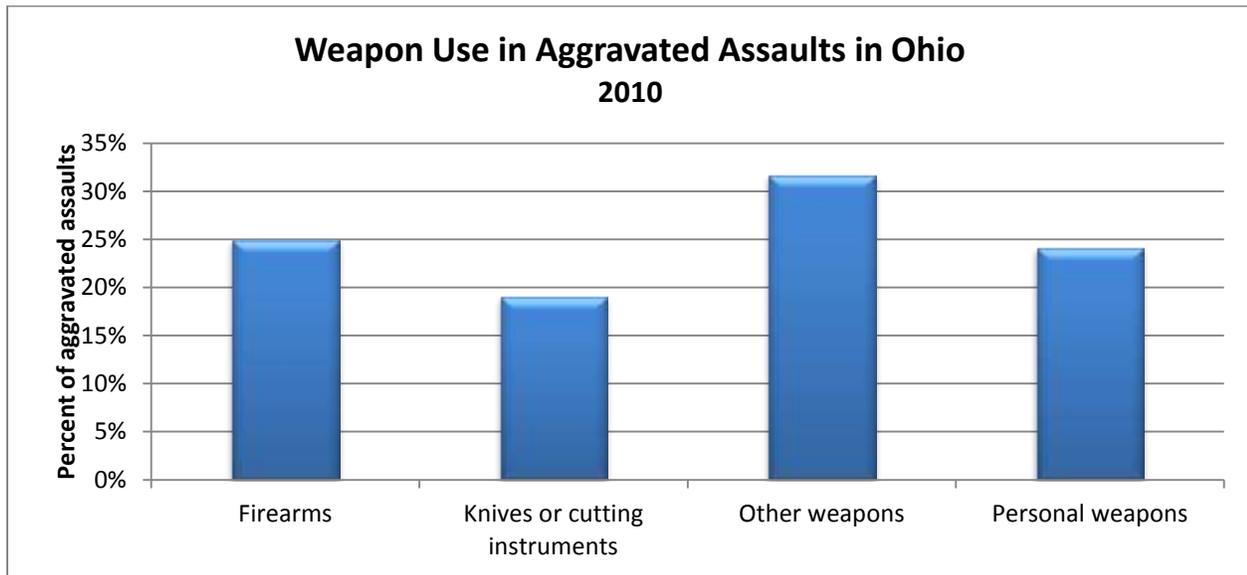
¹² Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data.

¹³ Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009.

Aggravated Assault

The UCR Program defines aggravated assault as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by other means likely to produce death or great bodily harm.

In Ohio, aggravated assault decreased 13 percent between 2001 and 2010.¹⁴ Nationwide, aggravated assault decreased 21 percent during the same time period.¹⁵ In Ohio, Firearms accounted for 25 percent of weapons used in aggravated assaults, and knives/cutting instruments accounted for another 19 percent of weapons.



Source: Federal Bureau of Investigation, *Crime in the United States, 2010*

¹⁴ Federal Bureau of Investigation, *Crime in the United States 2010*.

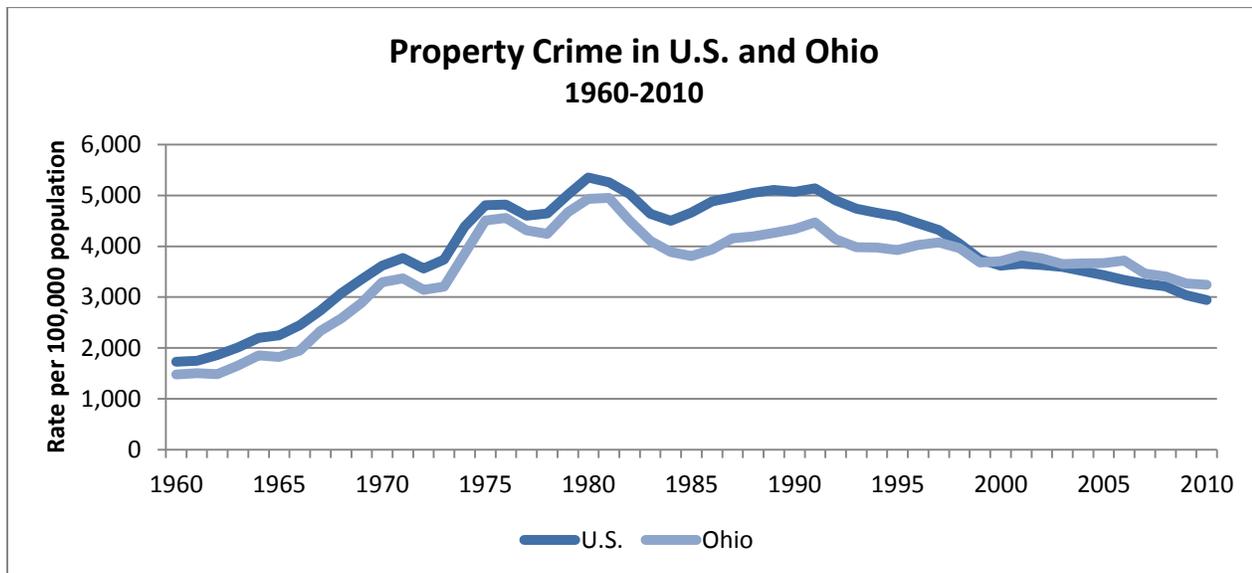
¹⁵ Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data.

Property Crime

In the Uniform Crime Reporting Program, property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force against the victims.

Very limited data is available for arson, so for this reason arson is not included in the following discussion on property crime.

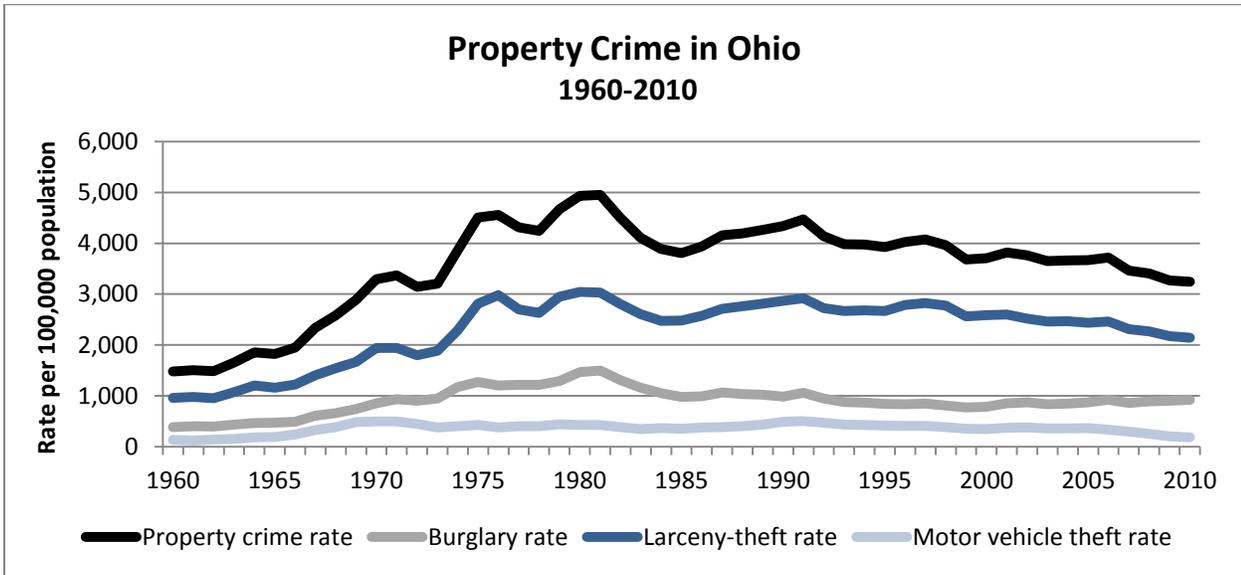
For several decades, property crime in Ohio followed the same general pattern as property crime in the United States, although at a lower rate. Property crime rates began to show a convergence in the 1990's, and by 2000, Ohio's property crime rate surpassed that of the United States.¹⁶



Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data
Source: Federal Bureau of Investigation, Crime in the United States 2010

¹⁶ Federal Bureau of Investigation, Uniform Crime Reports data, 1960-2009.

In Ohio between 2001 and 2010, overall property crime decreased 15 percent due to decreases in larceny-theft (down 18 percent) and motor vehicle theft (down 51 percent). Burglary showed an increase of nine percent during this time period.

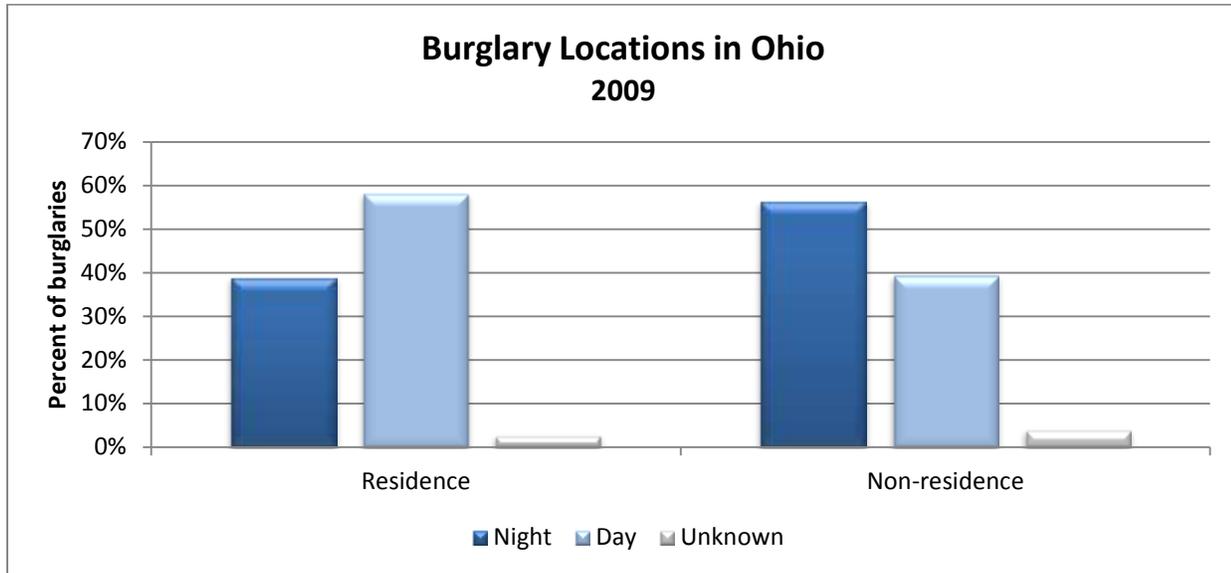


Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data
 Source: Federal Bureau of Investigation, Crime in the United States 2010

Burglary

The UCR Program defines burglary as the unlawful entry of a structure to commit a felony or theft. The use of force to gain entry is not required to classify an offense as a burglary.

In Ohio, burglary increased nine percent between 2001 and 2010, despite the decrease in overall property crime during this same time period.¹⁷ Across the United States, burglaries decreased six percent from 2001 to 2010.¹⁸ Burglaries were more likely to occur during the day in residential locations and during the night in non-residential locations. In Ohio, loss due to burglary in 2009 was estimated at over \$101 million dollars.¹⁹



Source: Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009

¹⁷ Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data

¹⁸ Ibid.

¹⁹ Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009.

Larceny-theft

The UCR program defines larceny-theft as the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. This category includes shoplifting, pocket-picking, purse-snatching, thefts from motor vehicles, thefts of motor vehicle parts and accessories, bicycle thefts, and so forth, in which no use of force, violence, or fraud occurs.

Between 2001 and 2010, larceny-theft decreased nearly 18 percent in Ohio and 19 percent nationwide. In 2010, Ohio's larceny-theft rate was 2,139 per 100,000 population.

Larceny-theft cost Ohioans over \$150.5 million dollars in 2009. Thirty-seven percent of thefts involved items \$200 and over, 21 percent involved thefts of items ranging from \$50 to \$200, and 42 percent involved items under \$50 in value. The greatest number of thefts was from automobiles.²⁰

Larceny-Theft in Ohio 2009		
	Percent of all thefts	Average value of loss
Pocket-picking	<1%	\$348
Purse-snatching	<1%	\$225
Shoplifting	15.6%	\$200
From autos	26.5%	\$538
Auto accessories	6.8%	\$248
Bicycles	2.7%	\$186
From buildings	14.0%	\$819
Coin machines	<1%	\$244
All others	32.7%	\$1,245
All thefts	100%	\$722

Source: Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009

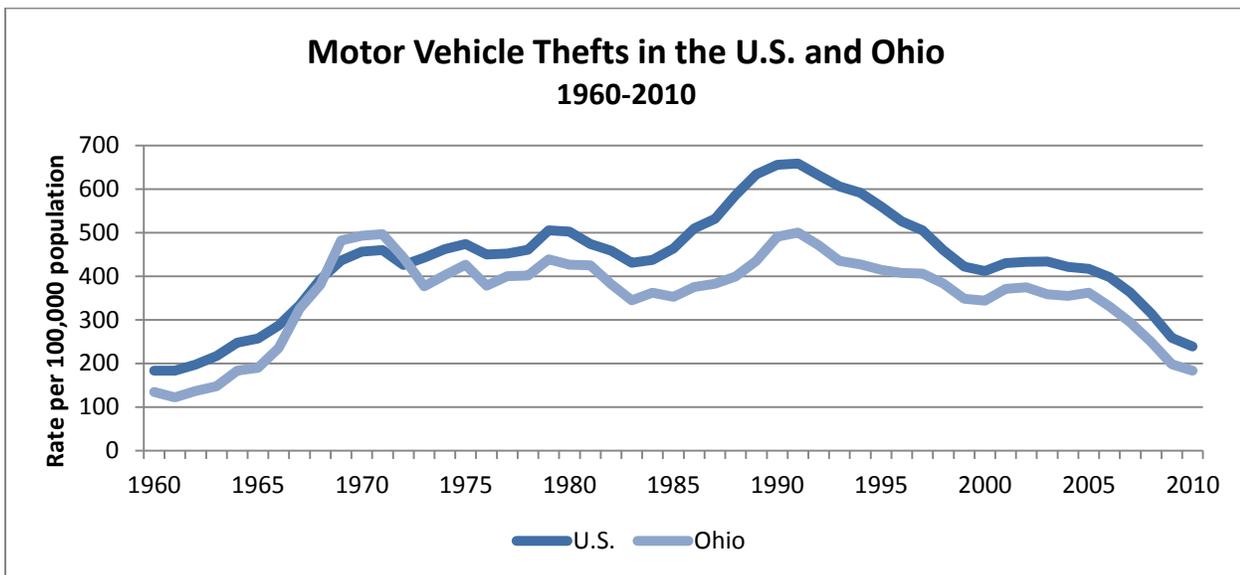
²⁰ Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009.

Motor Vehicle Theft

The UCR Program defines motor vehicle theft as the theft or attempted theft of a motor vehicle. The offense includes the stealing of automobiles, trucks, buses, motorcycles, snowmobiles, etc. The taking of a motor vehicle for temporary use by persons having lawful access is excluded from this definition.

In Ohio, as across the nation, motor vehicle thefts have decreased substantially since the early 1990s. In the United States, motor vehicle thefts are down to their lowest level in nearly 20 years. Motor vehicle theft reached a high in Ohio of 500 per 100,000 population in 1991 before starting its dramatic decline to a current-day low of 183 in 2010—a 63 percent decrease over the time period.^{21,22}

In 2010, 73 percent of motor vehicles stolen in the United States were automobiles, 17 percent were trucks and buses, and 11 percent were other vehicles. In Ohio, the total value of motor vehicles stolen in 2009 was estimated at over \$81.6 million dollars. The average value of vehicles stolen was \$4,237.²³



Source: Federal Bureau of Investigation, Uniform Crime Reports data, prepared by the National Archive of Criminal Justice Data
Source: Federal Bureau of Investigation, *Crime in the United States 2010*

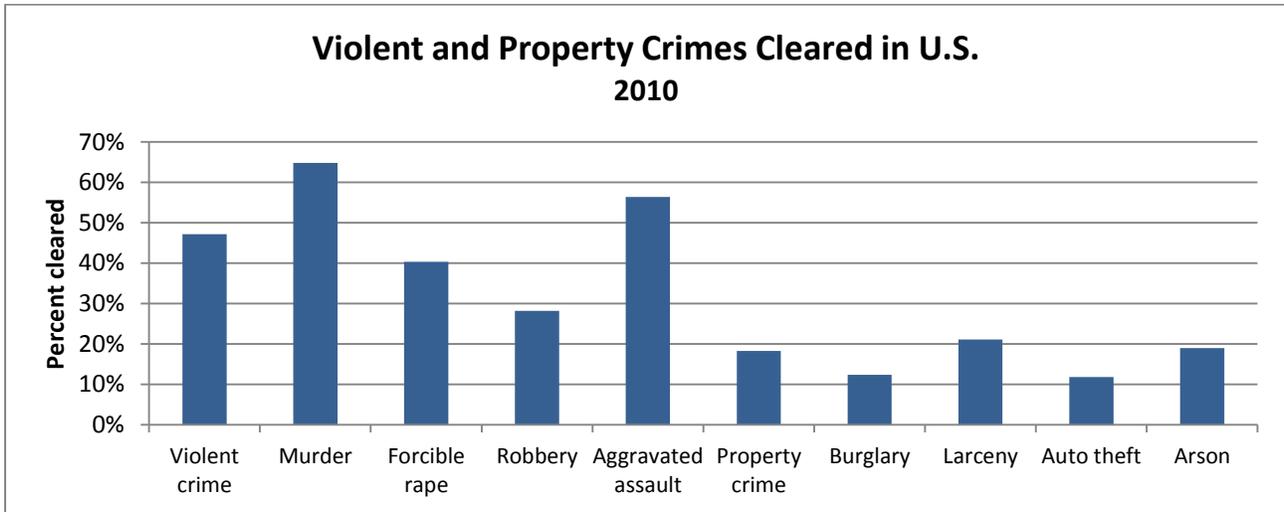
²¹ Federal Bureau of Investigation, Uniform Crime Reports data, 1991.

²² Federal Bureau of Investigation, *Crime in the United States 2010*.

²³ Federal Bureau of Investigation, Uniform Crime Report, Supplemental Data 2009.

Crimes Cleared

Crimes can be cleared by arrest or exceptional means. *Clearance by exceptional means* refers to clearance situations beyond law enforcement's control, such as the death of the suspect, the victim's refusal to cooperate, or denial of extradition. Law enforcement agencies generally clear by arrest a higher portion of violent crimes than property crimes. This may be because violent crimes are more intensely investigated by law enforcement than property crimes, or it may be because violent crimes more often involve victims or witnesses who can identify the offender. Nationwide in 2010, 47 percent of violent crimes and 18 percent of property crimes reported to the police were cleared.²⁴



Source: Federal Bureau of Investigation, *Crime in the United States 2010*

²⁴ Federal Bureau of Investigation, *Crime in the United States 2010*.

Crime Victims

The National Crime Victimization Survey (NCVS) measures crimes reported and not reported to law enforcement. As in previous years, data for 2010 show that violent crime was more frequently reported to law enforcement than property crime. Of the crimes surveyed, the crime most frequently reported to police was motor vehicle theft, followed by aggravated assault, burglary, and robbery.²⁵

Crimes Reported to Law Enforcement 2010	
	Percentage reported to law enforcement
Violent crime	51.0%
Rape/sexual assault	50.0%
Robbery	57.9%
Aggravated assault	60.1%
Simple assault	47.0%
Property crime	39.3%
Motor vehicle theft	83.4%
Burglary	58.8%
Theft	31.9%

Source: Bureau of Justice Statistics, *Criminal Victimization 2010*

Victim Characteristics

Males, blacks, and those under age 25 are consistently the most frequent victims of violent crime.

Violent Victimization per 1,000 Persons Age 12 or Older 2010					
	Total violent victimizations	Rape/sexual assault	Robbery	Aggravated assault	Simple assault
Gender					
Male	15.7	0.1*	2.4	3.4	9.7
Female	14.2	1.3	1.4	2.3	9.2
Race					
Black	20.8	1.1*	3.6	4.7	11.4
White	13.6	0.7	1.4	2.6	9.0
Hispanic	15.6	0.8*	2.7	2.3	9.8
Age					
12-14	27.5	2.7*	0.7*	5.8	18.3
15-17	23.0	1.7*	2.7*	3.9	14.7
18-20	33.9	1.1*	5.9	6.9	20.0
21-24	26.9	1.5*	3.7	8.0	13.7
25-34	18.8	1.3	2.5	3.3	11.7
35-49	12.6	0.6	1.5	1.9	8.6
50-64	10.9	<.05*	1.3	2.1	7.6
65 or older	2.4	0.1*	0.6*	0.2*	1.5

* Interpret with caution; estimate based on 10 or fewer sample cases.

Source: Bureau of Justice Statistics, *Criminal Victimization 2010*

²⁵ Bureau of Justice Statistics, *Criminal Victimization 2010*.

Relationship between Victim and Offender

Males were more often than females to be violently victimized by a stranger. Overall, nearly one-half of male crime victims, but less than one-third of female crime victims, were violently victimized by a stranger. Specific violent crimes showed large differences in stranger/non-stranger relationship as a function of victim gender.²⁶

Relationship between Victim and Offender in Violent Victimization 2010				
	Male Victims		Female victims	
	Non-stranger	Stranger	Non-stranger	Stranger
All violent crimes	40%	48%	64%	30%
Rape/sexual assault	78%*	8%*	73%	25%
Robbery	17%	72%	43%	53%
Aggravated assault	49%	37%	54%	38%
Simple assault	42%	46%	68%	26%

Source: Bureau of Justice Statistics, *Criminal Victimization 2010*

Cases may not sum to 100% due to some cases in which the relationship was unknown.

*Interpret with caution; estimate based on 10 or fewer sample cases

Impact of Crime on Victims

The NCVS estimated that the total economic loss to victims of crime in the United States in 2008 was over \$17 billion dollars. Approximately \$16 billion was lost in the property crimes of household burglary (\$4.9 billion), motor vehicle theft (\$4.8 billion), and theft (\$6.5 billion). Personal crimes, particularly assault and robbery, accounted for approximately \$1 billion in economic loss to victims.

The NCVS also assessed the impact of crime on loss of time from work. Over seven percent of personal (violent) crimes and seven percent of property crimes resulted in loss of time from work. Nearly 25 percent of personal crimes and 14 percent of property crimes resulted in six or more days off work.

Victim Loss of Work by Crime Type 2008	
	Percent of victimizations resulting in loss of time from work
All personal crimes	7.2%
Rape/sexual assault	6.5%*
Robbery	14.1%
Assault	6.3%
All property crimes	7.0%
Burglary	9.7%
Motor vehicle theft	15.7%
Theft	5.7%

Source: Bureau of Justice Statistics, *National Crime Victimization Survey Statistical Tables 2008*

*Interpret with caution; estimate based on a small number of cases.

²⁶ Bureau of Justice Statistics, *Criminal Victimization 2010*.

Domestic Violence

The Ohio Attorney General’s Office collects data on Ohio’s domestic violence victims and offenders in its annual Domestic Violence Report. In 2010, there were 70,717 calls for domestic violence incidents, including those incidents in which no charges were filed. Of these, 47.4 percent resulted in domestic violence, protection order, or consent agreement charges being filed. Approximately 10 percent resulted in other charges being filed, and 43 percent resulted in no charges being filed (or the incident did not meet domestic violence criteria).²⁷

Characteristics of Domestic Violence Victims and Offenders 2010		
	Reported victims	Reported offenders
Relationship		
Wife	17.9%	6.0%
Husband	5.0%	17.1%
Parent	12.2%	6.2%
Non spousal with child	14.1%	14.4%
Child/children	8.3%	13.3%
Other family member	12.2%	11.8%
Former spouse	2.2%	2.2%
Live-in partner	18.4%	18.8%
Other	9.6%	10.2%
Race		
Asian	<1%	<1%
African-American	22.3%	27.1%
Caucasian	75.0%	69.6%
Native American	<1%	<1%
Hispanic	1.5%	1.8%
Other	<1%	<1%
Age		
0-17	8.2%	10.2%
18-40	65.4%	65.9%
41-64	23.3%	22.0%
65-84	3.0%	1.9%
85 and older	<1%	<1%
Gender		
Male	26.0%	75.0%
Female	74.0%	25.0%

Source: Ohio Attorney General’s Office, *2010 Domestic Violence Report*

²⁷ Ohio Attorney General’s Office, *2010 Domestic Violence Report*.

Hate Crimes

Hate crimes, also known as bias crimes, are defined by the FBI as criminal offenses committed against a person, property, or society that are motivated, in part or in whole, by the offender’s bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.

Of the 588 Ohio law enforcement agencies who submitted hate crime data in 2009, 105 agencies reported a total of 297 hate crime incidents, for a crime rate of 3.1 incidents per 100,000 population. This is above the national rate of 2.4 incidents per 100,000 population.²⁸ In Ohio, 48 percent of hate crime incidents were related to race, followed by disability²⁹ (18 percent), sexual orientation (16 percent), ethnicity (10 percent), and religion (8 percent). 54 percent of hate crime offenses in Ohio were crimes against persons and 45 percent were crimes against property.³⁰

Hate Crimes in Ohio 2009		
	Number of crimes	Percentage within each category
Crimes against persons	184	100%
Murder	0	0
Forcible rape	0	0
Aggravated assault	7	3.8%
Simple assault	58	31.5%
Intimidation	119	64.7%
Other	0	0
Crimes against property	155	100%
Robbery	5	3.2%
Burglary	14	9.0%
Larceny-theft	29	18.7%
Motor vehicle theft	2	1.3%
Arson	1	1.3%
Destruction/damage/vandalism	98	63.2%
Other	5	3.2%
Crimes against society	3	100%

Source: Federal Bureau of Investigation, *Hate Crimes 2009*

Prescription Drugs

Prescription drug abuse has become a problem of great magnitude in United States, and has been called an ‘epidemic’ in a 2011 report out of the Executive Office of the President of the United States.³¹ The 2009 National Survey on Drug Use and Health indicated that the non-medical use of prescription pain relievers increased 20% from 2002 to 2009, and as a class of drugs, the nonmedical use of prescription drugs continues to have more users in the past year than any other class.³²

²⁸ Federal Bureau of Investigation, *Hate Crimes 2009*.

²⁹ One agency reported 39 of the 53 disability hate crime incidents (74% of all Ohio’s disability hate crime incidents).

³⁰ Federal Bureau of Investigation, *Hate Crimes 2009*.

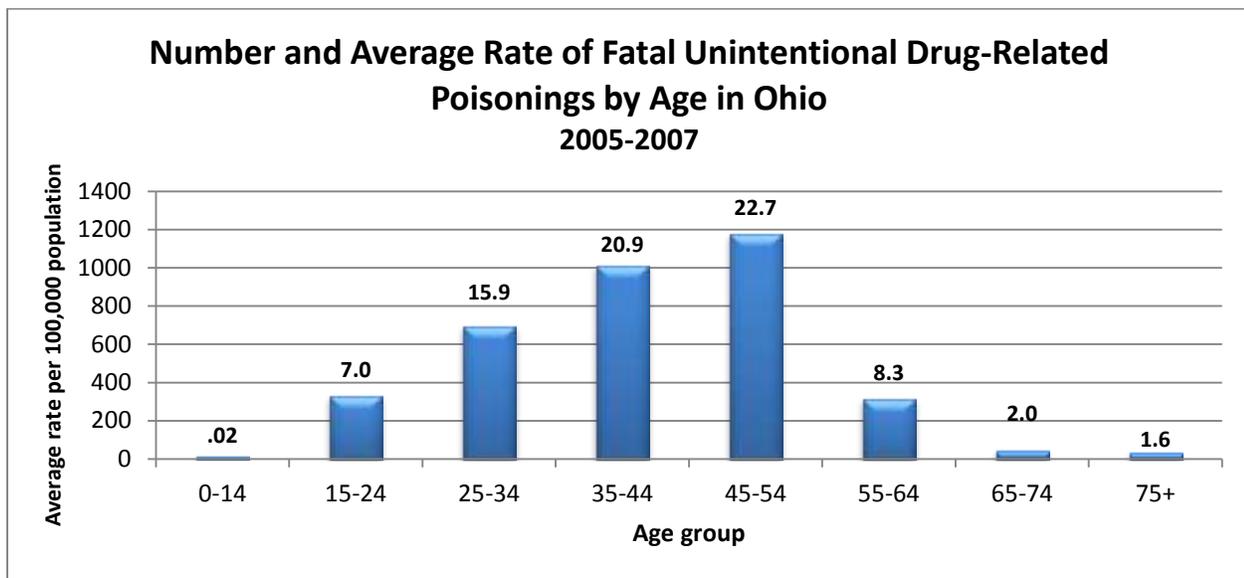
³¹ Executive Office of the President of the United States, *Epidemic: Responding to America’s Prescription Drug Abuse Crisis, 2011*.

³² Office of National Drug Control Policy, *2009 National Survey on Drug Use and Health—Highlights*.

In Ohio, the prescription drug abuse problem has been particularly devastating. From 1999 to 2008, the number of deaths due to unintentional poisoning increased 319 percent, from 369 deaths in 1999 to 1,568 in 2008. This amounted to 4.3 deaths per day in 2008. In 2007, unintentional drug poisoning became the leading cause of injury death in Ohio, exceeding both motor vehicle traffic and suicide for the first time.³³

Ninety-six percent of unintentional poisoning deaths were due to drugs or medications, particularly opioids (including heroin) and prescription opioids. The most commonly prescribed opioids include hydrocodone (Vicodin®, Lortab®), oxycodone (Oxycontin®, Percocet®), morphine, codeine, and hydromorphone (Dilaudid).³⁴

Prescription drug abuse does not discriminate. From 2000 to 2006, unintentional poisoning death rates involving opioids (including heroin, other opioids, methadone, other synthetic and unspecified narcotics) have increased across both race and gender categories. Black males showed an 11 percent increase and black females showed a 123 percent increase during this time period. White males had a 183 percent increase—overall the highest death rate from unintentional opioid overdose. White females represent the fastest growing group at risk, with a 285 percent increase in such deaths between 2000 and 2006. Across age groups, those between the ages of 35 and 55 are at the greatest risk of fatal unintentional drug-related poisoning.³⁵



Source: Ohio Dept. of Health, Office of Vital Statistics (2010), *The Alarming Rise in Unintentional Drug Overdose Deaths in Ohio* [PowerPoint slide 10]. Presented at the April 21, 2010, Task Force meeting.

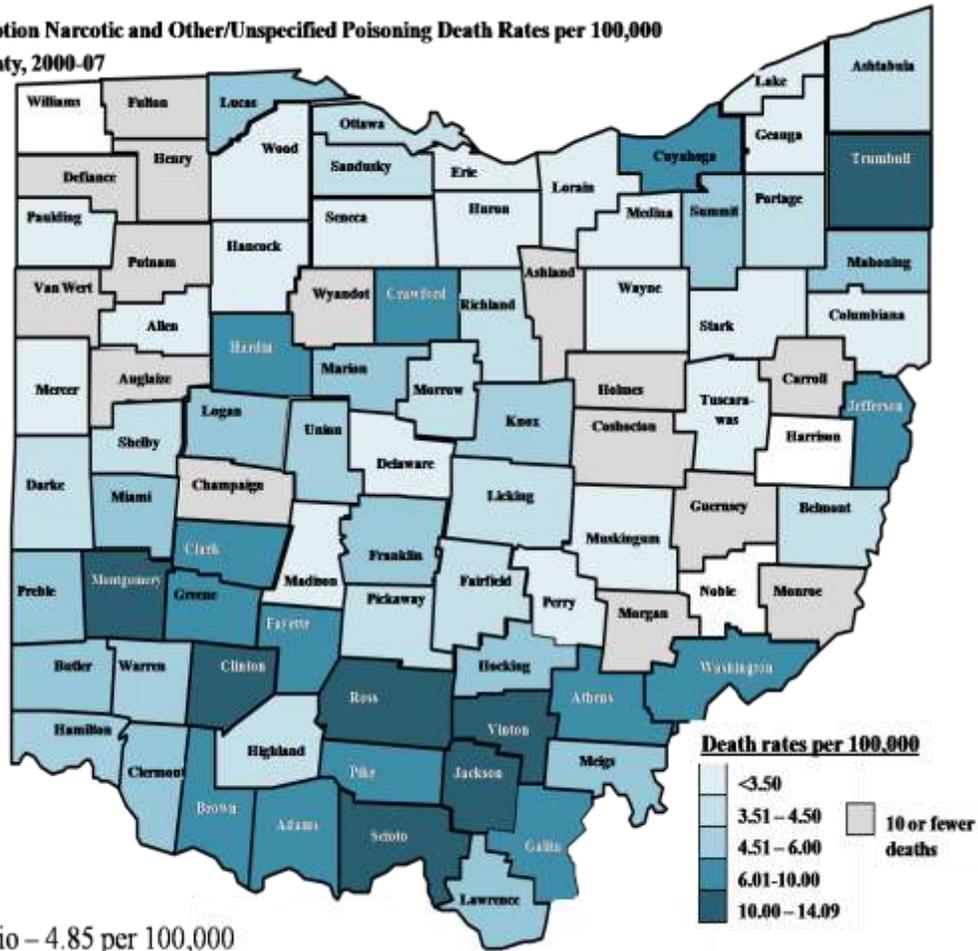
The average death rate due to unintentional drug-related poisonings in Ohio was 7.49 per 100,000 population in 2007. Some counties, particularly those in Southern Ohio, have much higher death rates, as the following map illustrates. Montgomery and Scioto counties have the highest unintentional drug-related poisoning rates in the state.

³³ Ohio Department of Health, Office of Vital Statistics, *The Alarming Rise in Unintentional Drug Overdose Deaths in Ohio* (Power Point Presentation).

³⁴ Ibid.

³⁵ Ibid.

Prescription Narcotic and Other/Unspecified Poisoning Death Rates per 100,000 by County, 2000-07



Source: Ohio Dept. of Health, Office of Vital Statistics (2010), *The Alarming Rise in Unintentional Drug Overdose Deaths in Ohio* [PowerPoint slide page 34]. Presented at the April 21, 2010, Task Force meeting

Ohio's multijurisdictional task forces have become increasingly engaged in pharmaceutical diversion. *Diversion* is defined as any criminal act involving a prescription drug. In 2010, 13 of the 29 OCJS-funded task forces were identified as having a specialized diversion unit, and nearly all task forces, regardless of whether they have a devoted diversion unit or officer, reported initiating at least one pharmaceutical case in 2010. In all, 1,282 pharmaceutical cases were initiated in 2010 and 686 persons were indicted, including physicians, pharmacists, nurses, dentists, and other health care support staff for crimes such as forged/altered prescriptions, doctor shopping, health care fraud, and theft, sale, or possession of prescription drugs.³⁶

³⁶ Ohio Office of Criminal Justice Services, *Ohio Multi-Jurisdictional Task Force Annual Report 2010*.

Task forces seized or diverted over 1.1 million dosage units of prescription drugs in 2010. The following table shows the most common drugs reported as seized or diverted by the task forces in 2010.

Type of drug (brand name in parentheses)	Dosage units seized	Dosage units diverted*
Alprazolam (Xanax [®])	5,252	93,284
Amphetamine mixture (Adderall [®])	1,654	16,853
Carisoprodol (Soma [®])	423	19,238
Codeine (Tylenol [®] #3, Tylenol [®] #4, cough syrup)	299	2,928
Diazepam (Valium [®])	512	34,582
Fentanyl, fentanyl citrate (Duragesic [®] patches, Actiq [®] , Fentora [®])	5	5,770
Hydrocodone (Vicodin [®] , Lortab [®] , Lorcet [®])	14,125	230,125
Hydromorphone (Dilaudid [®])	218	27,064
Lorazepam (Ativan [®])	112	4,970
Meperidine (Demerol [®])	1	21
Methadone (liquid/wafers/pills)	3,343	140,801
Methylphenidate (Ritalin [®])	685	2,060
Morphine (MS Contin [®] , EMBEDA [®] , Kadian [®])	1,209	42,184
Oxycodone—Extended Release (ER) (OxyContin [®])	8,652	77,974
Oxycodone—Immediate Release (IR) (Endocet [®] , Percocet [®] , Percodan [®] , Roxicodone [®])	12,722	417,615
Pentazocine (Talwin [®])	0	4,378
Phentermine (Adipex-P [®] , Fastin [®] , Ionamin [®])	1	0
Propoxyphene (Darvon [®])	450	2,812
Tramadol (Ultram [®] , Ultracet [®])	2,467	47,177
Zolpidem Tartrate (Ambien [®])	878	11,010
Other Rx drugs	1,595	1,560

*Diverted reflects the amount of prescription drugs that have been identified as diverted dosage units identified in an investigation, but never seized.

Source: Ohio Office of Criminal Justice Services, *Ohio Multi-Jurisdictional Task Force Annual Report 2010*

The State of Ohio is aggressively addressing the opiate epidemic on many fronts. County opiate task forces are being developed in counties with the most extreme opiate addiction problems. The Governor's office, along with several state agencies, developed an Interstate Opiate Task Force to coordinate meetings with representatives of adjacent states to discuss how the states can better address the issues of opiate interdiction, pharmaceutical monitoring, community education, and treatment. Studies are being conducted to look at the impact of opiate addiction on the Medicaid population. The Bureau of Workers Compensation is working with ODADAS to study the overall cost of opiate addiction in injured workers. A special prosecutor was hired by the Attorney General to focus on prescription drug abuse. The Bureau of Criminal Investigation is providing investigative assistance for drug crimes to local agencies. The Ohio Peace Officer Training Academy is offering numerous regional trainings on drug diversion. A criminal justice initiative consisting of several state agencies has been developed to work with the criminal justice population with addiction problems. These are just a few of the many ways in which Ohio is tackling opiate addiction.³⁷

³⁷ Ohio Department of Alcohol and Drug Addiction Services, *ODADAS Projects Underway/Planned, June 2011*.

Law Enforcement

Types of Law Enforcement Agencies in Ohio

Law enforcement agencies in Ohio are one of three types: municipal police departments, Sheriff’s offices, and specialty agencies. In 2010, there were 982 law enforcement agencies. Sixty-one percent of law enforcement agencies employed fewer than 12 peace officers.³⁸

Types of Law Enforcement Agencies in Ohio		
	Definition	Number of agencies in 2010
Municipal police department	Enforces city and state laws within the geographical confines of a particular city, village, or township.	788
Sheriff’s office	Provides full police protection to the unincorporated areas of a county. They have no jurisdictional boundaries in the various municipalities within the county.	88
Special police agencies	Includes 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, and court constables, campus police, and private police are also considered special police. All special police officers have to complete a minimum police standards curriculum specified by the Ohio Peace Officer Training Commission.	106

Source: Ohio Attorney General’s Office, *Ohio Peace Officer Training Commission FY 2010 Annual Report*

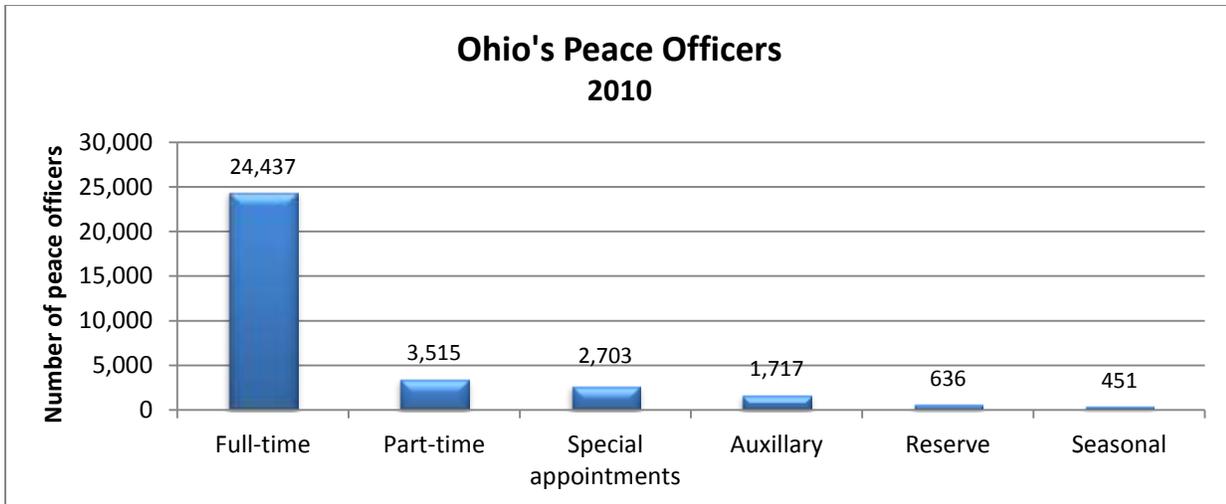
Across all law enforcement agencies there were 33,459 peace officers in Ohio, covering a total Ohio population of 11,536,504.³⁹ This represents ratio of one officer for every 345 residents. In 2005, there were 33,607 officers, or one officer for every 341 residents, based on the Ohio population at the time.⁴⁰ In 2010, 73 percent of Ohio’s peace officers were full-time employees.⁴¹

³⁸ Ohio Attorney General’s Office, *Ohio Peace Officer Training Commission FY 2010 Annual Report*.

³⁹ Ibid.

⁴⁰ Ohio Attorney General’s Office, *A Statistical Profile of Ohio Peace Officers and Law Enforcement Agencies, 2005*.

⁴¹ Ohio Attorney General’s Office, *Ohio Peace Officer Training Commission FY 2010 Annual Report*.



Source: Ohio Attorney General's Office, *Ohio Peace Officer Training Commission FY 2010 Annual Report*

Crisis Intervention Teams

First started in Memphis, Tennessee in 1988, a crisis intervention team (CIT) is a pre-booking jail diversion program designed to improve the outcomes of police interactions with people with mental illnesses.⁴² A CIT program requires community collaboration between mental health providers, law enforcement, and family and consumer advocates. One outcome of this collaboration is a 40-hour training program for law enforcement that includes basic information about mental illnesses and how to recognize them, information about the local mental health system and local laws, verbal de-escalation training, role-playing, and learning first hand from consumers and family members about their experiences (NAMI, CIT Toolkit: CIT Facts).

CIT benefits both consumers and law enforcement. CIT helps keep people with mental illnesses out of jail and into treatment. CIT has been shown to significantly reduce officer injuries, reduce SWAT involvement, and decrease the amount of time officers spend on mental disposition calls.⁴³

In 2000, Akron developed the first Ohio CIT program. An evaluation of the Akron CIT program indicated that since its inception there has been an increase in the number and proportion of calls involving possible mental illness, an increase rate of transport by CIT-trained officers of persons experiencing mental illness crises to emergency treatment facilities, an increase in transport on a voluntary status, and no significant changes in the rates of arrests by time or training.⁴⁴

As of May, 2011, 75 of Ohio's counties have 4,519 officers with CIT training. This includes 394 law enforcement agencies, 60 county Sheriff's offices, and 49 college/university officers, as well as numerous corrections officers, Highway Patrol troopers, probation and parole officers, hospital security officers, park rangers, and police dispatchers.⁴⁵

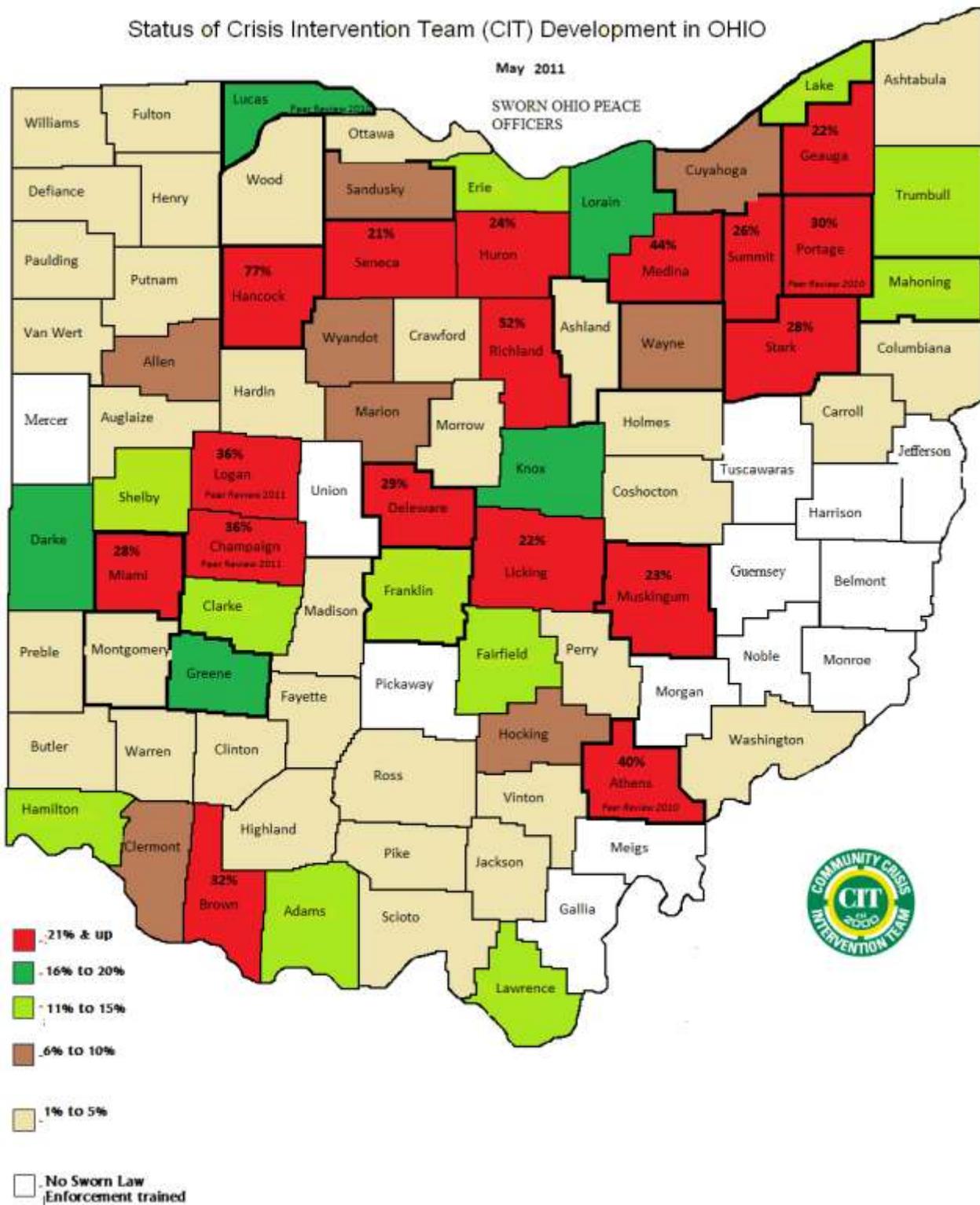
⁴² National Alliance on Mental Illness (NAMI). CIT Toolkit: *CIT Facts*.

⁴³ Ibid.

⁴⁴ Teller, J.L., Munetz, M.R., Gil, K.M., and Ritter, C. 2006. *Crisis Intervention Team Training for Police Officers Responding to Mental Disturbance Calls*.

⁴⁵ Community Crisis Intervention Team. *Crisis Intervention Team Training*. May 2000-May 2011 document.

Status of Crisis Intervention Team (CIT) Development in OHIO



Source: Community Crisis Intervention Team (CIT)

Law Enforcement Officers Feloniously and Accidentally Killed

Feloniously killed officers

Nationwide in 2009, 48 officers were feloniously killed in the line of duty. No Ohio officers were killed during that year. Since 2000, there have been 15 felonious killings of officers in Ohio. Nationwide, the average age of the feloniously killed officer was 38, and the average length of service was 12 years. Nearly one-third of the incidents occurred in an ambush situation. Ninety-four percent were killed by a firearm. Seventy-five percent of officers were wearing body armor at the time of their murder.

Characteristics of Law Enforcement Officer Homicides 2009	
	Percentage of all officer homicides
Ambush situations	31%
Arrest situations	17%
Traffic stops/pursuits	17%
Investigation of disturbance calls	13%
Tactical situations	10%
Investigating suspicious persons/circumstances	8%
Handling/transport/custody of prisoners	4%

Source: Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted 2009*

The average age of the 41 identified offenders was 32 years. All but two were male. Fifty-nine percent were white and 41 percent were black. Eighty percent had prior criminal arrests, and 32 percent were under judicial supervision at the time of the felonious incident.⁴⁶

Accidentally killed officers

There were 47 accidental deaths of law enforcement officers nationwide in 2009, including one officer from Ohio who was accidentally struck by a vehicle. Ninety-one percent of all accidental deaths were vehicle or traffic related—38 of the 47 died as the result of a vehicle-related accident, and six were struck by vehicles while directing or stopping traffic or assisting motorists.⁴⁷

Officer fatalities due to automobile and motorcycle accidents made up 79 percent of all accidental officer deaths in the U.S. in 2009. Between 2000 and 2009, there were 592 officer motor vehicle-related officer deaths.⁴⁸ This represents an increase of 33 percent over the decade of the 1990s. To obtain a better understanding of the circumstances surrounding fatal crashes involving law enforcement officers, the National Highway Traffic Safety Administration (NHTSA) collects detailed data through their Fatality Analysis Reporting System, or FARS. FARS data from 1980 to 2008 indicated the following characteristics of fatal motor vehicle accidents involving law enforcement officers:⁴⁹

- Crashes in passenger vehicles occurred more frequently during dark hours (8 p.m. to 5 a.m.), while crashes on motorcycles occurred mostly during the daylight hours (noon to 4 p.m.).

⁴⁶ Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted 2009*.

⁴⁷ Ibid.

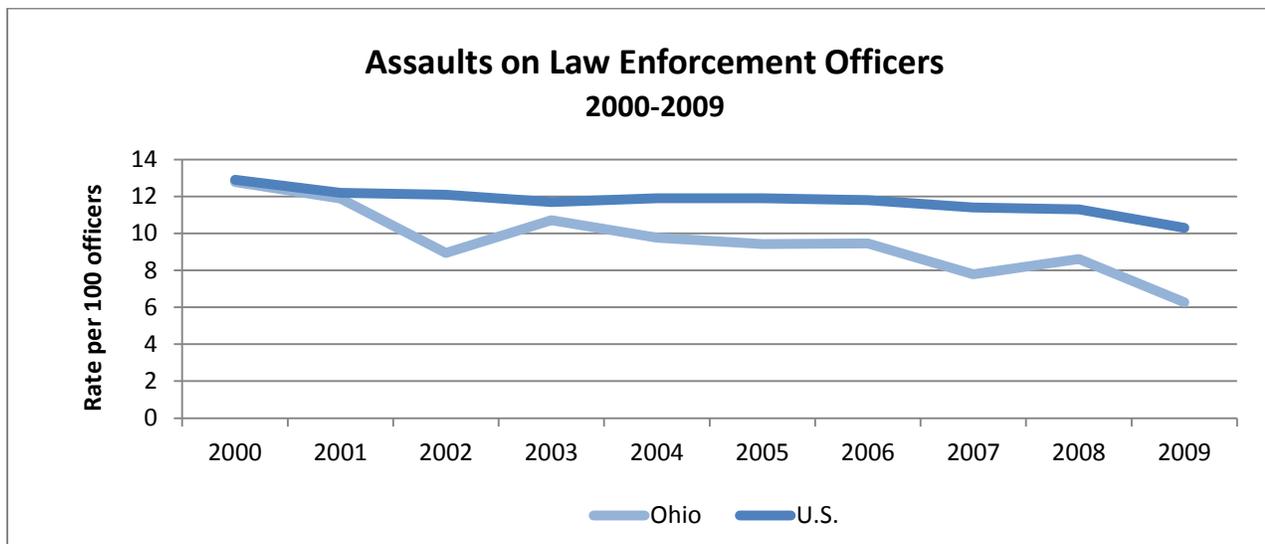
⁴⁸ Ibid.

⁴⁹ National Highway Traffic Safety Administration, 2011. *Characteristics of Law Enforcement Officers' Fatalities in Motor Vehicle Crashes*.

- Fifty-four percent of the passenger vehicle crashes with fatalities occurred in rural areas and 46 percent occurred in urban areas. In contrast, 89 percent of motorcycle crashes with fatalities occurred on roadways in urban areas and 11 percent occurred on roadways in rural areas.
- Of the crashes that occurred with a motor vehicle in-transport, 55 percent were angle collisions, followed by head-on (27 percent), rear-end (13 percent), and sideswipe (five percent) collisions. Motorcycle crashes had mostly angle collisions (67 percent), followed by head-on (13 percent), rear-end (13 percent), and sideswipe (eight percent) collisions.
- Use of restraints by the officers killed in the vehicle crashes changed over the decades. Between 1980 and 1989, 28 percent of officers were wearing seatbelts at the time of death. The percentage jumped to 56 percent between 1990 and 1999, and decreased to 50% between 2000 and 2008.

Law Enforcement Officers Assaulted

During 2009, 149 Ohio agencies reported 366 assaults on officers. Eighty-four percent of the assaults were committed with a personal weapon (i.e., hands, feet, fists), and five percent were committed with a firearm. The rate of assault per 100 officers in Ohio was 6.3, which was below the U.S. rate of 10.3 per 100 officers.



Source: Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted 2009*

Regional and Statewide Law Enforcement Initiatives

Northern Border Initiative

Ohio Homeland Security

The Northern Border Initiative is a collaborative approach to the security of Ohio's Northern border. The principal goal of the Northern Border Initiative is to protect Ohio and the United States by developing resources and capabilities to effectively protect Lake Erie and its waterfront from a terrorist incursion or operation, illegal smuggling of goods, people, and drugs. The initiative is coordinated by the Ohio Department of Public Safety's Division of Ohio Homeland Security. Their partners include the Ohio State Highway Patrol, Buckeye State Sheriffs' Association, Ohio Department of Natural Resources, Lorain County Drug Task Force, Ohio Peace Officer Training Academy, Ohio Department of Administrative Services, Ohio Chiefs of Police Association, Ohio Crime Prevention Association, and Ohio National Guard.

Community Initiative to Reduce Violence (CIRV)

Ohio Office of Criminal Justice Services

The Ohio Community Initiative to Reduce Violence (OCIRV) is a consortium of several Ohio cities engaged in a common effort to reduce violent crime. As of 2011, four cities—Cincinnati, Cleveland, Dayton, and Toledo—are engaging in, or are in the planning stages of implementing a focused-deterrence strategy designed to reduce gang-related violent crime. CIRV unites law enforcement, social services, and the community to deliver a 'no-tolerance' message to those engaging in gang-involved violent criminal activity. The strategy, known by some as "Ceasefire," was successfully implemented in the mid-1990s in Boston, and has since been used successfully in other metropolitan and non-metropolitan cities throughout the United States.

Northern Ohio Violent Fugitive Task Force (NOVFTF)

Southern Ohio Fugitive Apprehension Strike Team (SOFAST)

U.S. Marshals

NOVFTF and SOFAST are multi-jurisdictional law enforcement organizations dedicated to the pursuit, apprehension, and successful prosecution of the most violent felon fugitives in Ohio. Strike teams are headquartered in the largest metropolitan areas in northern and southern Ohio. They are comprised of agents, officers, and deputies from multiple federal, state, and local law enforcement agencies.

Narcotics Assessment Regional Contacts (NARC)

Ohio Office of Criminal Justice Services

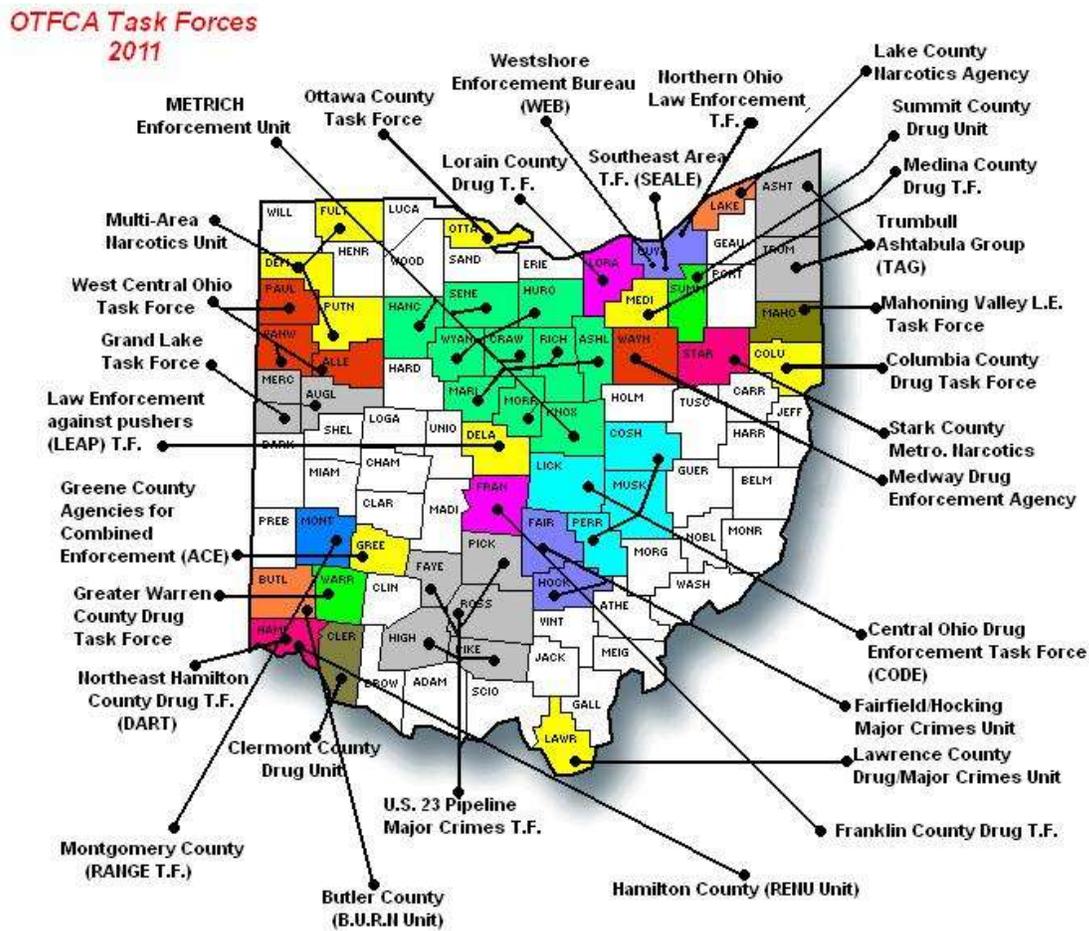
In order to plug a noticeable gap in open communication amongst the state's narcotics agencies, the Office of Criminal Justice Services created NARC (Narcotics Assessment Regional Contacts). NARC is a geographic-based directory that provides contact information for narcotics officers in every county. Using this directory, NARC members are able to exchange narcotics information or make inquiries with other jurisdictions.

Ohio's Multi-Jurisdictional Task Forces

Ohio's multi-jurisdictional task forces are 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 March 2011, there were 30 federally funded multi-jurisdictional task forces in Ohio operating in 50 of Ohio's 88 counties, in addition to several other stand-alone task forces.

Several of Ohio's task forces are part of the HIDTA (High Intensity Drug Trafficking Area) Program, which provides additional federal resources to areas which exhibit serious drug trafficking problems. Law enforcement organizations within HIDTAs assess drug trafficking problems and design specific initiatives to reduce or eliminate the production, manufacture, transportation, distribution, and chronic use of illegal drugs and money laundering. Ohio was designated a HIDTA region in 1999, and its geographic areas of responsibility include Cuyahoga, Fairfield, Franklin, Greene, Hamilton, Lucas, Mahoning, Montgomery, Stark, Summit, and Warren counties.



Source: Ohio Task Force Commander's Association (OTFCA)

Law Enforcement Technology Initiatives

Ohio Law Enforcement Gateway (OHLEG)

Ohio Attorney General's Office

The Ohio Law Enforcement Gateway (OHLEG) is becoming a national model for information sharing technology in law enforcement, allowing agencies to access and share information to prevent and solve crime. Since its launch in 2003, hundreds of Ohio law enforcement agencies have signed on. Elements found within OHLEG include:

- **OHLEG Search Engine:** The OHLEG search engine allows law enforcement to conduct searches of numerous data sources from a single interface. Person, vehicle, and address searches can be conducted on a variety of databases including 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:** OLLEISN is a network that allows participating agencies to share records management system information with each other.
- **eSORN:** The Electronic Sex Offender Registration and Notification provides one location for law enforcement to freely share information on registered sex offenders.
- **FinCrime:** FinCrime is a secure online database containing information about financial crimes.
- **RxPatrol:** RxPatrol is a searchable database of prescription-related crimes.
- **eOPOTA:** This tool allows law enforcement to keep abreast of the latest training offered by the Ohio Peace Officer Training Academy.
- **Laboratory Online:** This resource allows county prosecutors to securely track the testing status and view the results of DNA and other types of evidence submitted to the Bureau of Criminal Identification and Investigation by local law enforcement agencies.
- **Ident-a-Drug Reference:** Ident-a-Drug allows users to identify drug products by imprint codes, color, and shape for nearly 40,000 products.
- **Identity Theft Verification Passport Program:** The Passport Program provides victims of identity theft a method of demonstrating that their identity has been stolen.
- Missing children alerts and other information and resources are available on OHLEG from the Ohio Missing Children Clearinghouse.
- A database of resources about Ohio's Concealed Handgun Licensing law is available on OHLEG.

Ohio Incident-Based Reporting System (OIBRS)

Ohio Office of Criminal Justice Services

The Ohio Incident-Based Reporting System (OIBRS) is Ohio's version of the National Incident-Based Reporting System (NIBRS). OIBRS is a voluntary crime reporting program in which Ohio law enforcement agencies can submit crime statistics directly to the state and federal government in an automated format. This program has replaced the summary Uniform Crime Report (UCR) Program in many areas of the state. It is an indispensable tool in the war against crime. It allows an agency to precisely identify when and where crime takes place, what form it takes, as well as the characteristics of the victims, offenders, and property involved. OIBRS produces more detailed, accurate, and meaningful data than the data produced by the traditional summary UCR Program.

Law Enforcement Automated Data System (LEADS)

Ohio State Highway Patrol

The Law Enforcement Automated Data System (LEADS) serves as the electronic communication network for Ohio's criminal justice communities. LEADS is used by law enforcement, courts, and prosecutors across the state to inquire on information about driving records, vehicle ownership and outstanding warrants. Through the LEADS connections to other agencies, users can review drivers' license images, past criminal histories or parole status. LEADS also serves as the gateway to the National Crime Information Center (NCIC). Through NCIC, LEADS users have access to the same information on a national and international level. Currently there are over 600 Ohio criminal justice agencies with a LEADS supplied terminal installed.

Contact and Information Management System (CIMS)

Ohio Homeland Security

The Contact and Information Management System (CIMS) is a centralized, cross-functional repository for Homeland Security information sharing as well as a secure means to disseminate timely and relevant information to multi-disciplines and jurisdictions across the state of Ohio. It provides public and private sector partners involved with terrorism prevention, response, mitigation, and recovery efforts with a "one-stop-shop" for receiving Homeland Security and all-hazards information.

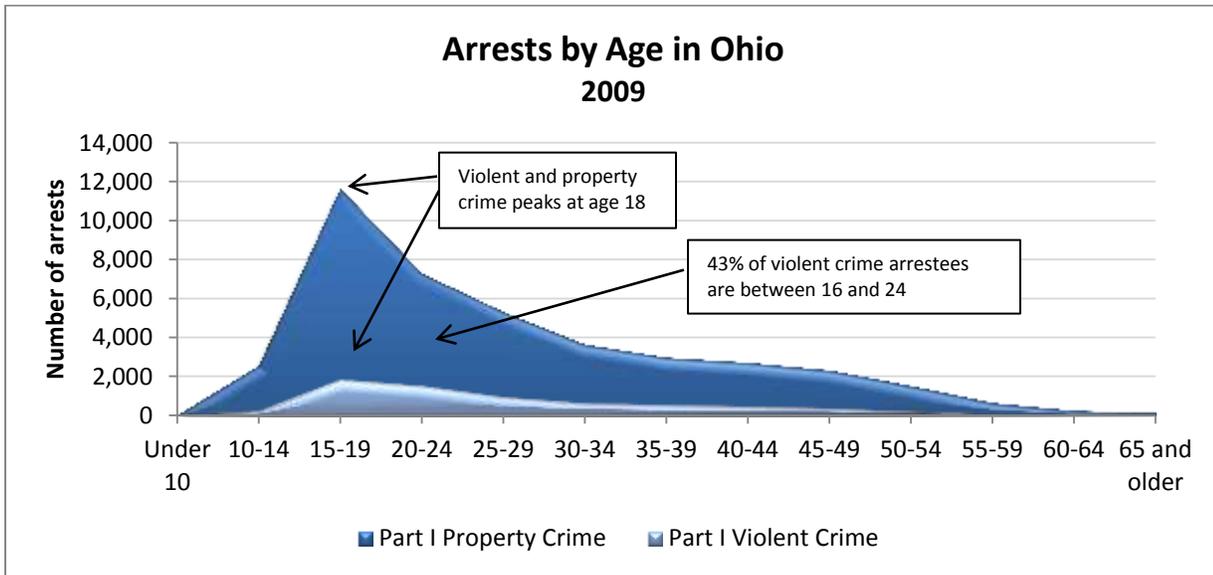
CIMS combines various resources for information sharing needs, including:

- Current alerts and BOLOs (Be On the LookOut)
- Current intelligence and informational bulletins from federal, state, and local agencies
- Reference, routine, and current event information
- Grant information
- Training information
- Online video intelligence and training briefings

Ohio's Arrestees

In 2009, 464 Ohio law enforcement agencies representing over 9.3 million Ohioans reported 302,529 arrests to the FBI. The FBI's Part I violent crimes, which consist of murder, forcible rape, robbery, and aggravated assaults, made up 2.5 percent of all arrests, which is comparable to the U.S. rate of 4.2 percent. The FBI's Part I property crimes, which consist of burglary, larceny-theft, motor vehicle theft, and arson, made up 13.7 percent of all arrests, comparable to the U.S. rate of 12.6 percent. Drug abuse violations constituted another 11.5 percent of all arrests in Ohio, and 12.1 percent in the U.S. The remaining arrests were for lower level property crimes, violent crimes such as simple assault, and societal crimes such as DUI and disorderly conduct.^{50,51}

Eighty-six percent of Ohio's arrestees were adults age 18 and older, and 73 percent were male. Correspondingly, 86 percent of arrestees in the U.S. were adults and 75 percent were male. The following graph shows that age of arrest for both Part I violent crimes and Part I property crimes peaks at age 18. Nearly 43 percent of all Part I violent crime arrestees and 42 percent of Part I property crime arrestees are between the ages of 16 and 24.



Source: FBI, Uniform Crime Reports, Supplemental Data 2009

⁵⁰ Federal Bureau of Investigation, 2009 Ohio Arrest by County tables.

⁵¹ Federal Bureau of Investigation, *Crime in the United States 2009*.

The age of arrestee varies by type of crime committed. Overall, 86 percent of arrestees were adults, and the percentage was higher for Part I violent crimes than for Part I property crimes. Over 92 percent of drug crime arrestees were adults.

Adult Arrestees by Crime Type 2009	
	Percentage of Adult Arrestees
Violent Crime	82.9%
Murder	92.9%
Forcible rape	79.1%
Robbery	77.2%
Aggravated assault	88.3%
Property Crime	78.2%
Burglary	75.8%
Larceny-theft	79.2%
Motor vehicle theft	69.4%
Arson	54.7%
Drug crimes	92.3%

Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 2009

The percentage of arrestees for violent and property crime differ as a function of race. Looking at Part I violent and property crimes as well as drug crimes within each race, 24 percent of black arrestees were arrested for violent crimes and 76 percent were arrested for property crimes. In contrast, 11 percent of white arrestees were arrested for violent crimes and 89 percent were arrested for property crimes. The following table looks at the race breakdown by specific type of crime.

Arrestees by Race and Crime Type 2009		
	Black Arrestees	White Arrestees
Violent crime	55.6%	44.4%
Murder	63.8%	36.2%
Forcible rape	41.4%	58.6%
Robbery	65.9%	34.1%
Aggravated assault	47.0%	53.0%
Property crime	31.4%	68.6%
Burglary	39.5%	60.5%
Larceny-theft	29.1%	70.9%
Motor vehicle theft	49.6%	50.4%
Arson	24.2%	75.8%
Drug crimes	38.6%	61.4%

Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 2009

The percentage of arrestees for violent and property crime also differ as a function of sex. Looking at Part I violent and property crimes and drug crimes within each sex, 20 percent of males were arrested for violent crimes and 80 percent for property crimes. In contrast, seven percent of females were arrested for violent crimes and 93 percent for property crimes. The following table looks at the sex breakdown by specific type of crime.

Arrestees by Sex and Crime Type 2009		
	Male Arrestees	Female Arrestees
Violent crime	83.3%	16.7%
Murder	88.3%	11.7%
Forcible rape*	99.0%	1.0%
Robbery	87.3%	12.7%
Aggravated assault	76.9%	23.1%
Property crime	61.9%	38.1%
Burglary	89.5%	10.5%
Larceny-theft	55.4%	44.6%
Motor vehicle theft	81.0%	19.0%
Arson	80.2%	19.8%
Drug crimes	82.1%	17.9%

Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 2009

*The FBI's definition of forcible rape excludes male victims; thus, only rapes involving female victims are included in these statistics.

Drug Use among Arrestees

The Arrestee Drug Abuse Monitoring Program (ADAM II) is a Federal data collection program that involves conducting interviews and testing for drugs in a sampling of adult male arrestees held in police booking facilities in 10 sites across the United States. While the information captured is not nationally representative, it provides insight into significant regional variation on the drug use patterns of arrestees, and it captures information on a segment of the population missed in many surveys. The following data summarizes their 2010 findings across sites.^{52,53}

- Across all sites the average age of male arrestees was between 31 and 36. Over 60 percent had a high school diploma or equivalency, and in six out of 10 sites, less than half were working either part time or full time.
- In all ten sites, more than half of male arrestees tested positive for at least one illicit drug.
- In 9 out of 10 sites, over 80 percent of arrestees had at least one arrest prior to the current one. In all sites, those charged with a violent crime ranged from 15.5 percent to 27.6 percent.
- In five of the ten sites, 25 percent or more of arrestees tested positive for more than one drug.
- **Marijuana** was the most commonly used illegal substance among booked arrestees in all sites. In 9 out of 10 sites, 40 percent or more of arrestees used marijuana in the prior 30 days.

⁵² Office of National Drug Control Policy, *ADAM II 2010 Annual Report*.

⁵³ The 10 sites in the ADAM II study are: Atlanta, GA; Charlotte, NC; Chicago, IL; Denver, CO; Indianapolis, IN; Minneapolis, MN; New York, NY; Portland, OR; Sacramento, CA; Washington, DC

- **Cocaine** (powder or crack) has shown a significant decline in all 10 sites over the past decade, but still was the second most commonly used substance among arrestees.
- **Heroin** use among arrestees varied across sites, ranging from 3.1 percent to 22.2 percent. Despite their relatively small representation in the sample, those who admitted to acquiring heroin stated that they did so frequently. On average, they made from 7 to 17 purchases in the prior 30 days.
- **Methamphetamine** use remained concentrated in the western ADAM II sites of Portland (20 percent) and Sacramento (33 percent). The next highest percentages of arrestees testing positive for methamphetamine were Denver (4 percent), Indianapolis (3 percent) and Minneapolis (2 percent).
- Arrestees did not as frequently test positive for the other five drugs tested (barbiturates, Darvon, methadone, oxycodone, PCP, benzodiazepines). In 2010, two sites showed a significant increase in oxycodone/hydrocodone positives over 2009 levels: Indianapolis and Portland (both at 4 percent). Fewer than two percent of arrestees in all other sites tested positive for oxycodone/hydrocodone. When asked about prior prescription opiate drug use they have had in the prior 30 days (without a prescription), the use of opiate painkillers was reported by over five percent of arrestees in seven of the 10 sites, and was as high as 16 percent in Indianapolis.

2009 ADAM Data: Arrestees testing positive for drugs		
	Range of arrestees testing positive across the ten sites	
	Low	High
Marijuana	35.1%	57.7%
Cocaine (crack or powder)*	12.2%	33.3%
Opiates**	3.1%	22.2%
Methamphetamine	0.1%	33.2%
Oxycodone	0.2%	2.2%

* Drug tests do not distinguish between forms of cocaine.

**Opiates include heroin, morphine, codeine, and the semi-synthetics like oxycodone and hydrocodone.

Source: Office of National Drug Control Policy, *ADAM II 2010 Annual Report*

In addition to drug testing, arrestees were asked to self-report about their history of drug use. The following table indicates the percentage of arrestees self-reporting drug use in the previous month.

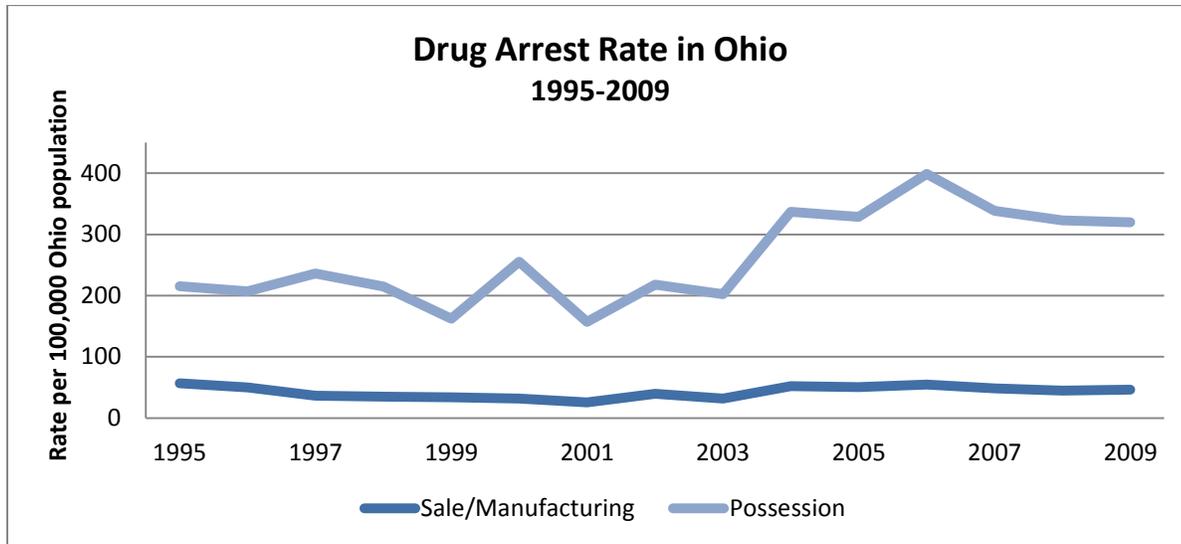
2009 ADAM Data: Arrestees self-reporting use		
	Range of arrestees self-reporting use in past 30 days across the 10 sites	
	Low	High
Marijuana	31.7%	53.1%
Crack cocaine	3.9%	16.6%
Powder cocaine	2.7%	9.1%
Heroin	0.6%	18.1%
Methamphetamine	0%	26.6%

Source: Office of National Drug Control Policy, *ADAM II 2010 Annual Report*

Drug Crime Arrests

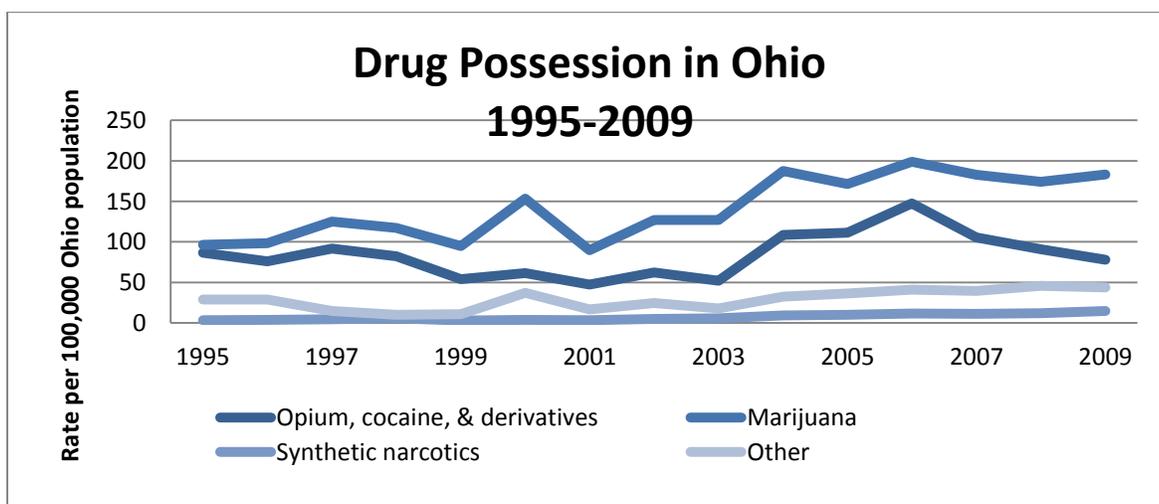
The FBI captures information on drug crime arrests. They categorize drug crime arrests into possession and sale/manufacturing. They further group these by drug type: (1) opium, cocaine, and derivatives; (2) marijuana; (3) synthetic narcotics; (4) other.

The drug arrest rate in Ohio has generally increased since the early 2000s for drug possession arrests, peaking in 2006 at 399 per 100,000 population. In 2009, the rate was 320 per 100,000. The drug sale/manufacture arrest rate has remained relatively constant, and was at 47 per 100,000 population in 2009.⁵⁴



Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 1995-2009

The highest drug possession arrest rate was for marijuana. Arrest rates for all four drug types have increased since 2003. Arrests for opium, cocaine, and derivatives peaked in 2006 before showing a decline.



Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 1995-2009

⁵⁴ Federal Bureau of Investigation, Supplemental Data 1995- 2009.

The arrest rate for the sale and manufacturing of opium, cocaine, and derivatives has fluctuated from highs in the early 1990s to lows in the late 1990s and early 2000s before rising again in the past six years.



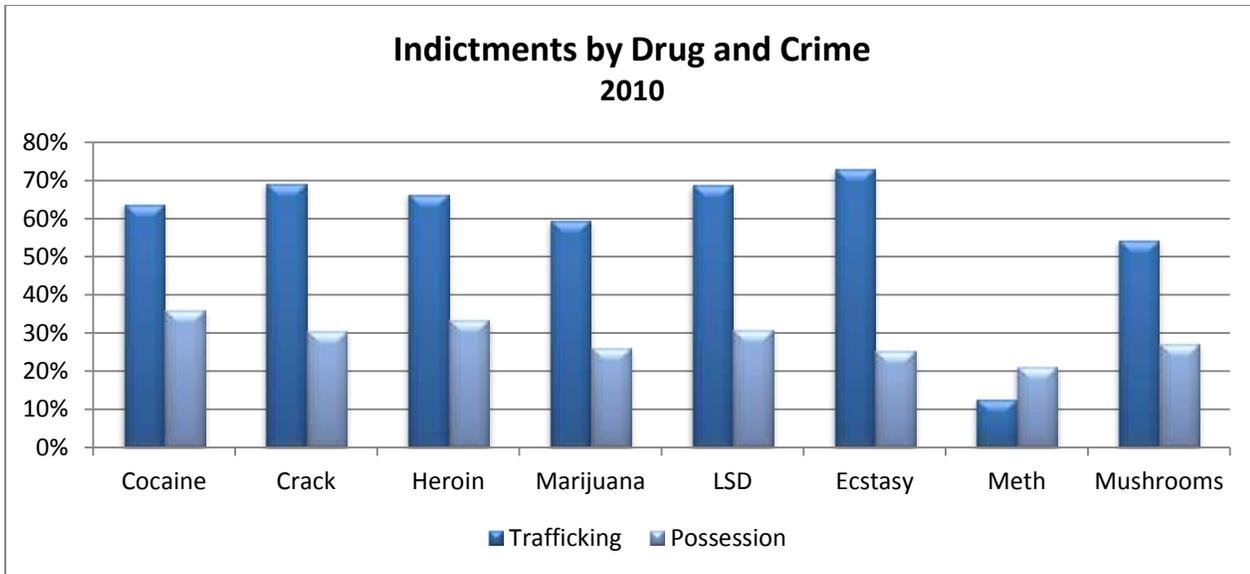
Source: Federal Bureau of Investigation, Uniform Crime Reports, Supplemental Data 1995-2009

Ohio Multi-jurisdictional Task Forces

Ohio developed several multi-jurisdictional task forces to target the flow of illegal drugs and organized criminal activity in Ohio’s communities. Ohio’s multijurisdictional task forces consist of representatives from local, state, and federal law enforcement agencies and prosecutors. Many cover multiple counties. They tend to target mid-to upper-level level drug trafficking and organized criminal activity for which it would be difficult for any one jurisdiction to build a case. The following data focus on illegal street drug indictments made by OCJS-funded task forces in 2010.

Illegal Street Drugs

Twenty-nine task forces receiving funding through OCJS in 2010 worked a total of 8,541 new cases and executed a total of 2,054 search warrants. In all, 3,597 individuals were indicted—92 percent for felonies, indicating that task forces focus on upper-level criminal activity. Indictments were broken down by drug type for the two most frequently reported drug-related crimes: trafficking and possession. With the exception of methamphetamine and, to some extent, mushrooms, roughly 60 to 70 percent of all drug indictments were for trafficking and roughly 25 to 35 percent were for possession.



Source: Ohio Office of Criminal Justice Services, *Ohio Multi-Jurisdictional Task Force Annual Report 2010*

Task forces reported on the total amount of drugs they took off the streets in 2010. The following table shows that marijuana (plants and processed) was the most frequently seized drug, followed by cocaine.

Amount and Value of Street Drug Seizures 2010		
	Amount of Drug Seized	Estimated Street Value (per unit of measure)
Cocaine	140,139 g	\$100
Crack cocaine	6,736 g	\$100
Heroin	35,546 g	\$150
	1,139 UD	
Marijuana (processed)	351,277 lb	\$1,200
Marijuana (plants)	57,005 plants	\$1,000
LSD	1,138 UD	\$9
Ecstasy	2,344 UD	\$17.50
	482 g	
Methamphetamine	9,732 g	\$100
Psilocybin mushrooms	3,260 g	\$23

Source: Ohio Office of Criminal Justice Services, *Ohio Multi-Jurisdictional Task Force Annual Report 2010*

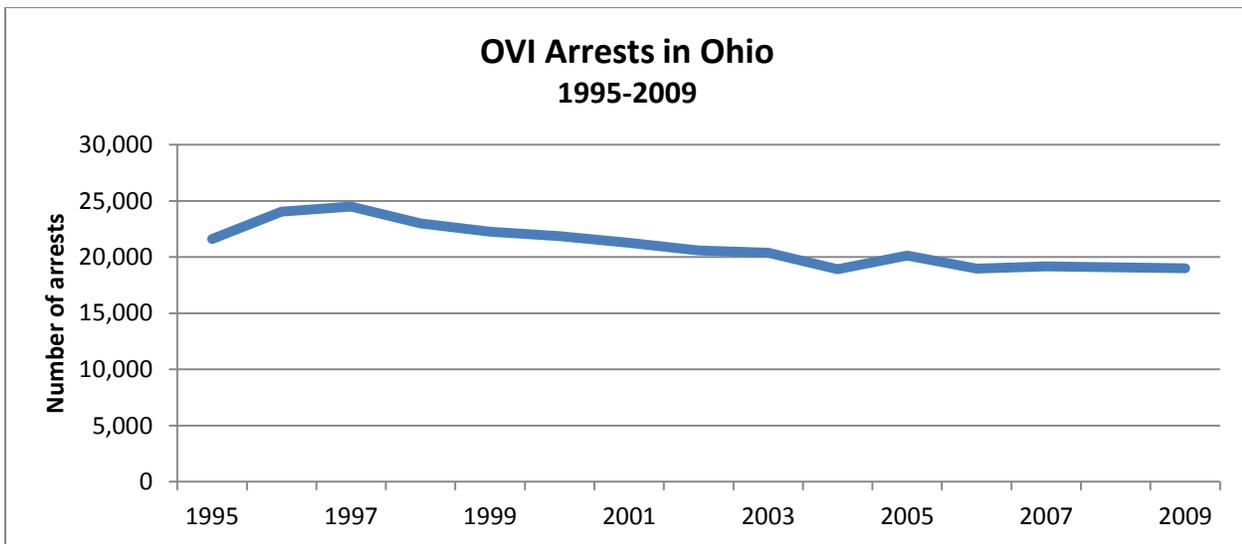
In addition to illegal street drug cases, Ohio's drug task forces worked 1,282 pharmaceutical cases in 2010, indicting 686 persons (refer to the Crime and Victims chapter for more detail on pharmaceutical drugs seized and diverted).

OVI Arrests

Ohio Revised Code §4511.19 refers to operating a vehicle under the influence of alcohol or drugs, more commonly known as OVI. In Ohio, drivers with a blood alcohol concentration (BAC) level at or above 0.08 are considered intoxicated⁵⁵. There is zero tolerance for any persons under 21 who operate a vehicle with any trace of alcohol in their systems. There are enhanced penalties for BAC levels that are at or above .17. Repeat DUI offenders incur harsher penalties, including the possibility of jail time. Other forms of punishment include driver's license suspension, mandatory alcohol education and treatment, vehicle confiscation, and the use of an ignition interlock device.

Ohio has an implied consent law, which requires drivers to submit to some form of chemical test, such as breath, blood, or urine testing if suspected of OVI. If a driver refuses to submit to such testing, they face immediate suspension of their license pending a court hearing. Additionally, a warrant may be issued requiring the driver to submit to a blood test.

Ohio has seen an overall decline in OVI arrests in the past fifteen years. During this time period, OVI arrests peaked in 1997, followed by a decline and a leveling-off that has persisted the last four years.



Source: FBI, Uniform Crime Reports, Supplemental Data 1995-2009

⁵⁵ Ohio Revised Code §4511.19(A)(1)(b).

Over the past ten years, alcohol-related crash fatalities (where the blood alcohol concentration, or BAC, of the driver equals .08 or more) have represented approximately 31 percent of all crash fatalities in Ohio.⁵⁶ Ohio data for 2009 indicates 32 percent of crash fatalities involved a BAC level of .08 or more, which is identical to the percentage for the United States. While the total number of alcohol-related fatalities has been on the decline since the early 2000s, these fatalities continue to be a priority for law enforcement.

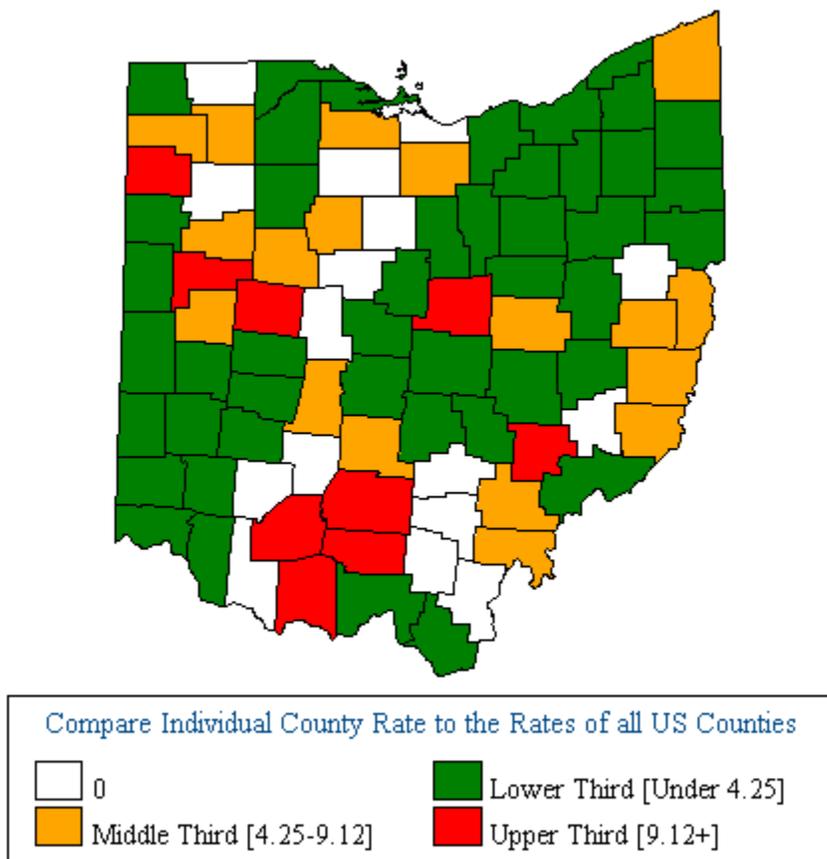


Source: National Highway Safety Traffic Administration, FARS data tables, 1999-2009

⁵⁶ National Highway Transportation Safety Administration, FARS data, 1999-2009.

Some Ohio counties are particularly impacted by fatal crashes involving an alcohol-impaired driver. While the highest number of such fatal crashes occurs in the most populated counties, the highest rate per 100,000 population actually occurs in the rural counties, all of which have rates that fall in the upper third of all U.S. counties for 2009: Adams (10.7), Auglaize (10.7), Highland (9.5), Knox (10.1), Logan (10.7), Morgan (14.0), Paulding (10.5), Pike (10.8), and Ross (9.2).⁵⁷

Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+) per 100,000 Population



Source: National Highway Traffic Safety Administration, *Traffic Safety Facts Ohio 2005-2009*

Data for 2010 show that there were 13,030 alcohol-related crashes resulting in 432 deaths and 7,704 injuries.⁵⁸ August was the deadliest time of year with regard to alcohol-related crashes.

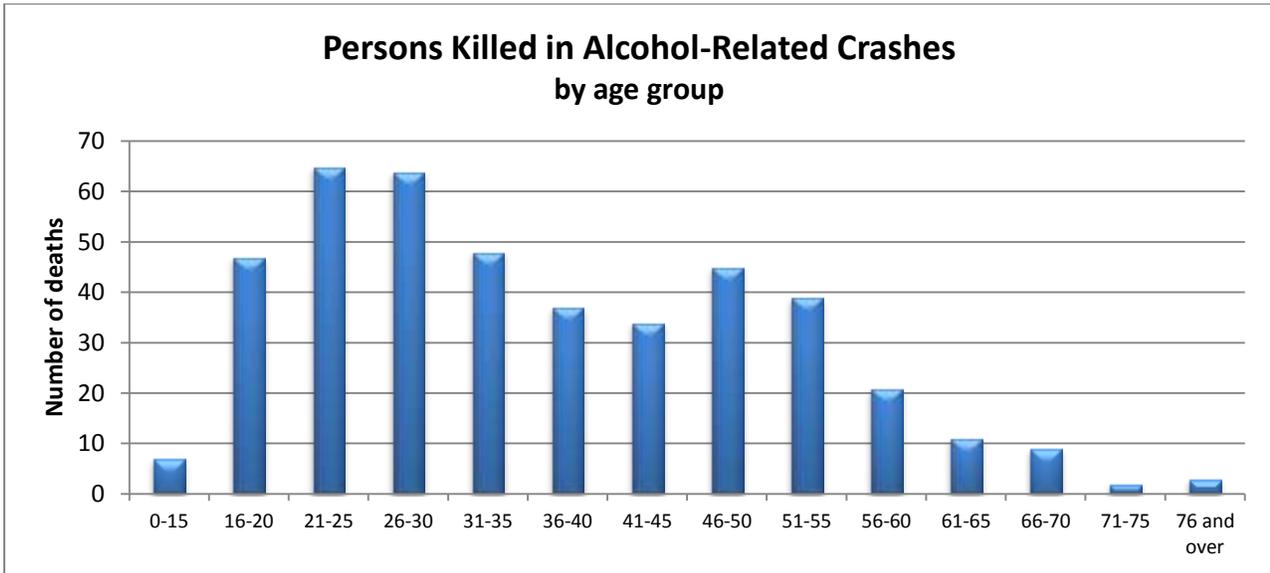
Most crashes occurred during the daytime hours of 12:00 pm (noon) to 8:00 pm. During this time period, however, only 1.1 percent of crashes involved alcohol. Conversely, during the hours of 8:00 pm to 4:00 am, 10.8 percent of all crashes involved alcohol.

⁵⁷ National Highway Traffic Safety Administration, *Traffic Safety Facts Ohio 2005-2009*.

⁵⁸ Ohio Office of Criminal Justice Services, Ohio Crash Statistics website.

Fatal crashes showed the same pattern. Most fatal crashes occurred during the daytime hours of 12:00 pm (noon) to 8:00 pm. However, the greatest proportion of fatal crashes involving alcohol—nearly 51 percent—occurred between the night time hours of 8:00 pm and 4:00 am.

Young adults ages 21 to 30 were more frequently the killed in alcohol-related crashes than other age groups, accounting for nearly 30 percent of all deaths.



Source: Ohio Office of Criminal Justice Services, Ohio Crash Statistics website

OVI Task Forces

The Ohio Traffic Safety Office (now a part of OCJS) has placed special emphasis on the counties experiencing the highest number of alcohol-related fatal crashes. In FFY 2010, Ohio funded 11 countywide OVI task forces across Ohio to coordinate law enforcement activities to impact impaired driving crashes in their county. OVI task forces include individuals such as law enforcement, prosecutors, Mothers Against Drunk Driving (MADD), community leaders, and the media, among others. These task forces conducted a minimum of 12 sobriety checkpoints with coordinating saturation patrols.

In all, 191 OVI checkpoints were conducted in FFY 2010, resulting in 361 OVI arrests of those 21 and over and 66 OVI arrests of those under 21. In addition, there were 631 individuals identified for driving under suspension. In all, there were 46 felony arrests, and 441 misdemeanor arrests. The following table highlights OVI task force activity over the past four years.⁵⁹

OVI Checkpoint Activities 2007-2010				
	FFY 2007	FFY 2008	FFY 2009	FFY 2010
OVI checkpoints conducted	200	194	180	191
Vehicles through checkpoint	135,949	99,479	86,884	100,548
Vehicles checked	109,758	79,827	69,547	78,652
OVI arrests 21 and over	481	477	517	361
OVI arrests under 21	39	65	105	66
Driving under suspension	728	575	552	631
No operator license citations	621	399	365	372
Other citations issued	1,630	1,337	1,342	1,280
Vehicles seized	652	374	415	383
Felony arrests	60	56	59	46
Misdemeanor arrests	559	398	471	441
Restraint citations	2,511	538*	334	404
Refusals	124	129	118	123

In FFY2008, House Bill 119 amended Ohio Revised Code §4511.093, discontinuing issuing seat belt citations while conducting OVI or MVI checkpoints unless the officer makes an arrest or issues a ticket for a violation other than a secondary traffic offense as of July 1, 2007.
Source: Ohio Department of Public Safety, Ohio Traffic Safety Office, *Ohio Traffic Safety Office Annual Report 2010*

Saturation patrols, which concentrate enforcement efforts in a limited area for DUI deterrence, detection, and apprehension, were conducted in conjunction with each checkpoint event. In FFY2010, this resulted in 20,310 traffic stops, 713 OVI arrests of those 21 and over, 116 OVI arrests of those under 21, 1,452 restraint citations, 4,338 speed citations, 1,409 driving under suspension, and 123 felony arrests.⁶⁰

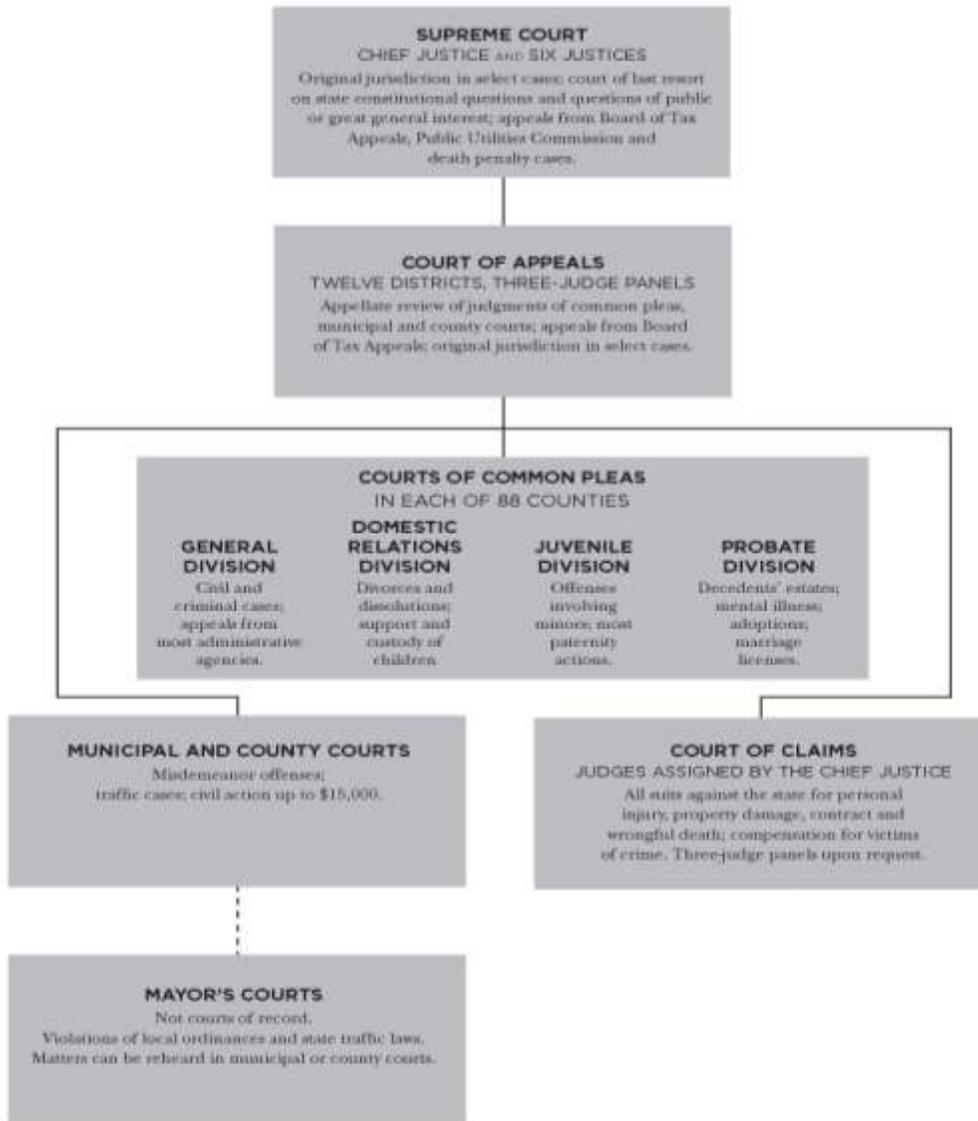
⁵⁹ Ohio Department of Public Safety, Ohio Traffic Safety Office, *Ohio Traffic Safety Office Annual Report 2010*.

⁶⁰ Ibid.

The Role of the Courts

Article IV Section 1 of the Ohio Constitution defines the structure of the state’s courts and the selection of judges. The Constitution established courts of common pleas and their divisions in each of the 88 counties. The Ohio Constitution established appellate courts through district courts of appeals and the Supreme Court of Ohio. The Ohio General Assembly later expanded the court system by statutorily creating municipal, county, and mayors courts, and created the Ohio Court of Claims in 1976.

Structure of the Ohio Judicial System



Source: Supreme Court of Ohio, Judicial System Structure Chart

Unless otherwise stated, the information contained in this chapter comes from the Supreme Court of Ohio’s *2010 Ohio Courts Statistical Summary*.

The Supreme Court

The Supreme Court is the court of last resort in Ohio. The Supreme Court has jurisdiction over cases involving the Ohio Constitution, the Ohio Revised Code, and Ohio administrative law. Cases get to the Supreme Court through the following ways:

- Appeals of cases that originated in the courts of appeals
- Cases involving the death penalty
- Cases in which there are conflicting opinions from two or more Ohio courts of appeals
- Appeals from administrative bodies such as the Board of Tax Appeals and the Public Utilities Commission
- Special remedies that permit a person to file an action in the Supreme Court, such as writs of habeas corpus (involving the release of persons allegedly unlawfully imprisoned or committed)

The Supreme Court makes rules governing practice and procedure in Ohio's courts and exercises general superintendence over all Ohio courts through its rule-making authority. The Court also has authority over matters affecting the legal profession, such as admission to practice law and attorney disciplinary grievance hearings.

The Supreme Court consists of a Chief Justice and six justices, each elected to six year terms on a nonpartisan ballot. To be elected, one must be an attorney with at least six years of experience in the practice of law.

Over a five-year period between 2006 and 2010, the Supreme Court experienced a nearly five percent decrease in court filings.

Court of Appeals

The Court of appeals is divided regionally into 12 districts. Its primary function is to hear appeals from common pleas, municipal, and county courts. Each case is heard and decided by a three-judge panel. The cases heard are classified into four broad groups:

- Criminal appeals from common pleas, municipal, and county courts
- Civil appeals from common pleas, municipal, and county courts
- Appeals from the domestic relations, juvenile, and probate divisions of the common pleas courts
- Miscellaneous appeals, including original actions filed in the courts of appeals, habeas corpus cases, and appeals from administrative agencies and the Court of Claims.

The overall number of cases heard in Ohio's court of appeals decreased eight percent over the past five years, but fluctuations were noted across the different types of appeals courts. Criminal filings decreased in criminal, civil, and family law appeals courts, while miscellaneous appeals increased.

Court of Claims

The Court of Claims was created pursuant to the Court of Claims Act in 1976. It resides in Franklin County. Judges are assigned by the Chief Justice. The Court of Claims has statewide original jurisdiction over the following:

- All civil actions filed against the State of Ohio. Civil cases against the State involving \$2,500 or less are determined administratively by the clerk or deputy clerk of the court. Cases involving more than \$2,500 are heard by a judge.
- Appeals from decisions of the Attorney General regarding claims for reparations by victims of crime.

Between 2006 and 2009, the number of new judicial claims remained relatively stable. However, in 2010, the court experienced a 17 percent increase with 463 new filings.

Courts of Common Pleas

The court of common pleas is the only trial court created by the Ohio Constitution. Each of Ohio's 88 counties has a court of common pleas. Judges are elected to a six-year term on a non-partisan ballot. Common pleas courts are responsible for the following:

- Original jurisdiction in all criminal felony cases.
- Original jurisdiction in all civil cases in which the amount in controversy is more than \$500.
- Appellate jurisdiction over the decisions of some state administrative agencies.

Most common pleas courts have specialized divisions to decide cases involving juveniles, domestic relations, and probate matters.

Courts of common pleas experienced a 9.5 percent decline in new case filings from 2006 to 2010. In the general division, criminal cases, foreclosures, and other civil cases made up 89 percent of all new filings in 2010. Criminal case new filings in 2010 were 16 percent lower than in 2006. At the national level, approximately two percent of civil cases and five percent of criminal cases go to trial. In Ohio in 2010, 1.3 percent of civil cases and 3.1 percent of criminal cases went to trial. While the rate for criminal trials remained relatively steady since 2001, the rate for civil trials dropped by half over the same time period.

Domestic relations cases are categorized into three groups: marriage terminations and dissolutions, post-decree case types (e.g., change of custody, visitation enforcement or modification, support enforcement or modification), and miscellaneous case types, including domestic violence petitions for civil protection orders. The majority of caseloads in the domestic relations division involve divorces and dissolutions, and in 2010, there were 47,046 new divorce and dissolution cases filed.

The probate division of the courts of common pleas have jurisdiction over the issuance of marriage licenses, adoption proceedings, determination of sanity or mental competency, and certain eminent domain proceedings. Probate judges can also solemnize marriages.

The juvenile division of the courts of common pleas hears cases regarding delinquent, unruly and neglected and dependent children. They also have jurisdiction in adult cases involving paternity, child abuse, non-support,

contributing to the delinquency of minors, and the failure to send children to school. Over the past five years, there has been a 20 percent decline in new juvenile cases. This has been attributed to a significant drop in traffic cases, which has decreased 50 percent since 2002.

The following table shows the new case filings for all divisions of the courts of common pleas.

New Cases Filed in Courts of Common Pleas Divisions 2006-2010					
	2006	2007	2008	2009	2010
General	247,434	261,677	266,547	258,460	244,743
Domestic Relations	76,844	74,157	73,087	73,463	73,327
Probate	91,621	88,021	88,621	88,178	85,152
Juvenile	261,613	249,385	235,883	219,318	209,821
Total Common Pleas	677,512	673,240	664,138	639,419	613,043

Source: Supreme Court of Ohio

Municipal and County Courts

The General Assembly, rather than the Constitution, established municipal and county courts. Judges for both courts are elected, and the subject-matter jurisdiction of municipal and county courts is identical. These courts have the authority over the following:

- To conduct preliminary hearings in felony cases.
- Jurisdiction over traffic and non-traffic misdemeanors.
- Limited civil jurisdiction in which the amount in dispute does not exceed \$15,000.
- To solemnize marriage ceremonies.

Three municipal courts have specialized divisions: Cleveland Municipal Court and Toledo Municipal Court both have a Housing Division, and Franklin County Municipal Court has an Environmental Division.

Municipal and county court filings have decreased 13 percent over the past five years, with decreases noted across criminal cases, civil cases, and traffic cases.

The following table summarizes new court filings in Ohio’s courts.

Court Filings in Ohio 2006-2010					
	2006	2007	2008	2009	2010
Supreme Court	2,407	2,459	2,506	2,363	2,293
Courts of appeals	11,208	10,512	11,115	10,433	10,277
Court of Claims	734	896	1,094	902	1,231
Courts of common pleas	677,512	673,240	664,138	639,419	613,043
Municipal and county courts	2,525,373	2,518,204	2,534,408	2,522,505	2,203,420
All combined	3,217,234	3,205,311	3,213,261	2,975,622	2,830,264

Source: Supreme Court of Ohio, 2010 Ohio Courts Statistical Summary

Mayor's Courts

Ohio law allows mayors of municipal corporations of more than 100 people to conduct mayor's court where there are no municipal courts. They only hear cases involving violations of local ordinances and state traffic laws. A person may appeal his or her conviction in a mayor's court to the municipal or county court having jurisdiction within the municipal corporation. A mayor is not required to be a lawyer, but may appoint an attorney who has practiced law for at least three years to hear cases in mayor's court. In 2010, there were 333 mayor's courts registered with the Supreme Court.

In 2009, there were 42,547 new misdemeanor cases filed in mayor's courts, as well as 698 OVI cases, and 17,139 other traffic cases.⁶¹

Specialized Dockets

Specialized dockets are defined by the Supreme Court of Ohio as "a particular session of court which offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals."⁶² These courts provide offenders with a wide range of coordinated community services, monitor compliance, and enforce sanctions when the offender fails to follow program protocols. Studies have found that properly implemented specialized dockets reduce crime by lowering re-arrest and conviction rates.⁶³

The specialized docket model was developed in 1989 with the establishment of the first drug court in Miami-Dade County, Florida. Ohio's first specialized docket, a drug court, was developed in 1995 in Hamilton County. Since then, with the leadership of Ohio Supreme Court Justice Evelyn Stratton, Ohio has pioneered the specialized dockets movement. Ohio's specialized dockets include drug courts, mental health courts, DUI/OVI courts, domestic violence courts, re-entry courts, sex offender courts, veterans courts, and child support enforcement courts. The dockets can be found in municipal and common pleas criminal courts as well as in juvenile courts.

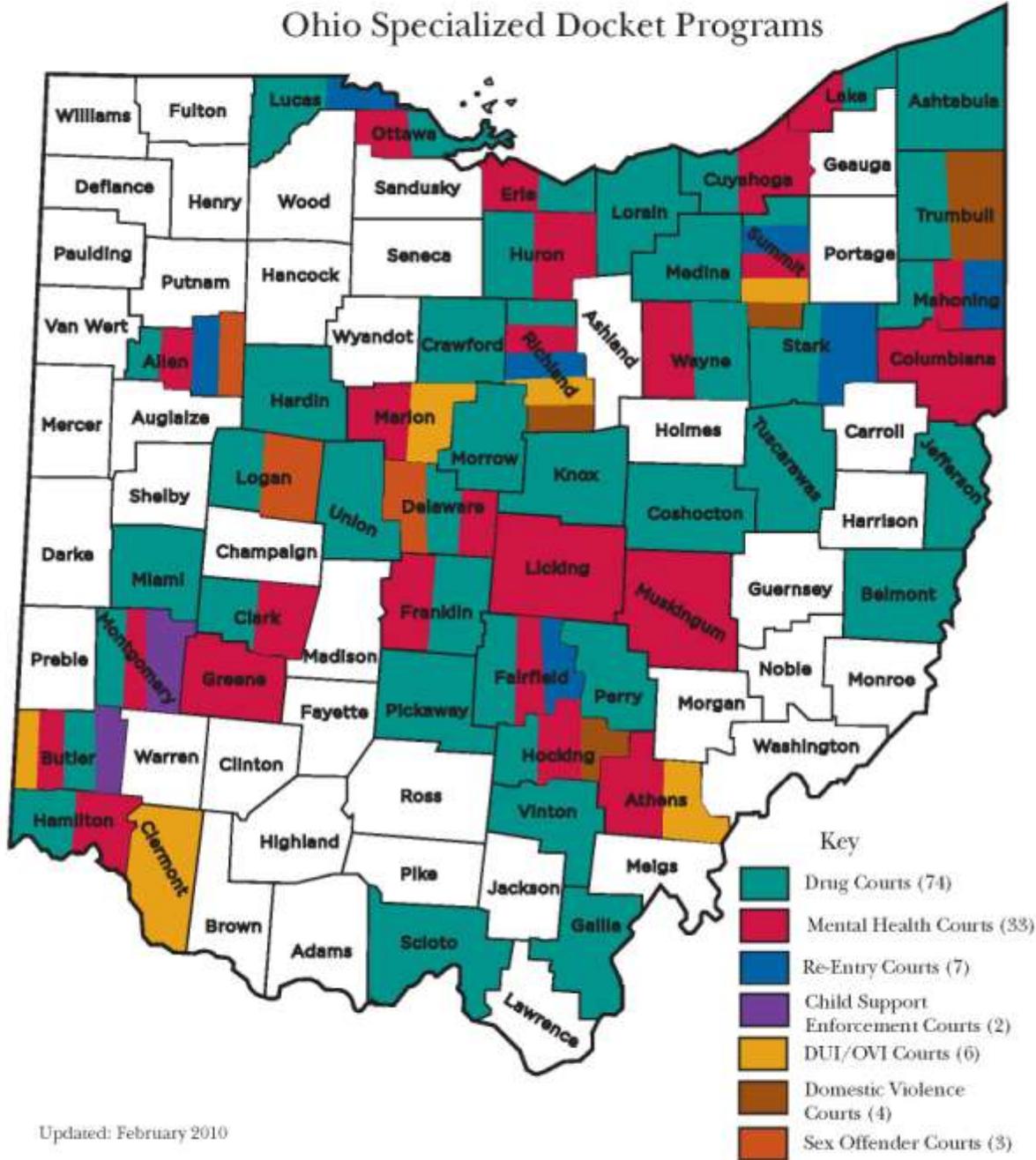
⁶¹ Supreme Court of Ohio, *Mayor's Court Summary 2009*.

⁶² Supreme Court of Ohio, *Sup. R. 36.02*

⁶³ See Marlowe, D.B. (2010), *Research Update on Adult Drug Courts*, for a list of citations indicating the effectiveness of drug courts in particular.



Ohio Specialized Docket Programs



Updated: February 2010

The Supreme Court of Ohio’s Advisory Committee on Specialized Dockets provides ongoing advice to the Chief Justice and the Justices and staff of the Court regarding the promotion of statewide rules and uniform standards concerning specialized dockets in Ohio and the development and delivery of specialized docket services to Ohio courts. In addition to the Advisory Committee, the Supreme Court established a Specialized Dockets Section, which provides technical support to trial courts in analyzing the need for, planning of, and implementation of specialized docket programs. In August, 2011, the Supreme Court adopted a rule implementing specialized docket standards that must be followed in order to be designated a specialized docket.

The Role of the Judge

In 2010, there were 718 elected judges in Ohio, not including the seven Supreme Court justices.⁶⁴ The principal duty of the judge is to ensure the fairness of the proceedings by ruling on questions of law, deciding on the admissibility of evidence, overseeing the proper questioning of witnesses, guiding the trial procedure, and imposing sentencing. Judges are guided in the sentencing process by the Ohio Revised Code.

Defendants have a right to either a jury trial or a court trial. A jury trial consists of 12 jurors in felony cases and eight jurors in misdemeanor cases. The majority of criminal cases in common pleas courts are jury trials. The majority of cases heard in municipal and county courts are court trials. Over a ten-year period, approximately one-third of criminal cases heard in common pleas courts were court trials. In contrast, on average, over 90 percent of misdemeanor cases heard in municipal courts and 83 percent of misdemeanor cases heard in county courts were court trials.

Court Trials and Jury Trials in Ohio’s Courts 2001-2010						
	Criminal Cases		Misdemeanor Cases			
	Common Pleas Courts		Municipal Courts		County Courts	
	Court trial	Jury trial	Court trial	Jury trial	Court trial	Jury trial
2001	712	1,747	8,077	817	840	92
2002	741	1,711	8,512	804	869	176
2003	803	1,643	7,794	628	821	119
2004	934	1,653	7,724	644	967	143
2005	963	1,832	7,547	602	634	184
2006	937	1,931	7,252	697	776	194
2007	921	1,878	7,334	727	711	172
2008	994	1,876	6,973	628	702	164
2009	818	1,788	6,855	565	732	134
2010	668	1,455	6,260	571	703	152

Source: Supreme Court of Ohio

⁶⁴ Supreme Court of Ohio, *2010 Ohio Courts Statistical Summary*.

The Role of the Prosecutor

The prosecuting attorney, an elected four-year position, represents the State of Ohio by inquiring into and prosecuting felony crimes committed by adults and all offenses committed by juveniles⁶⁵. Prosecution of misdemeanor offenses is typically handled by city attorney offices or law directors; it varies by jurisdiction in Ohio.

The prosecutor bears the burden of proof to validate a criminal conviction beyond a reasonable doubt.

In 2005, the Bureau of Justice Statistics conducted a national survey of prosecutors practicing in state courts of general jurisdiction (i.e., comparable to Ohio’s common pleas courts).The following table summarizes the survey data.

Characteristics of State Prosecutors’ Offices 2005*				
	Large (1 million+)	Medium (250,000-999,999)	Small (Under 250,000)	Part-time
Staff size	419	105	10	3
Assistant prosecutors	141	34	3	1
Legal services personnel	20	2	-	-
Victim advocates	13	6	1	-
Staff investigators	39	7	-	-
Support staff	136	29	4	1
Number of cases closed				
Felony	11,801	3,106	310	75
Misdemeanor	37,308	6,700	800	300
Felony jury trial verdicts	230	60	10	2
Prosecutorial budget	\$33,232,000	\$6,035,000	\$389,000	\$133,000

*Median is used rather than mean as the measure of central tendency for each of the variables.
Source: Bureau of Justice Statistics, *Prosecutors in State Courts, 2005*

In addition, the survey found that at least two-thirds of State court prosecutors had litigated a computer-related crime such as credit card fraud (80 percent), identity theft (69 percent), or transmission of child pornography (67 percent). In addition, 65 percent of prosecutors’ offices indicated they had proceeded against juvenile cases in criminal court.

⁶⁵ Franklin County Prosecutor’s Office, website.

The Role of the Defense Attorney

The Sixth Amendment of the U.S. Constitution and the Ohio Constitution guarantee the assistance of counsel in all criminal matters. If the accused is found by the court to be indigent (i.e., cannot afford counsel), he or she will receive legal representation through either the county public defender’s office, court-appointed counsel, or the state public defender’s office.

State and county public defenders generally provide representation to indigent adults or juveniles if the penalty or adjudication could result in the loss of liberty. The court will appoint a local attorney in counties where a county public defender is not available. County public defenders’ offices act independently from the state public defender’s office, which will, on request, provide the county with technical assistance.

The focus of the Office of the Ohio Public Defender is on the appeals and post-trial activities of death penalty and other criminal and juvenile delinquency cases. The Office offers representation at trial when requested by the courts, as well as at parole and probation revocation hearings. They also provide technical and research services, investigation and mitigation services, and assistance to court-appointed attorneys throughout the state⁶⁶.

Since 1997, eight Ohio counties have experienced more than a 200 percent growth in their indigent criminal cases, and an additional 22 Ohio counties have seen their caseloads increase by more than 100 percent⁶⁷. The following table shows caseloads for court-appointed counsel, county public defenders, the Ohio Public Defender, and the multi-county and Trumbull branches⁶⁸ over the last five years. As can be seen, most indigent persons are represented by a county public defender.

Cases and Proceedings in Ohio 2006-2010				
	Court-appointed counsel	County public defenders	Ohio Public Defender	Multi-county and Trumbull branches
2006	138,521	252,183	6,342	24,150
2007	137,228	245,322	6,570	23,820
2008	133,847	253,496	7,105	26,335
2009	132,283	253,869	5,594	28,245
2010	127,217	256,939	5,546	22,577

Source: Office of the Ohio Public Defender, *Ohio Public Defender Annual Report*, 2006-2010 publications

Felony cases are more expensive to handle than are misdemeanors because of their complexity and the additional resources they may require. In 2010, the average cost for court appointed counsel working a felony case was \$684.03, while the average cost of a misdemeanor case was \$214.24⁶⁹.

⁶⁶ Office of the Ohio Public Defender, website.

⁶⁷ Office of the Ohio Public Defender, *Ohio Public Defender Commission 2010 Annual Report*.

⁶⁸ The Ohio Public Defender has maintained and operated a branch office in Trumbull County since 1984. In 1991, the Ohio Public Defender began the operation of the Multi-County Branch Office Program, which includes ten counties in the south and southeastern part of the state. Prior to the implementation of this program, all participating counties except Athens used the appointed counsel system exclusively, which was more costly.

⁶⁹ Office of the Ohio Public Defender, *Ohio Public Defender Commission 2010 Annual Report*.

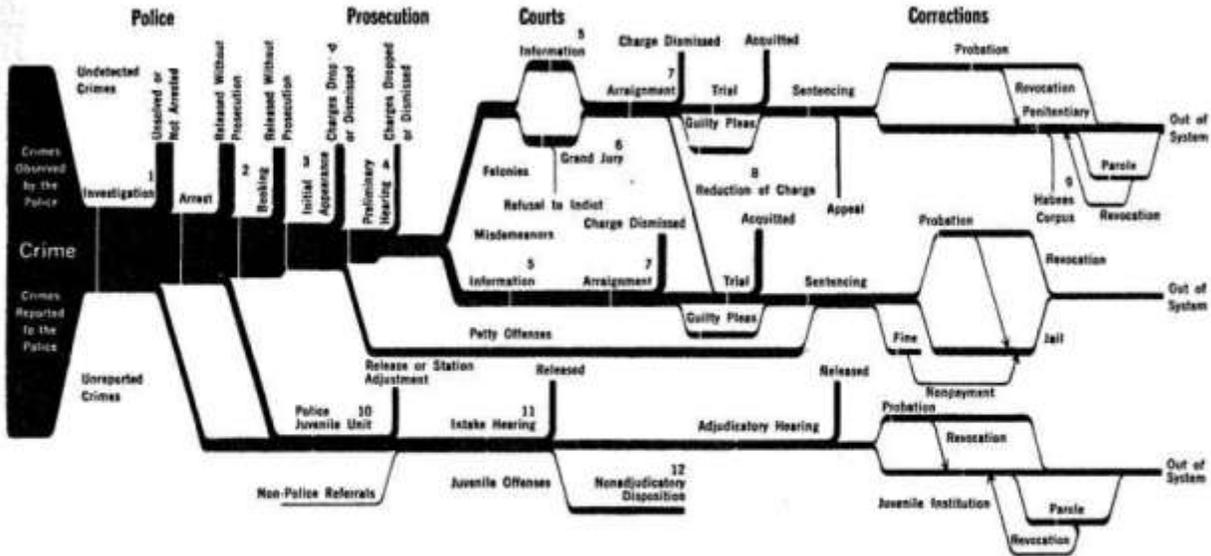
Defendant's Flow through the Court System

The following chart illustrates the movement of cases through the criminal justice system.

A general view of The Criminal Justice System in Ohio

This chart seeks to present a simple yet comprehensive view of the movement of cases through the criminal justice system. Procedures in individual jurisdictions may vary from the pattern shown here. The differing weights of line indicate the relative volumes of cases disposed of at various points in the system, but this is only suggestive since

no nationwide data of this sort exists. "The Challenge of Crime in a Free Society" from "The President's Commission on Law Enforcement and Administration of Justice," 1967, pp. 8 & 9 (modified for Ohio by Anderson Publishing Company).



- 1 May continue until trial.
- 2 Administrative record of arrest. First step at which temporary release on bail may be available.
- 3 Before magistrate, commissioner, or justice of peace. Formal notice of charge, advice of rights. Bail set. Summary trials for petty offenses usually conducted here without further processing.
- 4 Preliminary testing of evidence against defendant. Charge may be reduced. No separate preliminary hearing for misdemeanors in some systems.
- 5 Charge filed by prosecutor on basis of information submitted by police or citizens. Alternative to grand jury indictment; often used in felonies, almost always in misdemeanors.
- 6 Reviews whether Government evidence sufficient to justify trial. Some states have no grand jury system; others seldom use it.
- 7 Appearance for plea; defendant elects trial by judge or jury (if available); counsel for indigent usually appointed here in felonies. Often not at all in other cases.
- 8 Charge may be reduced at any time prior to trial in return for plea of guilty or for other reasons.
- 9 Challenge on constitutional grounds to legality of detention. May be sought at any point in process.
- 10 Police often hold informal hearings, dismiss or adjust many cases without further processing.
- 11 Probation officer decides desirability of further court action.
- 12 Welfare agency, social services, counseling, medical care, etc., for cases where adjudicatory handling not needed.

Law Office, Anderson's 1967, 2 (Ohio Criminal Justice System) Page, © 1967

Source: *The Challenge of Crime in a Free Society*, from The President's Commission on Law Enforcement and Administration of Justice (1967), modified for Ohio by Anderson Publishing Company.

The Correctional System in Ohio

Offenders awaiting trial or convicted of a criminal offense in Ohio are the responsibility of the correctional system. Ohio's correctional system is built on a continuum of sanctions that range from financial sanctions or community service through maximum security prisons. Judges order sanctions based on sentencing guidelines, knowledge about the offender and the crime or alleged crime, and available services and correctional facilities.



Many sanctions are based in and operated by local communities. This local system of sanctions other than jails or prisons that provide residential and nonresidential services to a convicted offender is called community corrections.

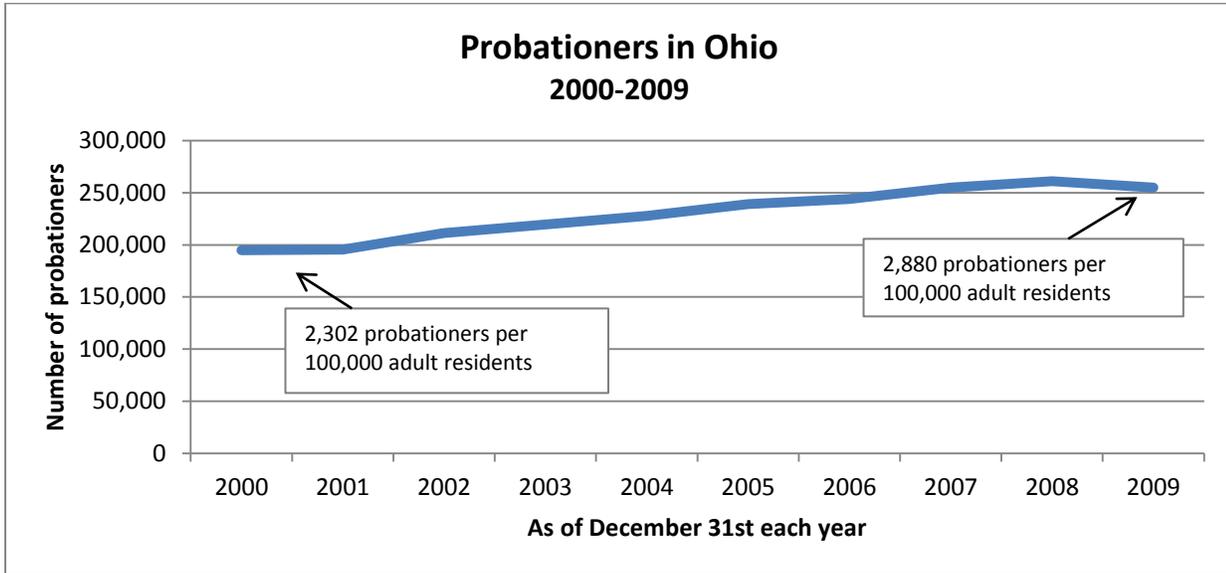
The chapter is organized in terms of increasingly restrictive offender sanctions, beginning with the least restrictive community correctional programs such as probation and other non-residential sanctions, and then proceeding to the most restrictive residential sanctions, including jail and prison.

Probation

Probation is a court-ordered period of correctional supervision in the community. Felony-level offenders on probation 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. To ensure that all of Ohio's common pleas courts have probation services available, some local common pleas courts contract with the State of Ohio to provide some or all of the probation. Probation officers in these counties report to the state Adult Parole Authority.

Offenders may be ordered to treatment services as conditions of probation. Treatment services include substance abuse, mental health, batterers' intervention, family counseling and other programs designed to change offenders' behavior. Probation may also include education, employment skills, job placement, and life skills that can contribute to offenders becoming productive members of society.

In 2009, the number of people on probation across the United States decreased by 0.9 percent from the previous year. In Ohio, the number of people on probation decreased 2.3 percent during this time period to 254,949, or a rate of 2,880 per 100,000 adult residents. This is higher than the rate for the Midwest states of 1,390 per 100,000 adult residents, and is sixth highest in the nation.



Source: Bureau of Justice Statistics, *Probation and Parole in the United States, 2000-2009*

Community Corrections Act Programs

In 1979, the Ohio General Assembly passed the Community Corrections Act (CCA). The purpose of the Act was to divert specific offenders from state prisons by creating *non-residential* sanctions and services at the local level. Jail diversion was later added to the CCA. Services provided by CCA programs include basic probation supervision, intensive probation supervision, pretrial services, day reporting, electronic monitoring/house arrest, work release, domestic violence programs, and community service.⁷⁰

CCA Jail and Prison Diversion Programs FY 2010		
	Jail diversion	Prison diversion
Number of offenders	20,434	10,735
Average per diem cost	\$2.23	\$13.65
Average length of stay	298 days	142 days
Convicted of Felony 4 or 5	24%	73%
Convicted of misdemeanor	67%	N/A
Successful termination rate	77%	52%
Offender earnings	\$30,585,695	\$22,252,861
Restitution payments	\$380,333	\$1,288,192
Court costs and fines	\$2,440,788	\$1,777,998
Child support payments	\$651,178	\$666,778
Hours of community work service	184,648	159,388

Source: Ohio Department of Rehabilitation and Correction, *Bureau of Community Sanctions Annual Report Fiscal Year 2010*

Source: Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Funded Community Corrections in Ohio*

⁷⁰ Ohio Department of Rehabilitation and Correction, *Funded Community Corrections in Ohio*.

Community Residential Programs

Community residential services provide *residential* supervision and treatment services for offenders. Halfway houses are community residential programs that provide supervision and treatment services for offenders who are released from state prison, are referred by a common pleas court, or are sanctioned because of a violation of supervision. Additionally, halfway house services are provided to eligible offenders in the Transitional Control program for up to the last 180 days of their prison sentence. In addition to halfway houses, community residential programs also include independent housing for eligible offenders with no viable home placement options, permanent supportive housing for offenders identified as most likely to require supportive services in order to maintain housing (including those who are mentally ill or have a developmental disability), and GPS monitoring of parole and post-release control offenders.⁷¹

Halfway House Community Residential Programs FY 2010	
Number of offenders	6,740 (including those in Transitional Control)
Average per diem cost	\$61.71
Average length of stay	94 days
Convicted of violent offense	28%
Convicted of property offense	21%
Convicted of drug offense	32%
Felony 1, 2, or 3 offense	48%
Offender earnings	\$3,418,326
Restitution payments	\$10,564
Court costs and fines	\$57,106
Child support payments	\$96,531
Hours of community work service	69,740

Source: Ohio Department of Rehabilitation and Correction, *Bureau of Community Sanctions Annual Report Fiscal Year 2010*

Source: Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Funded Community Corrections in Ohio*

⁷¹ Ibid.

Jails

Jails house unsentenced individuals who are being processed through the criminal justice system for misdemeanors and felonies or those who have received sentences of less than a year for a misdemeanor offense or a low-level felony offense.

There are five classifications of jails, per Ohio Administrative Code. They are:

- Full-service jails: county and large municipal jails which allow for incarceration of prisoners beyond 12 days. These jails have medical care and rehabilitative programming available to prisoners.
- Minimum security jails: These jails function similarly to full service jails except that prisoners must be sentenced for a misdemeanor or an F4 or F5 and classified as a minimum security risk.
- Twelve-day jails: These jails have a maximum incarceration time of 12 consecutive days. They are intended for municipal or township jurisdictions to have a jail facility for booking and processing initial arrestees and they also allow local ordinance offenders to serve their sentences in the local jail.
- Twelve hour jails: These jails have a maximum incarceration time of 12 hours. They are intended for municipal or township jurisdictions to have a jail facility for booking and processing initial arrestees.
- Temporary holding facilities: These facilities can hold prisoners for up to six hours. They are used by municipalities and townships to detain arrestees for processing and/or awaiting transportation.

Data from Ohio’s Bureau of Adult Detention Annual Report 2008 indicate that Ohio’s jails held an average daily population of 20,706 prisoners. The average length of stay for full service jails increased from 2007 to 2008, while the average length of stay for minimum security jails remained steady.

Average Lengths of Stay for Ohio’s Jails					
	2004	2005	2006	2007	2008
Full service jails	22.3	22.3	23.6	22.4	38
Minimum security jails	34.6	29.1	29.3	33.8	34
Twelve day jails	1.7	1.9	1.9	2.4	2.4

Source: Bureau of Adult Detention Annual Jail Report 2008

Recommended Bureau Prisoner Capacity (BRC) refers to the local number of prisoner beds recommended by the Bureau of Adult Detention. This is based on factors such as total living space, ratio of toilets-wash basins-showers to prisoner population, staffing, etc. Full service jails were at 111 percent of BRC, while minimum security jails were at 82 percent of BRC. Twelve day jails were at 102 percent of BRC.

In 2007, the average daily operating cost per bed for both full service and minimum security jails was \$60, while twelve day jails cost roughly \$75 a day.

Community-Based Correctional Facilities

Community-based correctional facilities (CBCFs) are *residential* sanctions that provide an alternative to prison for offenders on felony probation. The CBCF is generally the last step in the continuum of increasing sanctions before prison. Each facility, which houses from 50 to 200 offenders, provides assessment, treatment, and follow-up services in a structured environment⁷². Research conducted by the University of Cincinnati showed that CBCFs are most effective with Moderate-High to High risk offenders⁷³.

Community-Based Correctional Facility Statistics FY 2010	
Number of offenders	6,096
Average per diem cost	\$80.24
Average length of stay	125 days
Convicted of violent offense (incl. sex offense)	23.1%
Convicted of property offense	28.0%
Convicted of drug offense	31.4%
Felony 1, 2, or 3 offense	28.5%
Successful termination rate	81.5%
Offender earnings	\$1,122,347
Restitution payments	\$65,619
Court costs and fines	\$149,964
Child support payments	\$34,086
Hours of community work service	244,712

Source: Ohio Department of Rehabilitation and Correction, *Bureau of Community Sanctions Annual Report Fiscal Year 2010*

Source: Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Funded Community Corrections in Ohio*

Prisons

Prisons are the most restrictive sanction for offenders. Ohio has 31 prisons confining approximately 51,000 inmates.⁷⁴ Four of the institutions house female inmates. One institution is a medical hospital for males and females, and another serves male and female inmates in need of intensive psychiatric treatment. The remaining institutions house male inmates of varying security levels. Most of the prisons are owned and operated by the State; however, in September 2011, DRC announced changes in ownership and operation of five Ohio prisons with the goal of improving staff and inmate safety, reducing daily operating expenses, and reducing the state's long-term budget costs.⁷⁵

Security levels range from 1 (minimum security) to 5 (administrative maximum). Ohio's first "supermax" prison opened in 1998 in Youngstown to house those who could not be maintained in the general population.⁷⁶

⁷² Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention, *Community Sanctions Annual Report Fiscal Year 2010*.

⁷³ Lowenkamp, C.T., and Latessa, E.J. (2004). *Increasing the Effectiveness of Correctional Programming through the Risk Principle: Identifying Offenders for Residential Placement*. *Criminology and Public Policy* 4(2), 263-290.

⁷⁴ Ohio Department of Rehabilitation and Correction, Institutional map as of September 2011.

⁷⁵ Ohio Department of Rehabilitation and Correction, press release, September 1, 2011.

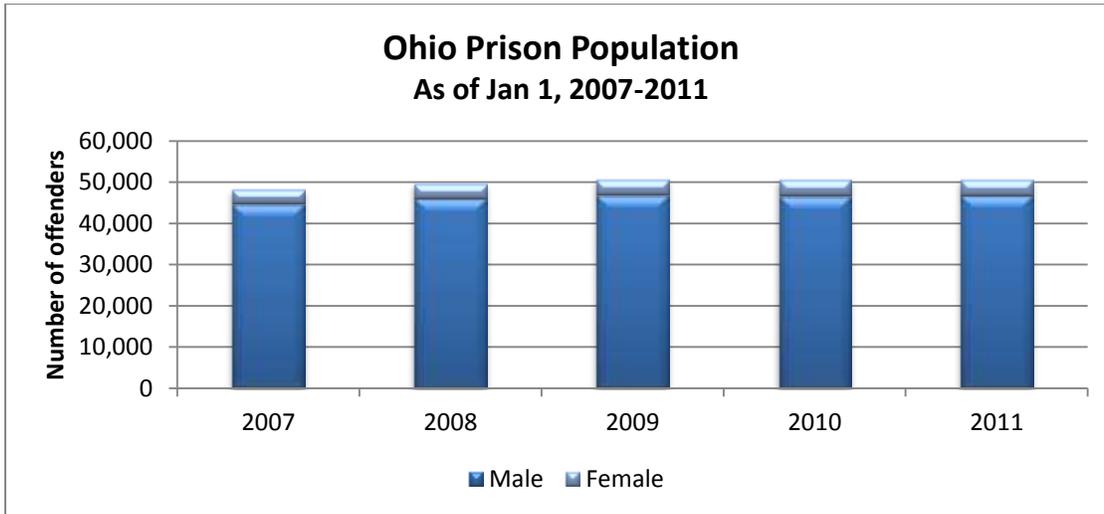
⁷⁶ Ohio Department of Rehabilitation and Correction, Institutional map as of September 2011.

Prisons in Ohio 2010				
	Prison type	Security level	Population (as of...)	City
Allen Correctional Institution	Male	1, 2, 3	1,347 (9/11)	Lima
Grafton Correctional Institution	Male	1, 2, 3	1,547 (8/11)	Grafton
Lake Erie Correctional Institution	Male, Privately operated	1, 2	1, 511 (8/11)	Conneaut
Lorain Correctional Institution	Male	1, 2, 3, 4, 5	1,559 (9/11)	Grafton
Mansfield Correctional Institution	Male	1,2,3, 4, death row	2,554 (9/11)	Mansfield
Marion Correctional Institution	Male	1,2, 3	2,638 (8/11)	Marion
North Central Correctional Institution	Male	1, 2, 3	2,342 (9/11)	Marion
North Coast Treatment Facility	Male, Privately operated	1	701 (9/11)	Grafton
Northeast Pre-Release Center	Female	1, 2, 3	553 (8/11)	Cleveland
Oakwood Correctional Facility	Male, Female, Psychiatric prison	N/A	190 (9/11)	Lima
Ohio Reformatory for Women	Female	1, 2, 3, 4, death row	2,614 (9/11)	Marysville
Ohio State Penitentiary	Male	1, 2, 3, 4, 5, death row	614 (9/11)	Youngstown
Richland Correctional Institution	Male	1, 2, 3,4	2,513 (9/11)	Mansfield
Toledo Correctional Institution	Male	1, 2, 3, 4 Protective custody	1,519 (9/11)	Toledo
Trumbull Correctional Institution	Male, Female	1, 2, 3, 4	1,069	Leavittsburg
Belmont Correctional Institution	Male	1, 2, 3	2,710 (8/11)	St. Clairsville
Chillicothe Correctional Institution	Male	1, 2, 3, 4	2,923 (8/11)	Chillicothe
Franklin Medical Center	Male, Female, medical prison	N/A	127 (6/11)	Columbus
Correctional Reception Center	Male	1, 2, 3, 4, 5	1,524 (9/11)	Orient
Dayton Correctional Institution/Montgomery Education and Pre-Release Center	Male	1, 2,3	808 (9/11)	Dayton
Franklin Pre-Release Center	Female	1, 2, 3	470 (8/11)	Columbus
Hocking Correctional Facility	Male	1, 2, 3	477 (9/11)	Nelsonville
Lebanon Correctional Institution	Male	1, 2, 3, 4	2,804 (9/11)	Lebanon
London Correctional Institution	Male	1, 2, 3, 4	2,246 (9/11)	London
Madison Correctional Institution	Male	1, 2, 3, 4	2,396 (9/11)	London
Noble Correctional Institution	Male	1, 2, 3, 4	2,467 (8/11)	Caldwell
Pickaway Correctional Institution	Male	1, 2, 3, 4, 5	2, 104 (8/11)	Orient
Ross Correctional Institution	Male	1, 2, 3, 4,	2,244 (9/11)	Chillicothe
Southeastern Correctional Institution	Male	1, 2, 3, 4	1,549 (8/11)	Lancaster
Southern Ohio Correctional Facility	Male	1, 2, 3, 4, 5	1,428 (9/11)	Lucasville
Warren Correctional Institution	Male	2, 3, 4	1,392 (9/11)	Lebanon

Source: Ohio Department of Rehabilitation and Correction, Institutional map as of September 2011

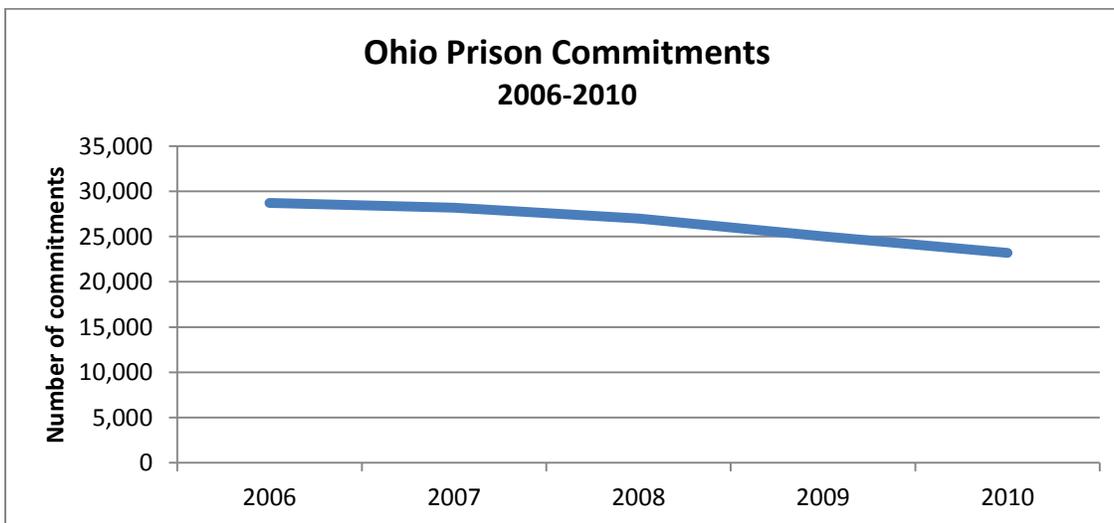
Ohio's Prison Population

Ohio's prison population is counted on January 1 of each year. The prison population has increased nearly five percent over the last five years—from 48,482 in 2007 to 50,857 in 2011. Both the male and female populations have shown an increase. As of January 1, 2011, there were 46,969 males (92 percent) and 3,888 females (8 percent) in the Ohio prisons.⁷⁷



Source: Ohio Department of Rehabilitation and Correction, *Master Population Counts, 2007-2011*

In addition to measuring the total number of offenders in prison on a given day, correctional facilities also measure the total number of offenders within a year who are committed to prison. Commitments increased 39 percent in the early part of the 2000s, from 20,669 in 2001 to 28,714 in 2006. In the last five years, the number of commitments has steadily declined to a recent low of 23,191 in 2010.⁷⁸

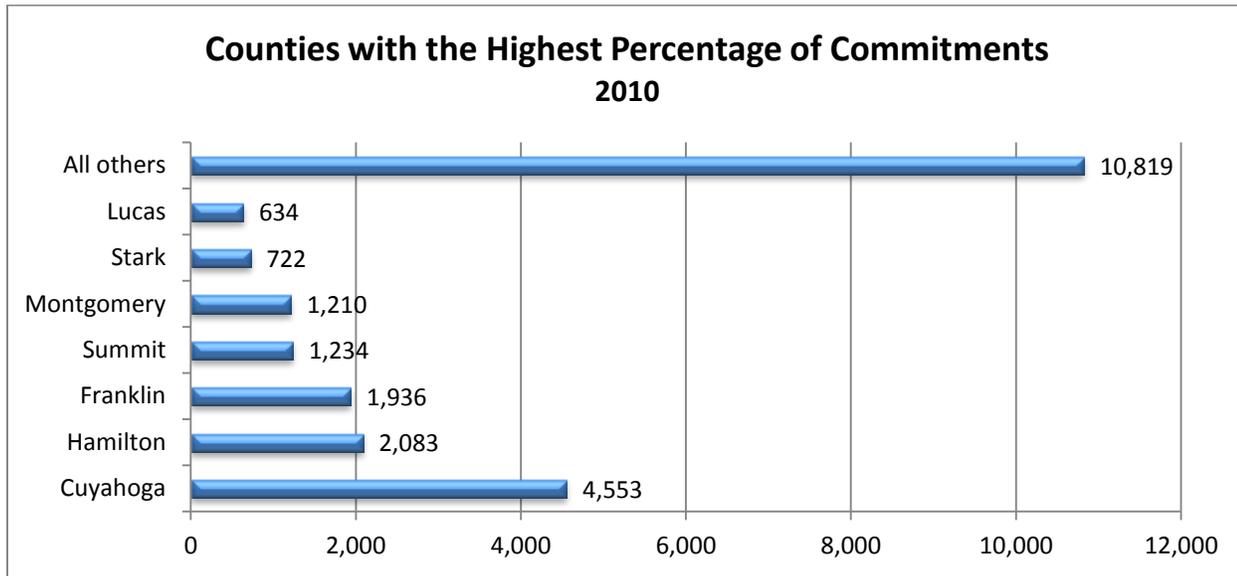


Source: Ohio Department of Rehabilitation and Correction, *Commitment Report, 2006-2010*

⁷⁷ Ohio Department of Rehabilitation and Correction, *Master Population Counts, 2007-2011*.

⁷⁸ Ohio Department of Rehabilitation and Correction, *Commitment Report, 2001-2010*.

The seven most highly populated counties in Ohio committed 53 percent of offenders to prison. These are often the same counties to which most offenders return.⁷⁹ A study of Ohio’s prisoners showed that the vast majority (95 percent) released in 2001 returned to communities in Ohio. In this study, Cuyahoga County had the highest number of returning prisoners, with 22 percent of all returns; of those, 79 percent returned to the city of Cleveland.⁸⁰



Source: Ohio Department of Rehabilitation and Correction, *Commitment Report*, 2010

Characteristics of Ohio’s Inmates

The Bureau of Research at the Ohio Department of Rehabilitation and Correction (ODRC) completes an intensive intake study of a sampling of offenders committed to prison.^{81,82} A greater percentage of offenders were male (86 percent) and Caucasian (57%), and the median age at commitment was 30 years, with males one year younger than females. Over 67 percent of the offenders were unemployed at the time of arrest. Over one-third of males were incarcerated for committing a crime against persons as their most serious offense, and nearly one-fourth were incarcerated for committing a drug offense. Over one-third of females were incarcerated for committing a drug offense, and over one-fourth were incarcerated for a miscellaneous property offense.

⁷⁹ Ohio Department of Rehabilitation and Correction, *Commitment Report*, 2010.

⁸⁰ LaVigne, N.G., Thompson, G.L., Visher, C., Kachnowski, V., Travis, J. (2003). *A Portrait of Prisoner Reentry in Ohio*.

⁸¹ Ohio Department of Rehabilitation and Correction, *2010 Intake Study*.

⁸² A comparison of the cohort of inmates surveyed for the Intake Study closely resembles inmates being admitted throughout the year, strongly suggesting that the Intake 2010 sample is representative of all inmates being admitted into ODRC’s prisons in 2010.

Characteristics of Ohio's Intake Population 2010		
	Males	Females
Education		
Less than high school diploma	38.0%	35.6%
High school/GED	35.4%	22.8%
Some vocational training	7.9%	11.6%
Some college/college degree	18.6%	29.9%
History of military service	6.3%	1.1%
Employment status at arrest		
Unemployed	67.6%	67.6%
Employed full time	20.0%	21.9%
Employed part time, self-employed, or temporary	12.4%	10.5%
Number of dependent children		
One	7.5%	18.6%
Two	6.9%	10.7%
Three or more	7.0%	9.4%
History of abuse		
Physical abuse	10.0%	40.3%
Sexual abuse	5.5%	39.1%
History of mental health problems	30.1%	60.9%
History of alcohol abuse	71.8%	73.3%
History of drug abuse	90.8%	88.9%
Median age at first arrest	18 years	20 years
Number of commitments to DYS		
Zero	83.7%	96.5%
One	9.9%	1.4%
Two	4.1%	1.6%
Three or more	2.2%	0.5%
Number of prior adult felony convictions		
0	34.8%	58.1%
1	22.5%	21.2%
2	14.5%	8.9%
3 or more	28.2%	11.9%

Source: Ohio Department of Rehabilitation and Correction, 2010 *Intake Study*

ODRC's commitment report for 2010 indicates that 11,883 offenders representing 51.2 percent of all those committed in the year, were imprisoned for fourth- and fifth-degree felonies. A higher percentage of females than males were imprisoned for fourth and fifth degree felonies (65.1 percent versus 49.2 percent, respectively).⁸³

Ohio Commitments by Felony Level of Most Serious Conviction Offense 2010			
	Male	Female	Total
Death	<1%	0%	<1%
Life	1.3%	<1%	1.2%
First-degree	8.9%	3.6%	8.2%
Second-degree	13.9%	8.9%	13.3%
Third-degree	26.7%	21.9%	26.1%
Fourth-degree	24.0%	23.6%	23.9%
Fifth-degree	25.2%	41.5%	27.3%
Total	100%	100%	100%

Source: Ohio Department of Rehabilitation and Correction, *Commitment Report*, 2010

The two most frequent types of offenses for which offenders were committed were crimes against persons and drug offenses. In 2010, 26 percent of offenders' most serious offense was a crime against a person, and another 26 percent were drug offenses.

Ohio Commitments by Most Serious Crime Type 2010		
	Number of commitments	Percentage
Crimes against persons	5,983	26%
Drug offenses	5,970	26%
Miscellaneous property offenses	3,546	15%
Burglary	2,282	10%
Offenses against public peace/justice/public admin.	1,633	7%
Sex offenses	1,585	7%
Firearm offenses	1,236	5%
Motor vehicle offenses	395	2%
Fraud offenses	533	2%

Source: Ohio Department of Rehabilitation and Correction, *Commitment Report*, 2010

Prison Assaults and Suicides

In FY 2010, there were 396 inmate-on-staff physical assaults, a rate of 7.8 per 1,000 population. Fifty percent of these resulted in no injury. Thirty-seven percent occurred in the general population, 27 percent occurred in segregation, and 36 percent occurred in other locations.

Inmate-on-inmate physical assaults numbered 930 in FY2010, a rate of 18.3 per 1,000 population. Forty-two percent resulted in no injury. Fifty-seven percent of all inmate-on-inmate assaults occurred in the general

⁸³ Ohio Department of Rehabilitation and Correction, *Commitment Report*, 2010.

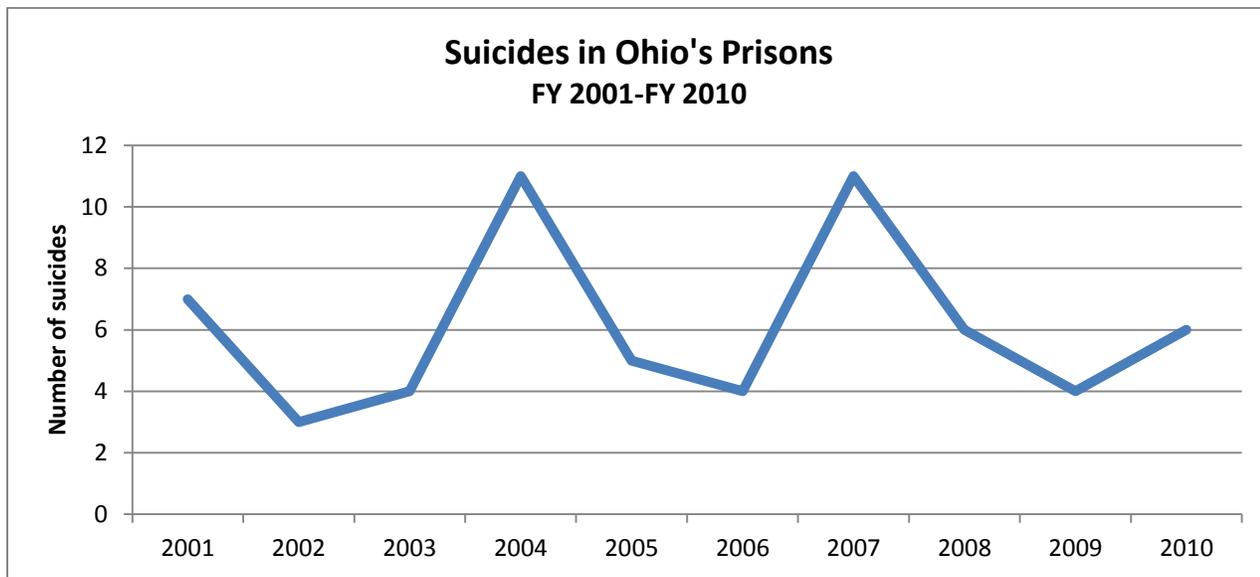
population, 12 percent in segregation, 12 percent in outside yards/recreation, and another 12 percent in food service or day hall.

Twenty-six percent of victims and 36 percent of assailants had a security threat group (aka prison gang) affiliation. It is estimated that 16 percent of all inmates are involved in a security threat group.^{84, 85}

Physical Assaults in Prison 2008-2010					
	Inmate-on-staff physical assaults			Inmate-on-inmate physical assaults	
	Population	Total number	Rate per 1,000	Total number	Rate per 1,000
FY 2008	49,889	458	9.2	715	14.3
FY 2009	50,884	372	7.3	896	17.6
FY 2010	50,835	396	7.8	930	18.3

Source: Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Annual Report 2010*

There were six inmate suicides in FY 2010, all by hanging. Suicides averaged around six per year since 2001, but have gone as high as 11 in 2004 and 2007.

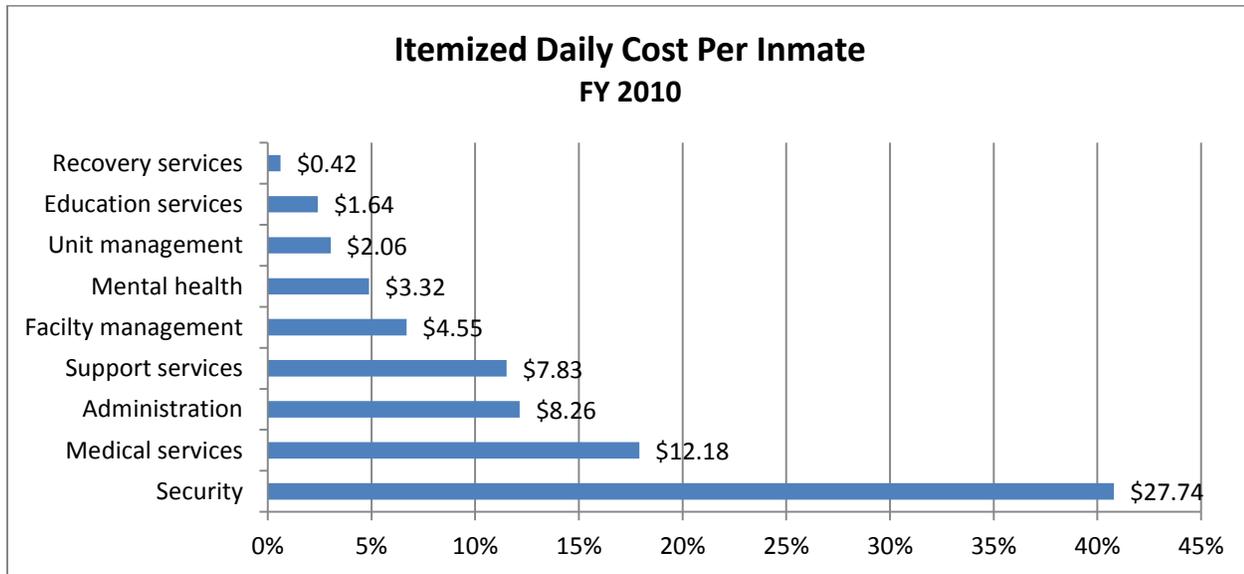


⁸⁴ Ohio Department of Rehabilitation and Correction, *Correctional Institution Inspection Committee: Security Threat Group Brief*.

⁸⁵ Security Threat Group (STG) identification occurs by: 1) self-admission; 2) records from law enforcement, courts, other agencies, or prior incarcerations; 3) identifiers such as tattoos, scars, marks, brands, possession of STG literature/materials; 4) active involvement in activities or disturbances associated with other STG members.

The Cost of Imprisonment

The cost of imprisonment in 2010 was \$68.01 per inmate per day. This reflects an increase of 10 percent over the past decade. Nearly 41 percent of the cost of imprisonment was for security.⁸⁶



Source: Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Annual Report 2010*

Recidivism

Recidivism is a key indicator for determining whether criminal justice interventions are making a difference in turning offenders away from crime.⁸⁷ However, there is no standard definition or measurement of recidivism. The most common measures include rearrest (being charged with a new offense), reconviction (being found guilty of a new offense), and reincarceration (being sentenced to a secure facility after being found guilty of a new offense) during a specific time period following the prisoner's release.

⁸⁶ Ohio Department of Rehabilitation and Correction, *Ohio Department of Rehabilitation and Correction Annual Report 2010*.

⁸⁷ Virginia Department of Public Safety, *Juvenile and Adult Recidivism* (website).

DRC defines recidivism as the first return to a DRC institution within a specified follow-up period. This includes returns for a technical violation of parole, a prison sanction, and incarceration for committing a new crime. DRC tracks three-year offender recidivism rates. The three-year recidivism rate for those offenders released in 2007 was 34.0 percent. This is the lowest three-year recidivism rate recorded since tracking began for those who exited DRC in 2000.⁸⁸

Ohio DRC Recidivism Rates	
Returned for first time in...	Percentage
Year 1	14.5%
Year 2	12.6%
Year 3	6.9%
Total	34.0%
Reason for return to DRC	
Technical violation	3.2%
Post-release control violation	4.1%
New crime	26.7%

Source: Ohio Department of Rehabilitation and Correction, *DRC Recidivism Rates*

Capital Punishment

In order for a criminal defendant to be subjected to a capital trial, the defendant must have been at least 18 years old at the time of the commission of the offense and must be indicted on a capital charge, which would involve aggravated murder and at least one statutorily defined aggravated circumstance.⁸⁹

Capital punishment has been part of Ohio’s criminal justice history since Ohio became a state. Early on, executions were carried out by public hanging in the county where the crime was committed. In 1897, death by electrocution replaced hanging. The electric chair was used to put 315 people to death between 1897 until 1963. In 1993, a bill was passed that gave inmates the option between death by electrocution or lethal injection.

In 1972, the United States Supreme Court declared the death penalty to be unconstitutional, thus reducing the death sentences of 65 inmates to life in prison. Ohio lawmakers drafted a new law to reflect the strict criteria for the imposition of the death penalty, which took effect in 1981. Since 1981, Ohio has issued a total of 311 death sentences. Of these, 45 inmates have been executed under Ohio’s current law as of July 2011.^{90,91} All executions take place at the Southern Ohio Correctional Facility.⁹²

⁸⁸ Ohio Department of Rehabilitation and Correction, *DRC Recidivism Rates*.

⁸⁹ Ohio Attorney General’s Office, *Capital Crimes Annual Report: State and Federal Cases 2010*.

⁹⁰ Office of the Ohio Public Defender, *Death Row Current Residents*.

⁹¹ Office of the Ohio Public Defender, *Former Death Row Residents Under 1981 Law*.

⁹² Ohio Department of Rehabilitation and Correction, *Capital Punishment in Ohio* webpage.

Many individuals who are placed on death row are never executed. This could be for a variety of reasons, such as natural death, commutation of sentence, or conviction reversal, as shown in the following table.

Former Ohio Death Row Residents under 1981 Law as of September 2011	
Reason Removed	Number of former death row residents
Accidental overdose	2
Natural death	16
Conviction reversed	11
Sentence vacated	46
Reversed, acquitted	1
Sentence inappropriate	3
Specification vacated	2
Reversed, charges dismissed	1
Commutated to life without parole	7
Commutated to life	2
Suicide	4
Conviction, sentence vacated	4
New trial motion granted	1
Sentence reversed	1
Executed	45
Clemency	6
Jurisdiction void	1
Pled to lesser offense	1

Source: Office of the Ohio Public Defender, *Former Death Row Residents under 1981 Law*

As of June 2011, Ohio had 156 death row residents, all but one of which was male. Fifty percent were Black, 45 percent were White, and five percent were identified as other races.

Demographics of Ohio Death Row Residents	
	Number of death row residents
Sentenced and other defendants	
Male	156
Female	1
Black	79
White	68
Other	8
Executed defendants	
Male	45
Black	17
White	28

Source: Office of the Ohio Public Defender, *Death Penalty Proportionality Statistics*

Parole and Post Release Control

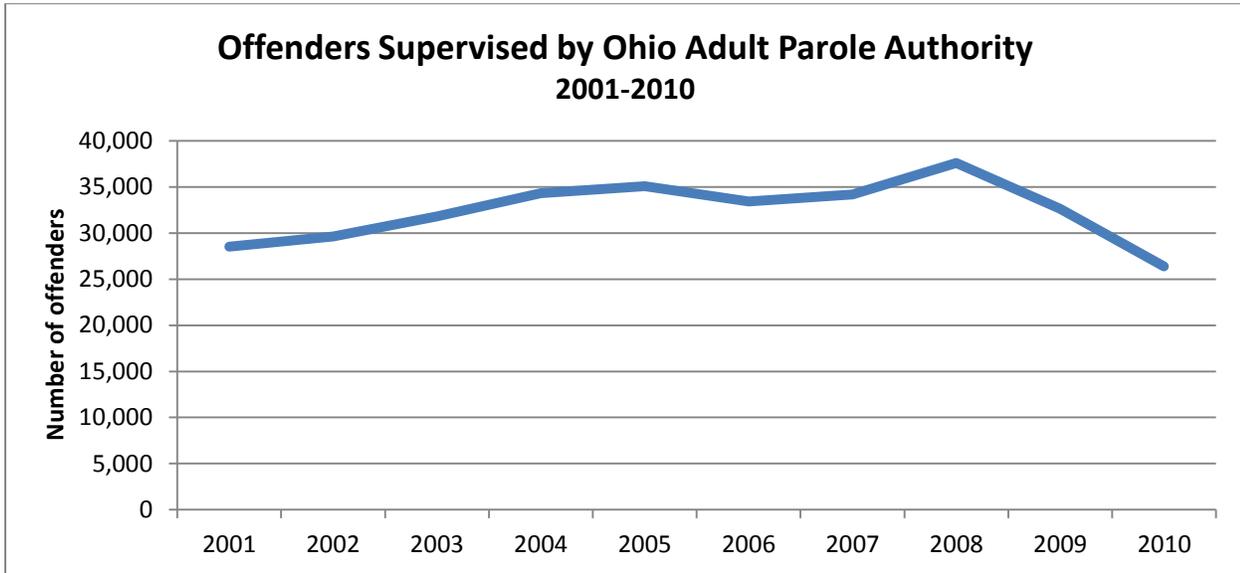
Offenders who complete their determinate sentence and offenders who complete their maximum sentence length in an indeterminate sentence (for those sentenced prior to 1996) are released from prison without community supervision. In both cases, they have completed their definite term of confinement in their sentence. However, many do not complete their definite term of confinement. For those offenders with an indeterminate sentence, the Ohio Parole Board makes a determination whether the offender is ready for release based on a review of the case and the offender's conduct in prison. For offenders with determinate sentences, the authority to grant early release is decided by the court that sentenced the offender to prison.

Offenders can be on one of several types of supervised release. Roughly one-third of offenders were on post-release control, and another one-third was on community control. Less than six percent were on parole. A greater percentage of males were on post-release control, while a greater percentage of females were on community control.

Types of Supervised Release and Percentage on Release 2010				
	Description	Male	Female	Total
Post-release control	The supervision of offenders released after serving their sentence (this replaced parole beginning in 1996)	36.6%	12.4%	32.4%
Community control	Generic name for a series of non-residential and residential sentences for offenders who do not receive a prison sentence	30.4%	53.4%	34.4%
Parole	The supervision of offenders released from prison with conditions (prior to 1996)	6.6%	1.2%	5.7%
Compact probation	The supervision of offenders on probation who are approved to reside and work in a state or territory other than the one where they were convicted	9.0%	14.7%	9.9%
Judicial release	The process whereby the judge places an offender on probation prior to expiration of his/her sentence	6.3%	8.0%	6.6%
Transitional control	A phased re-entry program whereby the offender is placed in a residential program during last 180 days of his/her sentence	4.1%	2.1%	3.8%
Compact parole	The supervision of offenders on parole who are approved to reside and work in a state or territory other than the one where they were convicted	4.1%	2.8%	3.9%
Intensive Program Prison	After involvement in an intensive prison treatment program, offender will have his/her sentence reduced to the amount of time already served and is put on post-release supervision	1.4%	1.3%	1.3%
Treatment in lieu	Pretrial diversion for defendants to receive treatment and avoid further criminal proceedings	1.2%	3.7%	1.7%
Probation	The supervision of offenders by a probation officer	<1%	<1%	<1%
Total		100%	100%	100%

Source: Ohio Office of Criminal Justice Services, *Ohio Statutory Community Sanctions for Adult and Juvenile Offenders*
 Source: Ohio Department of Rehabilitation and Correction, *Adult Parole Authority 2010 Census Report*

The total number of offenders on supervised release has fluctuated the past decade, but has been on the decline since 2008.



Source: Ohio Department of Rehabilitation and Correction, *Adult Parole Authority Census Report, 2001-2010* publications

Reentry

It is estimated that in Ohio, over 26,000 adults and 800 juvenile offenders will be released from institutions during the next year. Their successful reintegration to the community is important not only for offenders and their families, but also to the quality of life of communities throughout Ohio.⁹³ The concept of reentry involves the use of programs targeted at promoting the effective re-integration of offenders back to communities upon release from prison and jail. Reentry efforts start within the institution. DRC reported having 86 prison reentry programs in FY 2010, serving a variety of needs.⁹⁴

Prison Reentry Programs 2010	
	Percentage of programs addressing each domain
Education	34.7%
Employment	34.7%
Personal/emotional	6.8%
Substance abuse	6.3%
Attitudes	6.3%
Community functioning	5.3%
Associates	4.7%
Marital/family	1.0%

Source: Ohio Department of Rehabilitation and Correction, *Department of Rehabilitation and Correction 2010 Annual Report*

In 2008, the Ohio General Assembly passed House Bill 130, which called for the formation of an Ex-Offender Reentry Coalition to assist in expanding and improving reentry efforts across the state.⁹⁵ The Reentry Coalition's goals are to 1) ensure successful offender reentry; 2) reduce recidivism, and 3) enhance public safety by forming collaborative partnerships with government entities, faith and community-based organizations, and other stakeholders. As of 2010, there were 28 established local reentry task forces representing 34 counties, with other counties in the planning stages.⁹⁶

⁹³ Ohio Ex-Offender Reentry Coalition, *2010 Annual Report*.

⁹⁴ Ohio Department of Rehabilitation and Correction, *Department of Rehabilitation and Correction 2010 Annual Report*.

⁹⁵ Am. Sub. H.B. No. 130.

⁹⁶ Ohio Ex-Offender Reentry Coalition, *2010 Annual Report*.

Juvenile Justice

Juvenile justice in Ohio is a system separate from the adult criminal justice system. It shares some common elements with the adult system but has unique features. This chapter describes Ohio’s juvenile justice system and includes historical and legal reasons why it is a separate system.

Who is a Juvenile?

Ohio’s juvenile courts handle cases involving persons under 18 years of age who are accused of a delinquency offense, an unruly offense, are deemed in need of protection from abuse/neglect/dependency, or are charged with traffic offenses. The focus of this chapter is on delinquency and unruly offenses. A juvenile may be found to be delinquent by reason of committing an act that would be considered a crime if committed by an adult. Unruly offenses, sometimes called status offenses, are acts that are offenses due to the person’s status of being a juvenile, such as incorrigibility, truancy, running away, and curfew violations.

Ohio Revised Code § 2151.011 (B)(6) defines those subject to the jurisdiction of the state’s juvenile courts:

“Child’ means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a “child” until the person attains twenty-one years of age.”

Juvenile population

Ohio’s juvenile population has been steadily decreasing since 1980 despite an overall increase in the state’s population. Ohio had 365,090 fewer juveniles in 2010 than it did in 1980. The decline in juvenile population is particularly apparent in terms of its percent of Ohio’s total population, having fallen from about 29 percent to 24 percent.

Ohio’s Juvenile Population 1080-2010				
	1980	1990	2000	2010
Ohio total population	10,797,630	10,847,115	11,353,150	11,536,504
Juvenile population	3,095,841	2,803,796	2,888,349	2,730,751
Juvenile percent of total	28.7%	25.8%	25.4%	23.7%

Source: U.S. Census Bureau

Juvenile Arrests

A juvenile's initial contact with the juvenile justice system is usually due to arrest by law enforcement. A juvenile can also enter the system through referrals by parents, schools, victims, or probation officers.

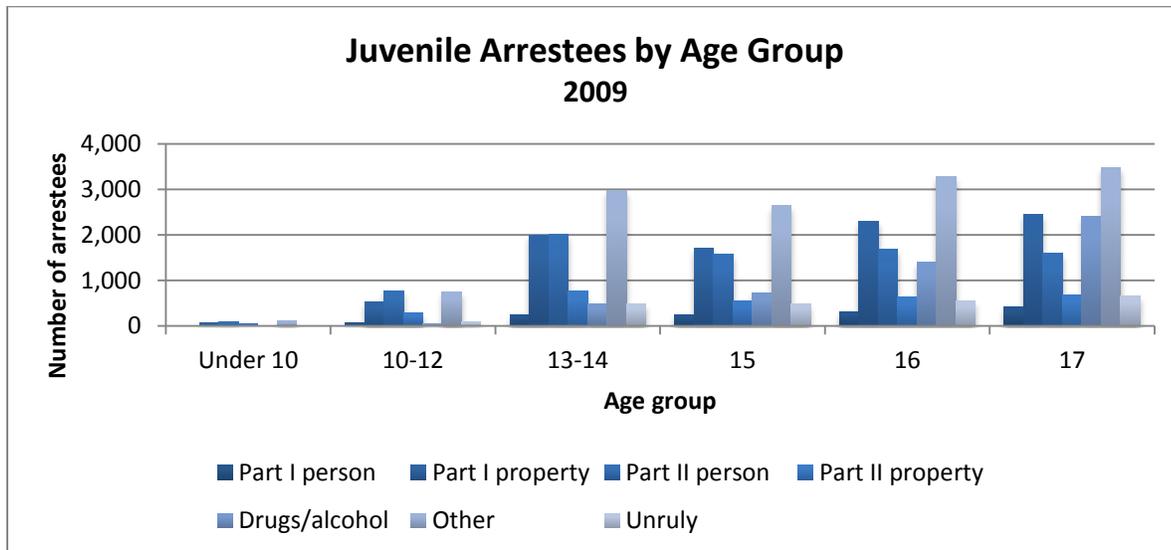
In 2009, there were 41,560 arrests of juveniles in Ohio. Approximately 22 percent of these were for crimes against people, 29 percent property crimes, five percent unruly offenses, and 44 percent other offenses.⁹⁷

Juvenile Arrestees in Ohio 2009		
	Crime against...	Number of Arrestees
Murder/manslaughter	Persons	17
Forcible rape	Persons	100
Robbery	Persons	762
Aggravated assault	Persons	409
Burglary/breaking and entering	Property	1,604
Larceny-theft	Property	6,896
Motor vehicle theft	Property	420
Arson	Property	135
Other sex offenses	Persons	252
Other assaults	Persons	6,869
Other offenses against persons	Persons	604
Other property offenses	Property	2,926
Drug-related	Society	2,686
Alcohol-related	Society	2,382
Disorderly conduct	Society	3,272
Other		9,970
Runaway/curfew	Not a crime	2,256
Total		41,560

Source: Federal Bureau of Investigation, 2009 Ohio Arrest by County tables

⁹⁷ Federal Bureau of Investigation, 2009 Ohio Arrest by County tables.

Sixteen and seventeen year olds account for 52 percent of all juvenile arrests. Juveniles 13-15 comprise 41 percent of juvenile arrests and under 10-12 are the remaining seven percent. Drug and alcohol arrests are a much larger share of 16 and 17 years old offenses than for the other ages.

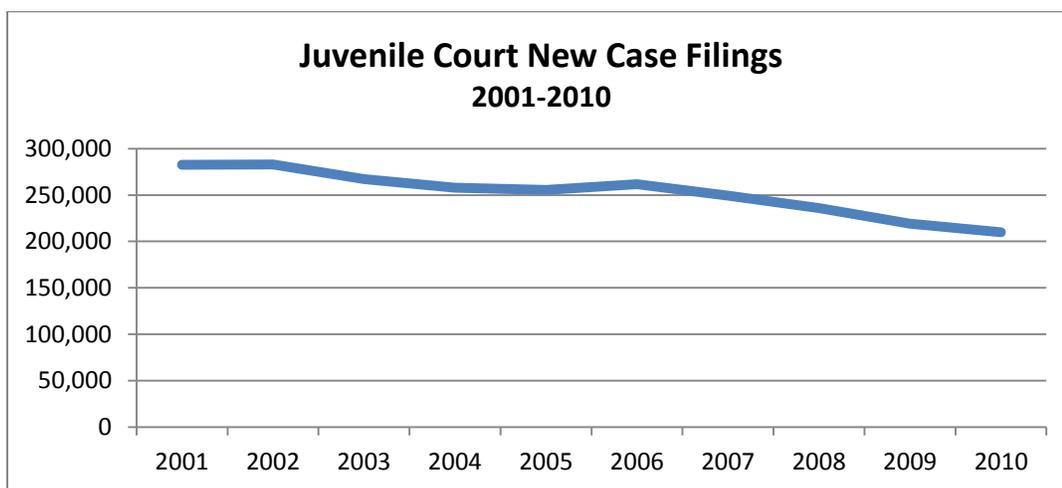


Source: Federal Bureau of Investigation, 2009 Ohio Arrest by County tables

Juvenile Court and the Unique System for Juveniles

Following arrest or referral by an eligible party, juveniles enter the jurisdiction of juvenile court. Article IV, Section 1 of the Ohio Constitution grants the statutory authority for the establishment of juvenile courts in Ohio. The courts of common pleas have original jurisdiction over juvenile delinquency and unruly offenses. All 88 counties have courts of common pleas. Depending on the county, juvenile cases can be in a juvenile division of the court or be part of the family, probate, or domestic relations divisions.

Perhaps reflecting the decrease in Ohio’s juvenile population, the number of juvenile court filings has declined over the past ten years.



Source: Supreme Court of Ohio, 2010 Ohio Courts Statistical Summary

Juvenile proceedings differ from adult proceedings for a number of historical and legal reasons. The juvenile justice system was created in the late nineteenth century as part of a reform movement led by Quakers. Prior to the late 1800s, juveniles were routinely processed alongside adult offenders and it was not uncommon for children over the age of seven to share jail space with adults. Citing humanitarian concerns, the Quaker reformers sought to rehabilitate rather than punish juveniles. Their efforts were instrumental in establishing the New York House of Refuge in 1824. The House of Refuge housed juveniles who earlier would have been placed in adult jails. Beginning in 1899, other states began to establish similar youth reform homes.⁹⁸

The doctrine of *parens patriae*⁹⁹ became the basis for the juvenile justice system; that is, the courts took responsibility for “parenting” juvenile offenders. Juveniles were no longer treated as adult offenders nor were they housed within adult correctional facilities. Juvenile court cases were typically heard in a more informal court specifically designed for resolving matters involving juveniles.

Because juvenile courts were acting in the child's best interest, many of the constitutional rights afforded offenders in the adult system were deemed unnecessary. Juveniles facing potential loss of liberty were sometimes denied due process of rights extended to them through the 5th and 14th Amendments of the Constitution. Many youth were processed through the system without the assistance of attorneys or others who could protect their interest. In addition, factors outside the legal facts of the case were sometimes introduced as evidence.

The 1967 U.S. Supreme Court decision *In re Gault* upheld juveniles’ rights to a number of due process protections. The Court affirmed that the following rights for juveniles:

- 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

Granting juveniles many, though not all, of adult due process rights (e.g. trial by a jury of peers) resulted in juvenile court proceedings becoming more like adult proceedings. However, the juvenile court retained its greater emphasis on rehabilitation. This mix produced today’s juvenile court that is both similar to yet different from the adult system.

⁹⁸ Friedman, L. M. (1993). *Crime and Punishment in American History*. New York: Basic Books. pp. 163-165.

⁹⁹ 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.

Informal Court Process

When a case reaches the intake department of the local juvenile court, an intake officer conducts an intake assessment to decide whether to dismiss the case, handle it informally, or proceed through the formal court process. This decision is based on a number of factors including the seriousness of the alleged offense, prior delinquency or unruly offenses committed by the juvenile, and the availability of programs appropriate to the juvenile's risk and needs. Approximately half of all juvenile justice cases are heard informally and most of these are eventually dismissed. Usually juveniles receive an informal disposition by a judge when they admit guilt and agree to settle the charges by meeting the requirements of the court. The requirements are presented 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.
- 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 juvenile is released on a probationary basis to fulfill his obligations. During this informal probation time, his progress is monitored by a probation officer. After all the elements of the consent decree are met 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.

Juvenile Court Cases

If a formal hearing is 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 the juvenile should be detained before and through the course of the trial. Detention hearings are usually held within 24 hours of arrest. A juvenile will typically be detained in a secure facility if the evidence supports that the youth poses a threat to himself or to public safety.

Prosecutors charge juveniles with unruly or delinquency offenses. The charge informs the judge of the allegations against the juvenile and leads to the court exercising its jurisdiction over the case. For specified serious offenses, the prosecutor can move to transfer the juvenile's case to criminal court where the juvenile will be tried as an adult.

In Ohio, the determination of whether a juvenile committed an offense is called adjudication. If the juvenile is found to have committed the act, the next step is the disposition of the case, during which the judge decides the sanctions the juvenile will receive. The judge may require the probation office to recommend a course of action for the court to take. Probation officials will gather information from a variety of sources and may include psychological evaluations, diagnostic tests, risk assessments, and victim impact statements. The disposition plan developed by the probation officer advises the court on which of the available options would best benefit the juvenile and the community. The recommendations frequently include conditions such as drug rehabilitation, limited (weekend) confinement, restitution, and residential placement. The plan may also recommend a period of confinement in a local facility or commitment to the Ohio Department of Youth Services (ODYS). During the disposition hearing, the probation officer, prosecutor, and juvenile are permitted to propose disposition strategies.

A juvenile may be placed on probation or held within a residential facility 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.

Graduated Sanctions

Graduated sanctions have become the dominant framework for interventions with juvenile offenders. They are a continuum of increasingly severe interventions that allows the juvenile justice system to match sanctions and treatment with the offense severity, level of risk, and service needs of the juvenile.

The front end of the continuum is immediate sanctions 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, requiring 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 front end sanctions include but are not limited to victim-offender mediation, various community decision making and conferencing processes (e.g., 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. Intermediate sanctions provide effective alternatives for youth who can be supervised in less costly programs and creates more secure detention space 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 is placement in either a community correctional facility or a state-run juvenile correctional facility. 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 cannot be provided through immediate or intermediate sanctions. Secure care provides treatment and transition services while a youth is removed from home.

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 four 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.

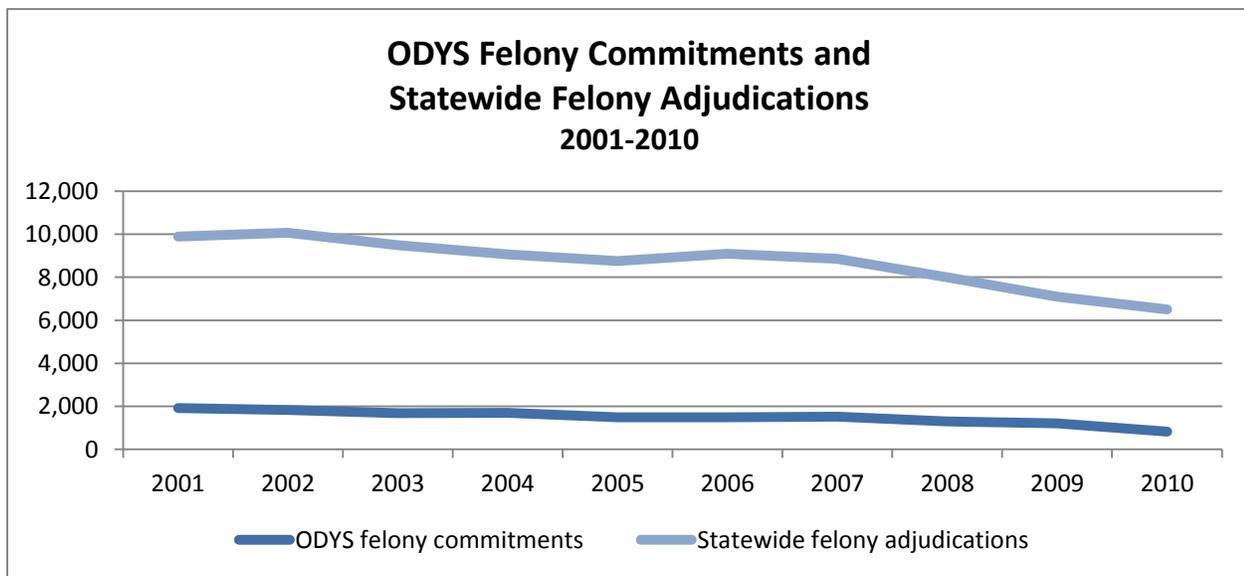
The Ohio Youth Assessment System (OYAS)

An essential element to the effectiveness of graduated sanctions is correctly matching the juvenile with the most appropriate services. Research has firmly established that matching is best done by assessing the juvenile's with validated risk assessment instrument. ODYS has established a statewide initiative using the University of Cincinnati's Ohio Youth Assessment System (OYAS). Prior to OYAS, 77 different instruments were used to assess risk in Ohio's 88 counties. A standardized instrument not only improves assessment, it also improves the ability of people to talk to each other about juveniles and their services.

OYAS builds information as the juvenile moves through the juvenile justice system. The information collected are factors in seven domains known to be related to positive outcomes for juvenile offenders. Initial evaluation found that OYAS is effective in discriminating between low, medium, and high-risk male and female juvenile offenders. This provides the basis for effectively matching services with the juvenile’s needs.

RECLAIM Ohio

Ohio is a leader in supporting community programs for juvenile offenders, most notably RECLAIM Ohio (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors). In 1993, the number of juveniles being committed to the state had been steadily increasing and Ohio’s juvenile institutions were already crowded. Then ODYS and the Ohio Association of Family and Juvenile Court Judges created RECLAIM Ohio. Under RECLAIM, funds that were once allocated for the operation of state facilities are instead given to each county for the treatment of juvenile offenders. This has proven to be very successful in reducing institutional crowding and in placing juveniles in more effective community-based services. RECLAIM Ohio was operating in all of Ohio’s 88 counties by January 1995. Because it has proven to be very successful in reducing institutional populations and serving juveniles in their community, RECLAIM Ohio is now a nationally recognized funding model that has been copied by other states.



Source: Ohio Department of Youth Services, *Statewide Felony Adjudications and Commitments 1997-2010*

Juvenile judges use RECLAIM funds to order treatment within the local community or pay to commit youth to an ODYS facility. Funds are used for 38 categories of different types of programs. The most common program is drug testing (22 percent of funded juvenile admissions). The next three most common programs are also community control programs: law enforcement (14 percent), monitoring/surveillance (ten percent), and work detail (nine percent). However, RECLAIM also funds a wide array of prevention and intervention services such as substance abuse, day treatment, alternative schools, and diversion and prevention programs. A separate fund allows juvenile judges to sentence youth convicted of specific violent offenses (murder, attempted murder, kidnapping, rape, voluntary manslaughter, involuntary manslaughter, felonious sexual penetration, arson, and three-year gun specifications) without using community RECLAIM resources.

Community Correctional Facilities

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 Ohio's twelve 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.

ODYS Juvenile Correctional Facilities

The most restrictive placements in Ohio's continuum of services are the ODYS juvenile correctional facilities. In part due to the success of RECLAIM, Ohio now operates only four facilities compared to eight state operated facilities in 2005. The four facilities are:

- Circleville Juvenile Correctional Facility
- Cuyahoga Hills Juvenile Correctional Facility
- Indian River Juvenile Correctional Facility
- Scioto Juvenile Correctional Facility

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 felony 4 and 5 offenses.

ODYS provides a number of services within its institutions, including a school district. 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. The school offers core credits needed for graduation and remedial programs such as Title I. ODYS also offers vocational job skills training at its various institutions, including horticulture, barbering, printing, and office technology.

One of the most challenging issues confronting juvenile justice today is providing services to juveniles 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 the general population. Further, without the necessary treatment juvenile offenders with mental illness are more likely to re-offend and return to the juvenile justice system. All ODYS facilities employ full-time psychology staff and contract for psychiatric services.

Aftercare and Reentry

Juveniles released from ODYS are placed on aftercare and supervised by parole officers. It is well established that aftercare is more successful if there is transition from treatment services in the institution to complementary treatment in the community. A particular type of transition that research has found can be very successful is called reentry. Ohio excels at reentry. The Ohio Ex-Offender Reentry Coalition is operated by the Ohio Department of Rehabilitation and Correction, and ODYS is a prominent member of the Coalition.

Effective reentry requires quality programs in both the institutions and the community. Proper matching of juveniles to appropriate services is just as important for reentry as it is for other services. However, available service and correct matching are not enough. Successful reentry also requires effective collaboration of services. This is quite complex, involving collaboration between local services and institutional services and among the local service providers. Ohio achieves this through the state level Ex-Offender Reentry Coalition and local reentry coalitions. The state coalition has written a five-year strategic plan that provides direction to the state and the local coalitions plan for and coordinate local services.

The University of Cincinnati is currently evaluating Ohio's reentry programs. Its findings will be used to improve both strategic planning and the delivery of reentry services.

Transfer to Adult Court

There are two basic ways juveniles can be transferred to criminal court for trial as an adult. One is mandatory transfer; that is, jurisdiction must be transferred to criminal court. The other is discretionary transfer where the juvenile judge may transfer the juvenile to adult court. Ohio Revised Code § 2152.10 and § 2152.12 define what types of cases are eligible for transfer and procedures for transfer. In general, mandatory transfer occurs when:

- The child is charged with a **category one** offense and either:
 - The child was 16 years old at the time of the act, or
 - The child was 14 or 15 years of age and had previously been adjudicated delinquent for a category one or category two offense.
- The child is charged with a **category two** offense, was 16 years of age or older at the time of the act, and either:
 - The child had previously been adjudicated delinquent for a category one or two offense and was committed to the custody of ODYS, or
 - The child is alleged to have had a firearm during the commission of the act.

Discretionary transfer can be considered if the child was 14 years of age or older at the time of an act that would be a felony if committed by an adult.
