

A STUDY OF THE RESOURCE UTILIZATION  
IN SOME OHIO POLICE DEPARTMENTS  
AS COUNTER MEASURE TO CERTAIN  
VICTIMLESS CRIMES

by

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## ABSTRACT

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This study was conducted to measure the resources utilized by ten police departments in Ohio to fight four victimless crimes (prostitution, drug abuse offenses, homosexuality, and gambling) and four serious crimes (homicide, burglary, robbery, and rape.) The resources utilized on selected victimless crimes were compared with resources utilized on selected serious crimes. The two primary goals of this study are: (1) to determine the amount of time and money assigned to fight each of these selected crimes; and (2) to obtain the views of some law enforcement officials concerning retaining or modifying each of the four victimless crimes in the criminal code.

A survey questionnaire was utilized in order to gather data from police administrators in ten police departments in Ohio. In developing the survey instrument suggestions were sought from police administrators, the researcher's graduate committee, and other knowledgeable

persons in the criminal justice field. Prior to utilizing the survey questionnaire it was administered to Youngstown Police Department for purposes of determining its clarity. Changes were made accordingly.

The results of this study indicate that more police resources are being utilized to enforce the selected serious crime laws than to enforce the selected victimless crimes. However, it was found that police do utilize a considerable amount of their available resources to combat certain victimless crimes. Police officials showed a strong sentiment for decriminalization of some of the victimless crimes.

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## CHAPTER I

## INTRODUCTION

Introduction To The Problem

Since the formation of the Law Enforcement Assistance Administration (LEAA) in 1968, "more than 4 billion dollars" has been spent by the federal government in the fight against crime.<sup>1</sup> This is in addition to increased funding by local governments.

During the past few years, many colleges and universities have started new programs in law enforcement. Great emphasis is being placed on education and training of law enforcement officers in the hope of reducing crime in the United States.

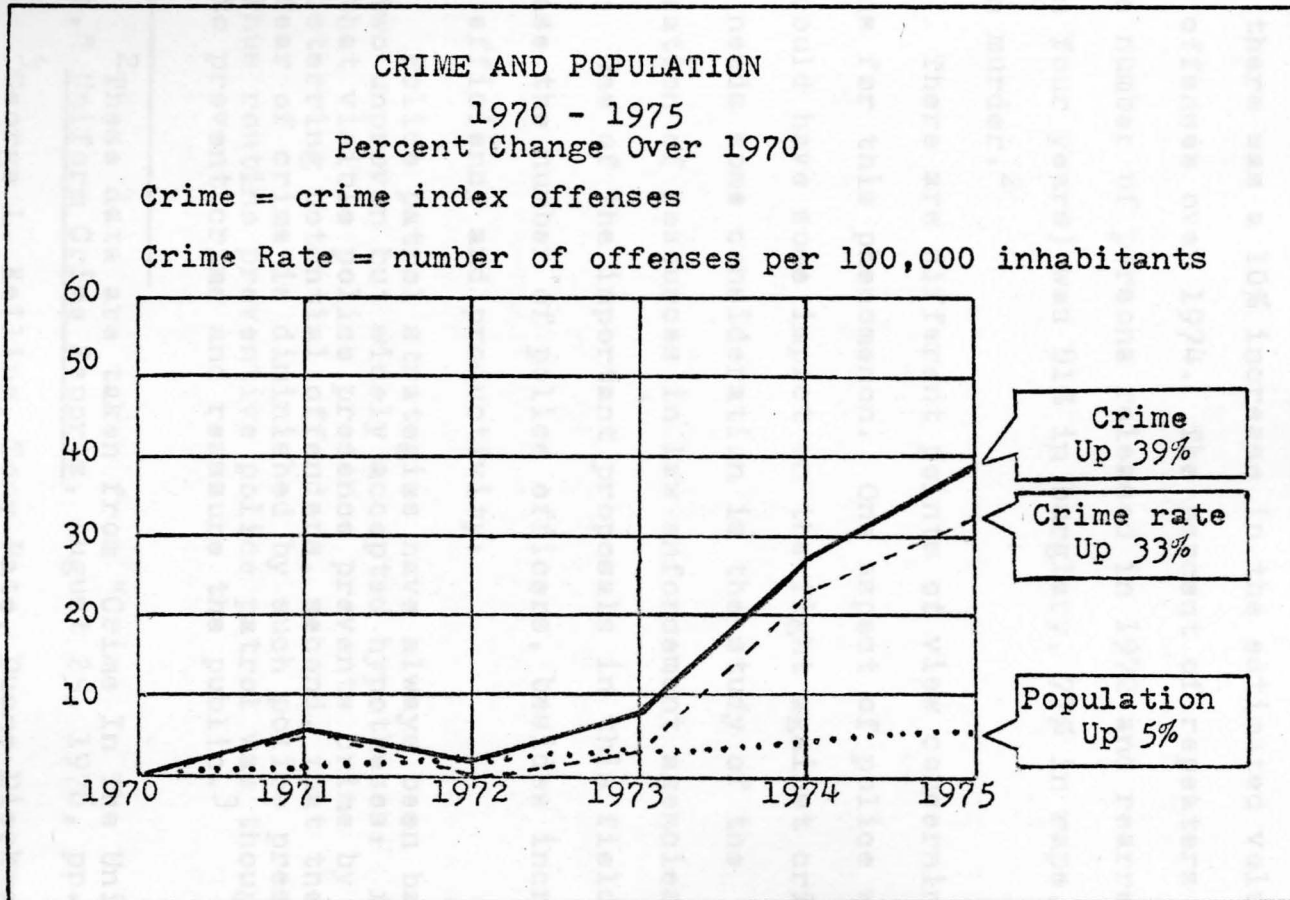
In spite of all the efforts by the federal and local governmental agencies to reduce crime, every issue of the "Uniform Crime Report" during recent years has indicated a continuous upwards trend in overall crime.

For the five year-period 1970-1975, the population in the United States has increased 5%, while the crime rate has increased 33%, and the "Crime Index Offenses" (which includes the seven most serious crimes reported to the FBI) as a group have increased 39% (see Chart 1). More

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<sup>1</sup>Richard W. Velde, Law Enforcement Assistance Administration, "Police Chief", July 1975, p. 44.

Chart 1:



specifically, for the same period of time, aggravated assault increased 45%, forcible rape 48%, robbery 33%, burglary 47%, and murder 28%. During the calendar year 1975, there was a 10% increase in the estimated volume of index offenses over 1974. The percent of repeaters (defined as the number of persons released in 1972 and rearrested within four years) was 81% in burglary, 77% in rape, and 64% in murder.<sup>2</sup>

There are different points of view concerning the reasons for this phenomenon. One aspect of police work that could have some impact on the fight against crime and which needs some consideration is the study of the utilization of resources in law enforcement agencies.

One of the important proposals in this field is to increase the number of police officers, besides increasing their efficiency and productivity:

Police patrol strategies have always been based on two unproven but widely accepted hypotheses: first that visible police presence prevents crime by deterring potential offenders, second, that the public's fear of crime is diminished by such police presence. Thus routine preventive police patrol was thought both to prevent crime and reassure the public.<sup>3</sup>

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<sup>2</sup>These data are taken from "Crime In The United States," Uniform Crime Reports, August 25, 1976, pp. 10-28.

<sup>3</sup>George L. Kelling, Tony Pate, Duane Dieckman, and Charles E. Brown, A Summary Report Of The Kansas City Preventive Patrol Experiment, Washington D.C. : Police Foundation, 1974. p. v.

Suggestions of increasing the number of police officers may not necessarily influence the crime rate. The cost factor of increasing the number of police officers on the streets is enormous. A study conducted in Kansas City found that:

Decreasing or increasing routine preventive patrol within the range tested in the experiment had no effect on crime, citizen fear of crime, community attitudes toward the police on the delivery of police service, and police response time on traffic accidents.<sup>4</sup>

Accordingly, the probability of increased police productivity and consequently the effectiveness of the entire criminal justice system increases if the police have fewer laws to enforce.

#### The Problem

If the result of the Kansas City experiment is accepted, that increases in the police force does not have a significant effect on crime, then more studies should be conducted to determine what does increase the effectiveness and efficiency of police. Based on such studies, priorities should then be established.

This study is an attempt to examine and compare the resource utilization by police departments in fighting serious crimes and the less serious or so-called "victimless crimes" ;

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<sup>4</sup>Ibid., p. 39.

An activity is a victimless crime if and only if it is prohibited by the criminal code and made subject to penalty or punishment, and involves the exchange or transaction of goods and services among consenting adults who regard themselves as unharmed by the authorities of their participation in it.<sup>5</sup>

This study attempts to evaluate whether police divide their time between these two different groups of crimes in proportion to their seriousness. In other words, do they devote more resources to solving serious crimes (such as murder or burglary) than they devote to victimless crimes (such as prostitution or gambling)?

Also, this study examines whether victimless crimes merit the time and money currently being devoted to them.

Some questions to be considered in this study include:

Could victimless crimes be handled better outside the criminal justice system? What alternatives could be utilized? Could these alternatives be applied to all victimless crimes, or would some victimless crimes have to be handled within the criminal justice system?

It seeks to evaluate and compare the resources used by law enforcement agencies involved in enforcing laws concerning four victimless crimes and four serious crimes. Ten police departments of different sizes were selected for this study.

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<sup>5</sup>Edwin M. Schur and Hugo Bedau, Victimless Crimes: Two Sides Of A Controversy, N.J. : Prentice Hall Inc, 1974, p. 73.

### Literature Review

Little research has been done concerning the relative amount of resources utilized in fighting serious crimes as opposed to victimless crimes.

It has been suggested that many victimless crimes should be dealt with by other agencies outside of the criminal justice system, thereby reducing some of the work load for law enforcement agencies and courts.<sup>6</sup> These crimes constitute a major portion of cases that are brought before the courts. It was also suggested that by such reforms of The U.S. Penal Code, law enforcement agencies would be released from much of the present work involving victimless crime. Such released time and resources when utilized in handling other more serious crimes might have great impact on crime in U.S.A.<sup>7</sup>

The criminal justice section of the New York State Bar Association recommended "..., that all criminal sanctions be removed from a variety of victimless crimes, including possession or private use of small quantities of marijuana."<sup>8</sup>

These concepts have been discussed for some time but there is a lack of quantitative studies to determine the

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<sup>6</sup>Alexander B. Smith and Harriet Pollack, Some Sins Are Not Crimes, New York: Alexander B. Smith and Harriet Pollack: 1975, p. xi.

<sup>7</sup>Ibid., p. 10.

<sup>8</sup>Schur and Bedau, Victimless Crimes, p. 55.

actual cost in terms of time and money to the police departments.

Many sections of the United States Penal Codes are concerned with acts that are criminal because of morality and tradition. These crimes (malum prohibitum) include acts such as homosexuality between adults, prostitution, gambling, and drug abuse. Crimes which are violent or destructive (malum in se) definitely cause harm to society or individuals and demand that criminal laws should be strongly enforced. These acts include murders, burglaries, robberies, and rapes.

If the above mentioned moral laws are repealed, the criminal sanction will not be used to enforce a particular mode of conduct. Most human conduct is regulated by such nonlegal institutions as the home, the school, the church, the family, and the peer group. For instance, a man supports his wife and children as a response to socio-cultural demand, rather than his being afraid of being put in jail for non-support.<sup>9</sup> On the other hand enacting a new law does not ensure that it will be obeyed or enforced. Accordingly, repealing a law does not necessarily mean an increase in undesirable conduct.

One example of victimless crimes is prostitution. Now, many police departments have separate units to handle

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<sup>9</sup>Ibid., p. 11.

prostitution related crimes. The history of prostitution is in a sense a history of the pendulum swinging between licensing and repression. "There has always been and always will be a market for something men want and women have to sell."<sup>10</sup>

The licensing of prostitution in London was proposed as early as 1724 on the ground that it would cut down on many evils including venereal disease. During the eighteen and nineteenth centuries prostitution was licensed in both Paris and Berlin. However, attempts at regulation by licensing narrowly failed in the nineteenth century in New York, Chicago, Cincinnati, and Washington D.C. When these measures died, police turned to informal "segregation" and the toleration of known but unlicensed "red light districts" where prostitutes were often required to register with the police, though no law required the practice.<sup>11</sup>

The system of the segregated districts existed in Oakland, California before 1914.<sup>12</sup> Table 1 indicates that the yearly average number of sex related crimes were 18 for

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<sup>10</sup>Samir Khalaf, Prostitution in a Changing Society, Beirut, Lebanon: Khayats, 1965, p. 101.

<sup>11</sup>Non-Victim Crimes in San Francisco Report, Part 2: Sexual Conduct, Gambling, and Pronography, 1971, p. 42.

<sup>12</sup>Howard B. Woolston, Prostitution In The United States, New Jersey: Patterson Smith Publishing Corporation, 1969, p. 126.



TABLE 1

SHOWS AN INCREASE IN THE NUMBER OF SEX RELATED  
OFFENSES AFTER THE DISCONTINUATION OF THE RED  
LIGHT AREAS IN OAKLAND, CALIFORNIA

| CRIME CLASSIFICATIONS              | 1910      | 1911      | 1912      | 1913      | 1914<br>Jan - July |
|------------------------------------|-----------|-----------|-----------|-----------|--------------------|
|                                    | G. NG. D. | G. NG. D. | G. NG. D. | G. NG. D. | G. NG. D.          |
| Assault to commit rape             | 1 1       | 1         | 1         | 1         | 2 1                |
| Rape                               |           | 1         | 1         | 2 2       | 1 1 4              |
| Statutory rape                     | 4         | 3 1       | 4         | 3 1       | 9 4                |
| Seduction                          |           | 1         | 2 1       |           | 2 2                |
| Vagrancy by prostitution           | 4         | 2         | 3         | 1         | 39                 |
| Incest                             |           | 1         |           |           |                    |
| Lewdand Lascivious acts            | 3 2       | 2         | 8 1       | 2 1 1     | 2 2                |
| Lodging house ordinance            |           |           |           |           | 8                  |
| Pimping                            | 1         | 1         | 2         | 2 4       | 1                  |
| Total of all classes<br>each year: | 16        | 13        | 23        | 20        | 78                 |

'G' means Guilty, 'NG' means Not Guilty, 'D' means Dismissed

the period 1910-1913. But during the year 1914 when red light areas were discontinued, there were 78 sex related crimes in the first six months.<sup>13</sup>

This data concerning prostitution seems to indicate that keeping such offenses as part of the U.S. Penal Codes is affecting the law enforcement capabilities in the area of serious crimes. Perhaps it would be appropriate if such offenses were handled as noncriminal, psychological problems through counseling by social agencies. Released law enforcement resources could be utilized in combating other serious crimes.

In 1969, the San Francisco Police Department made 59,100 arrests. Of this number 16,500 persons were arrested for drunkenness; 6,140 for drug offenses; and 3,200 for prostitution. In the same year the police reported 83,481 offenses of homicide, forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft. In short, while unable to solve as much as 13% of the crimes in the street, over 50% of arrest and 54% of jail occupancy was to non-violent crimes.<sup>14</sup>

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<sup>13</sup>Ibid.

<sup>14</sup>Non-Victim Crimes In San Francisco Report, Part 1: Basic Principles, Public Drunkenness, 1971, pp. 1-2.

While the dollar cost of enforcing a law is enormous to the burdened taxpayer, the intangible costs in the erosion of civic morality and respect for law is higher. When the police try to do what other public agencies can do better, they are simply wasting the taxpayers money.

Law enforcement is indeed costly. Not only does every arrest consume the energy of the police; it may be the start of a costly process as the case winds its way through the district attorney's office, possibly the public defender, the courts, the probation department, and the jail. Some cases are dropped at various stages.

We see a current situation with more police, more prosecuting and defense attorneys, more judges, more courtrooms, more bailiffs and clerks, more equipment, more jails, more rehabilitation centers, more taxes - but no less crime in the street.

There are seven basic principles to be applied when dealing with victimless crimes:<sup>15</sup>

1. The law cannot successfully make criminal what the public does not want made criminal:

A law can never be enforced when the public feels that it is not necessary to enforce it. Unless the public as a whole is normally willing to obey the law without

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<sup>15</sup>Ibid., pp. 4-7.

compulsion, the law cannot be enforced.

2. Not all the ills or aberrancies of society are the concern of the government. Government is not the only institution to handle the problem, hopes, fears or ambitions of the people:

There are still homes, families, churches, schools, unions, and the multitude of voluntary associations that characterize our life.

3. Every person should be free from the coercion of criminal law unless his conduct impinges on others or if it damages society:

Only in the above event should criminal law be involved. Otherwise, a person should be left free to conduct his life in his own way. Thus, the proper sphere of criminal law is the relation of people to one another, not the relation of man to his conscience or to the conscience of other or to God.

This does not mean that society should refrain from trying to save people by persuasion or education or that it ought not to offer them aid. It means only that government ought not to use coercion to prevent one from acting as he wishes so long as his conduct injures no one else or society itself.

4. When government acts, it is not necessary that it does so by means of criminal processes:

Even when acts are injurious to the rest of society, it is not necessary to make that conduct a crime, subject to prosecution and punishment. There may be better ways of achieving an end and better ways to deter or rehabilitate.

5. Society has an obligation to protect the young. It may be appropriate for the government to intervene by imposing criminal controls on adults' relations with young although criminal controls on similar relations between adults would not be needed.

6. Criminal law cannot lag far behind a strong sense of public outrage:

Although criminal law cannot outrun the public conscience in condemning conduct, neither can it hold aloof entirely from a public sense of outrage. If the law suffers when it tries to do too much, it also suffers when it does not do what most people feel strongly about.

Victimless crimes often comprise those forms of aberrant behavior called "vice". The public demand for safe streets is a demand for protection from violence. But the periodic demand that the police "clean up the streets" is something else; it is a demand to clean out vice.

There are five different reasons for making immoral conduct criminal:

The first is to avenge society. As no civilized man would publicly subscribe to that argument, regardless of

what he might feel about a crime of brutal violence, it deserves no further comment.

Two other reasons are : (1) to protect the deviant by imprisoning him and thereby keeping him/her out of trouble; and (2) to deter further deviance. There may be a moral duty to protect the weak against temptation or from the consequences of his own sin, but except for the immature young this is not a task within the purview of the criminal law. Moreover, it is a task that criminal law performs badly.

The consensus of those who have studied law enforcement is that imprisonment probably provides more education in criminality than in repentance. Prison is no threat to those who are there because of a compulsive weakness. The threat of prison appears to be little deterrent to those of the "now" generation who live in the present and will take any risk to expand their experiences. Any kind of punishment may alienate the offender from society, particularly if he thinks a law he has violated is unjust, unfair, or unnecessary or that punishment is the wrong way to cure the evil.

The fourth reason given for making vice criminal is a prophylactic one. Immoral behavior although initially harmful only to the offender, will eventually breed true and serious crimes. Prostitutes may rob their clients or

give them venereal disease. Homosexuals may corrupt minors or become victims of blackmail. Narcotic addicts may steal to obtain money for a "fix". Organized crime may organize vice and gain political power. This argument cannot be swept aside. In part the answer is that the time to punish conduct as criminal is when it becomes criminal, not in anticipation. In part the answer may be that organized crime can organize only when vice has been declared criminal.

The fifth reason for making vice a criminal offense is to protect society from decadence. It is argued that prevalence of deviation from the accepted norm tends to destroy the "moral fabric" of society and in this way leads to organized crime and the corruption of police and government officials. It is unquestionable that the "moral fabric" of a community is essential to its health. If it could be shown that the use of marijuana threatens to reduce the next generation to a state of passive vegetation, devoid of the drive that made this nation the haven of all people, no stronger reason would be needed for seeking its eradication. But there are other ways to protect the moral fabric than by criminal law. Of all the institutions at hand, the system of criminal justice in our society is the one least capable of performing that task. Moreover, whose morals make up the moral fabric of the community?

The sixth principle suggests that if certain "morals" are indeed a strong part of the "moral fabric" of the whole community, law cannot ignore them. If the overwhelming bulk of a city is really outraged by prostitutes congesting the sidewalks and openly soliciting, criminal law must try to clean them out. By contrast, if substantial elements of the community see nothing wrong with crap games, should the criminal justice system try to stop them? Therefore, whose morals make up the moral fabric in a society such as the United States?

There is a consensus about crimes of violence, rape, murder, robbery, and the like. But about gambling, prostitution, homosexuality, and the use of drugs, one may find various subcultures reacting differently, and each reaction further between young and old, rich and poor, educated and uneducated, those with strong religious convictions and those without.

7. Even where conduct may properly be condemned as criminal under the first six principles, it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things.

This is a matter of priorities:

A community resources are limited and the demand on them grow constantly. Not every violation of the criminal statute can be detected nor every offender punished, no



matter how many resources are utilized. More dangerous forms of behavior should receive priority in law enforcement and have first call on available funds and man power. It has been a habit in this country whenever there is public dislike for a type of conduct, to "pass a law" and make the conduct a crime. Once a case reaches court no judge is free to ignore the law or make up his own rules. But not all matters need to reach the courts.

Also, individual policeman cannot be permitted to decide which laws to enforce or when. Pending repeal of legislation, all the agencies of justice under strong central municipal leadership can together lay down a consistent and open policy to follow.

If someone's conduct is not injurious to society law and government should leave it alone. The previous statement raises a question of what is "injurious." If use of certain drugs threatens to destroy a generation of youth or any sizeable proportion, is that an injury to society? The answer would seem to be "yes." If sexual acts are performed in the street, the public sense of decency is outraged. Is that an injury to the public? Most people will answer "yes." But if homosexuals over-run a city blatantly, engaging in sexual acts publicly and offending others by their presence and their mannerisms, is the public injured? The correct answers are not easily reached.

But the attempt to find them will be simplified by applying at each step of the inquiry the basic principles mentioned previously.

This seeking of answers to the above questions will strengthen law enforcement, increase respect for law and the system of justice, and at the same time reduce or retard the mounting cost of maintaining law and order. This will provide better methods of handling some of the ills in society.

Finally, reform of the criminal justice system is hampered by the opposition of vested interests of those who would be adversely affected by change. If heroin were legalized, for example, those who operate drug-free programs probably will construe such a change as threatening the size of their potential clientele. The legalization of gambling will probably affect adversely race track owners and operators, as well as bookmakers and those involved in the numbers game.

Policemen, prosecutors, judges, court attendants, probation and parole officers, and correction personnel, to some extent all owe their jobs to the large numbers of accused and convicted persons handled by the system. Any decrease in the number handled would threaten existing jobs and income and in any case would minimize the well known tendencies of established bureaucracies toward empire

building. In addition to those who have legitimate interests in the system, there are a large number of persons who have an illegitimate interest in the status quo, in that they make a living from illegal activities. The principal sources of income from organized crime are thought to be gambling, loansharking, and drug dealing. Also, it is thought that organized crime is capable of wielding some political influence and that influence will be exerted to discourage substantive reform of the criminal justice system.

#### Procedure

Two police departments of various sizes (see TABLE 1) were selected for this study. Police departments of the cities and counties with a population of two hundred thousand or more were identified as large, those with a population between sixty five thousand and less than two hundred thousand as medium, and those with a population less than sixty thousand as small.

TABLE 2  
TEN SELECTED POLICE DEPARTMENTS  
AND POPULATION  
CHAPTER II

METHODOLOGY

Primarily, this study seeks to evaluate and compare the resources used by law enforcement agencies involved in enforcing laws concerning four victimless crimes and four serious crimes. The four victimless crimes which will be referred to in this study as 'group A offenses' are prostitution, drug abuse offenses, homosexuality, and gambling. The four serious crimes which will be referred to as 'group B offenses' are homicide, burglary, robbery, and rape. (The legal definitions of these crimes in the State of Ohio are listed in 'APPENDIX A.')

Procedures.

Ten police departments of various sizes (see TABLE 1) were selected for this study. Police departments of the cities and counties with a population of two hundred thousand or more were identified as large, those with a population between sixty five thousand and less than two hundred thousand as medium, and those with a population less than sixty thousand as small.

A STUDY OF POLICE WORK UTILIZATION

TABLE 2

TEN SELECTED POLICE DEPARTMENTS  
AND POPULATION SERVICED

AS A MEASURE TO CERTAIN

|    | Name of Agency                     | Population The Agency Services |
|----|------------------------------------|--------------------------------|
| 1  | Youngstown Police Department       | 140,000                        |
| 2  | Struthers Police Department        | 16,000                         |
| 3  | Warren Police Department           | 70,000                         |
| 4  | Trumbull County Sheriff Department | 232,500                        |
| 5  | Canton Police Department           | 112,000                        |
| 6  | Alliance Police Department         | 32,000                         |
| 7  | Akron Police Department            | 276,450                        |
| 8  | Summit County Sheriff Department   | 600,000                        |
| 9  | Girard Police Department           | 17,000                         |
| 10 | Elyria Police Department           | 70,000                         |

The following survey questionnaire was utilized during investigative interviews with police administrators:

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VICTIMLESS CRIMES

|  |                                 |                       |                    |
|--|---------------------------------|-----------------------|--------------------|
| Name of Agency   |                                 | Address of Agency/Zip |                    |
| <input type="checkbox"/> City<br><input type="checkbox"/> Township<br><input type="checkbox"/> Village | <input type="checkbox"/> County | Population Served     | County of Location |

1. Please indicate the manpower base of your agency by authorized and actual strength, and by category of enforcement (sworn) and non-enforcement (civilian) personnel:

| <u>CLASSIFICATIONS</u>  | <u>SWORN PERSONNEL</u> |        | <u>CIVILIAN PERSONNEL</u> |        |
|-------------------------|------------------------|--------|---------------------------|--------|
|                         | Authorized             | Actual | Authorized                | Actual |
| Full-Time               |                        |        |                           |        |
| Part-Time               |                        |        |                           |        |
| Reserve or<br>Auxiliary |                        |        |                           |        |

2. Please indicate the average number of working hours per week, per employee classification:

| <u>CLASSIFICATIONS</u>  | <u>SWORN PERSONNEL</u> | <u>CIVILIAN PERSONNEL</u> |
|-------------------------|------------------------|---------------------------|
| Full-Time               | _____ hours            | _____ hours               |
| Part-Time               | _____ hours            | _____ hours               |
| Reserve or<br>Auxiliary | _____ hours            | _____ hours               |

3. Please indicate the average salary per hour for the classifications listed (divide the annual salary by 2080 hours):

|                           |                          |
|---------------------------|--------------------------|
| \$ _____/hour: Patrolman  | \$ _____/hour: Detective |
| \$ _____/hour: Sergeant   | \$ _____/hour: Civilian  |
| \$ _____/hour: Lieutenant | \$ _____/hour: Other     |

4. For the crime classifications listed below, please indicate (1) whether your department has a specific enforcement unit to handle each category, and (2) the number of officers and civilians that were assigned to each unit in the calendar year 1975:

| CLASSIFICATIONS OF CRIME | SPECIFIC UNIT?    | NUMBER OF PERSONNEL ASSIGNED |     |    |     |     |       |
|--------------------------|-------------------|------------------------------|-----|----|-----|-----|-------|
|                          |                   | Ptl                          | Sgt | Lt | Cap | Civ | Other |
| Prostitution             | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Drug Abuse Offenses      | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Homosexuality *          | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Gambling                 | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Homicide                 | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Burglary                 | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Robbery                  | ( ) Yes<br>( ) No |                              |     |    |     |     |       |
| Rape                     | ( ) Yes<br>( ) No |                              |     |    |     |     |       |

5. Please identify in the spaces provided for each offense the following information: (For calendar year 1975).

\*Whenever both the offender and the victim are of the same sex, in the following offenses: Gross Sexual Imposition, Sexual Imposition, Importuning, Voyerism, and Public Indecency.

In COLUMN A, the total number of arrests for each offense.

In COLUMN B, the average time per arrest spent on investigation, preparation, follow-up, report writing, etc.

In COLUMN C, the average time spent per physical arrest for each offense category.

In COLUMN D, the average time spent in court per arrest.

| CLASSIFICATION      | COLUMN<br>A | COLUMN<br>B | COLUMN<br>C | COLUMN<br>D |
|---------------------|-------------|-------------|-------------|-------------|
| Prostitution        |             |             |             |             |
| Drug Abuse Offenses |             |             |             |             |
| Homosexuality       |             |             |             |             |
| Gambling            |             |             |             |             |
| Homicide            |             |             |             |             |
| Burglary            |             |             |             |             |
| Robbery             |             |             |             |             |
| Rape                |             |             |             |             |

6. As a law enforcement administrator, what is your position on (1) retaining each of the following offenses in the Criminal Code, and (2) whether the expense and effort in enforcement is worthwhile for each offense?

| CLASSIFICATIONS<br>OF CRIME                 | (1) SHOULD REMAIN<br>IN CRIMINAL CODE | (2) ENFORCEMENT<br>IS WORTH EFFORT<br>AND COST |
|---|---------------------------------------|--|
| Prostitution                                | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Drug Abuse, Possession                      | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Drug Abuse, Possession For<br>Sale          | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Drug Abuse, Furnishing To<br>Minors         | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Drug Abuse, Sales                           | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Drug Abuse, Manufacturing<br>or Cultivating | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Homosexuality                               | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |
| Gambling                                    | ( ) Yes ( ) No                        | ( ) Yes ( ) No                                 |



7. Some authorities have proposed alternatives to criminal sanctions for some offenses that are now prohibited by the Criminal Code. IN YOUR OPINION, could any of the below listed alternatives be used as an alternative to criminal enforcement for the offenses indicated?

| ASSIGNMENT OF CASE TO:                         | DRUG ABUSE OFFENSES |    | PROSTITUTION OFFENSES |    | HOMOSEXUAL OFFENSES |    | GAMBLING OFFENSES |    |
|--|---------------------|----|-----------------------|----|---------------------|----|-------------------|----|
|  | Yes                 | NO | Yes                   | NO | Yes                 | NO | Yes               | NO |
| Social Workers of Social Institution           |                     |    |                       |    |                     |    |                   |    |
| Medical Care and Facilities                    |                     |    |                       |    |                     |    |                   |    |
| Churches and Religious Groups                  |                     |    |                       |    |                     |    |                   |    |
| Families and Relatives                         |                     |    |                       |    |                     |    |                   |    |
| Schools and Teachers                           |                     |    |                       |    |                     |    |                   |    |
| Peer Groups                                    |                     |    |                       |    |                     |    |                   |    |
| Other Non-Law Enforcement Specialists (Specify |                     |    |                       |    |                     |    |                   |    |

8. If you feel that any of the above crimes can be removed from the Criminal Code, can you list any other offenses that should also be removed from the Criminal Code, IN YOUR OPINION?

- ( ) There are no other offenses that should be removed.  
 ( ) The following offenses should be removed: (Please List)

9. For the 'Drug Abuse Offenses' listed below, please indicate the approximate percentage of total time used by the special unit on drug abuse enforcement for each category:

| CLASSIFICATIONS OF OFFENSES              | PERCENTAGE OF TIME |
|--|--------------------|
| Drug Abuse, Possession                   |                    |
| Drug Abuse, Possession For Sale          |                    |
| Drug Abuse, Furnishing To Minors         |                    |
| Drug Abuse, Sales                        |                    |
| Drug Abuse, Manufacturing or Cultivating |                    |

10. Please enclose a copy of your "Department Annual Crime Report" or a copy of your Uniform Crime Report for the calendar year 1975, if available.

11. In the space below, please indicate your feelings, comments, suggestions concerning this study which you feel will be beneficial to a true understanding of how resources are allocated in the enforcement of the offenses being studied.

'n' is the number of personnel assigned for that specific crime (officers and civilians) and 40 is the average working hours per week. Consideration was also given to part-time, auxiliary officers, and over time, in that each 40 hours accumulation of time increased n by one.

Actual time consumed for each crime = n x t, where 'n' is the total number of arrests and 't' is the time spent on physical arrest, investigation, case preparation, report writing, follow up reports, and time spent in the court.

The total man-hours of work for all police departments were calculated by the same formula as man-hours assigned for each crime

b- Financial Cost

Financial cost in fighting the selected crimes in

\_\_\_\_\_  
Name Title Date

Telephone Number

This calculation is essentially based upon police salaries

Data was processed for the two categories of crimes as follows:

a- Time

Man hours assigned for each crime =  $N \times 40$ , where 'N' is the number of personnel assigned for that specific crime (officers and civilians) and 40 is the average working hours per week. Consideration was also given to part-time, auxiliary officers, and over-time, in that each 40 hours accumulation of time increased N by one.

Actual time consumed for each crime =  $n \times t$ , where 'n' is the total number of arrests and 't' is the time spent on physical arrest, investigation, case preparation, report writing, follow up reports, and time spent in the court.

The total man-hours of work for all police departments were calculated by the same formula as man-hours assigned for each crime

b- Financial Cost

Financial cost in fighting the selected crimes in each of the departments was calculated based upon the salaries of the personnel in each unit. This calculation was made in order to provide an additional criteria for comparing the resource utilization for the selected crimes. This calculation is essentially based upon police salaries

because this is the biggest factor in the police budget and also because some police departments were reluctant to give detailed information about their budgets. Therefore, financial cost was calculated as the number of hours assigned, times the persons salary rate (rate was different for each rank.)

Drug abuse offenses were classified into five offenses. This was done in order to make the meaning of the offenses clearly understood to the respondents.

#### Validity:

To assure the validity of the questionnaire a sample test was conducted. After this test survey, minor changes were made in the questionnaire and working definitions of some offenses were attached in order to make the questions more understandable.

#### Hypothesis:

- Ho : The number of dollars and man-hours assigned weekly to enforce victimless criminal laws is equal to the number assigned to enforce serious crime.
- H1 : The number of dollars and man-hours assigned to enforce victimless criminal laws is not equal to the number assigned to enforce serious crimes.

The four victimless crimes included in group A offenses were selected based upon their importance as

indicated by the literature survey and discussion with police administrators.

Chi-Square Test ( $\chi^2$ )<sup>16</sup> has been used to find how the results (observations) are significantly different from what was expected in the hypothesis, as will be shown in a separate chapter of this study.

TABLE 3  
RESOURCES UTILIZATION IN TERMS OF TIME AND FINANCIAL COST FOR THE TEN DEPARTMENTS REGARDING GROUP "A" OFFENSES

| CRIME CLASSIFICATIONS | MAN HOURS PER WEEK<br>$\times 10^2$ | COST IN DOLLARS PER WEEK<br>$\times 10^3$ |
|-----------------------|-------------------------------------|---|
| Homosexuality         | 4.22                                | 2.51                                      |
| Gambling              | 7.47                                | 4.25                                      |
| Prostitution          | 5.85                                | 3.43                                      |
| Drug Abuse Offenses   | 15.83                               | 9.50                                      |
| Total                 | 33.37                               | 19.70                                     |

<sup>16</sup>Dean J. Champion, Basic Statistics For Social Research, (Scranton, Pa: Chandler Publishing Co., 1970), pp. 130-36. Recommended for single sample populations when conducting social research.

## CHAPTER III

## RESULTS, DISCUSSIONS, AND RECOMMENDATIONS

Data concerning time and financial cost for the two groups of crimes was calculated from the answers to the questions 1, 2 and 3 of the questionnaire. The results for all the ten police departments are shown in tables 2 and 3:

TABLE 3

RESOURCES UTILIZATION IN TERMS OF TIME AND  
FINANCIAL COST FOR THE TEN DEPARTMENTS  
REGARDING GROUP "A" OFFENSES

| CRIME CLASSIFICATIONS | MAN HOURS<br>PER WEEK<br>$\times 10^2$ | COST IN<br>DOLLARS<br>PER WEEK<br>$\times 10^3$ |
|-----------------------|--|---|
| Homosexuality         | 4.22                                   | 2.51  |
| Gambling              | 7.47                                   | 4.26  |
| Prostitution          | 5.85                                   | 3.43  |
| Drug Abuse Offenses   | 15.83                                  | 9.50  |
| Total                 | 33.37                                  | 19.70   |

TABLE 4

RESOURCE UTILIZATION IN TERMS OF TIME AND  
FINANCIAL COST FOR THE TEN DEPARTMENTS  
REGARDING GROUP "B" OFFENSES

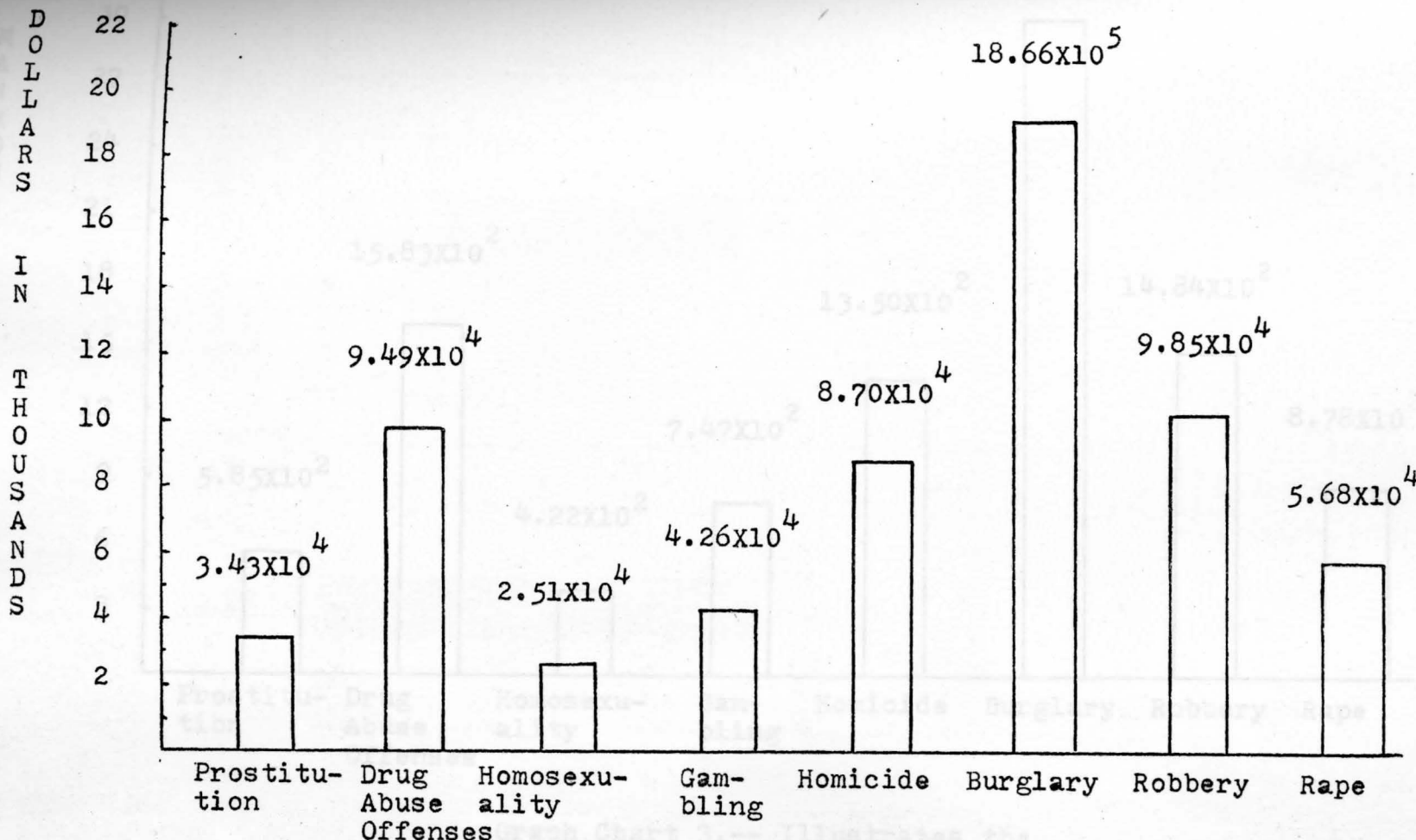
| CRIME CLASSIFICATIONS | MAN HOURS<br>PER WEEK<br>$\times 10^2$ | COST IN<br>DOLLARS<br>PER WEEK<br>$\times 10^3$ |
|-----------------------|--|---|
| Rape                  | 8.78                                   | 5.68  |
| Homicide              | 13.50                                  | 8.70  |
| Robbery               | 14.84                                  | 9.85  |
| Burglary              | 28.64                                  | 18.66   |
| Total                 | 65.76                                  | 42.89   |

Charts 2, 3 and 4 illustrate a comparison between the eight crimes, concerning the financial cost and time, and also a comparison between the two groups of crimes as a whole

TABLE 5  
THE NUMBER OF ARRESTS MADE BY THE  
TEN POLICE DEPARTMENTS DURING  
1975

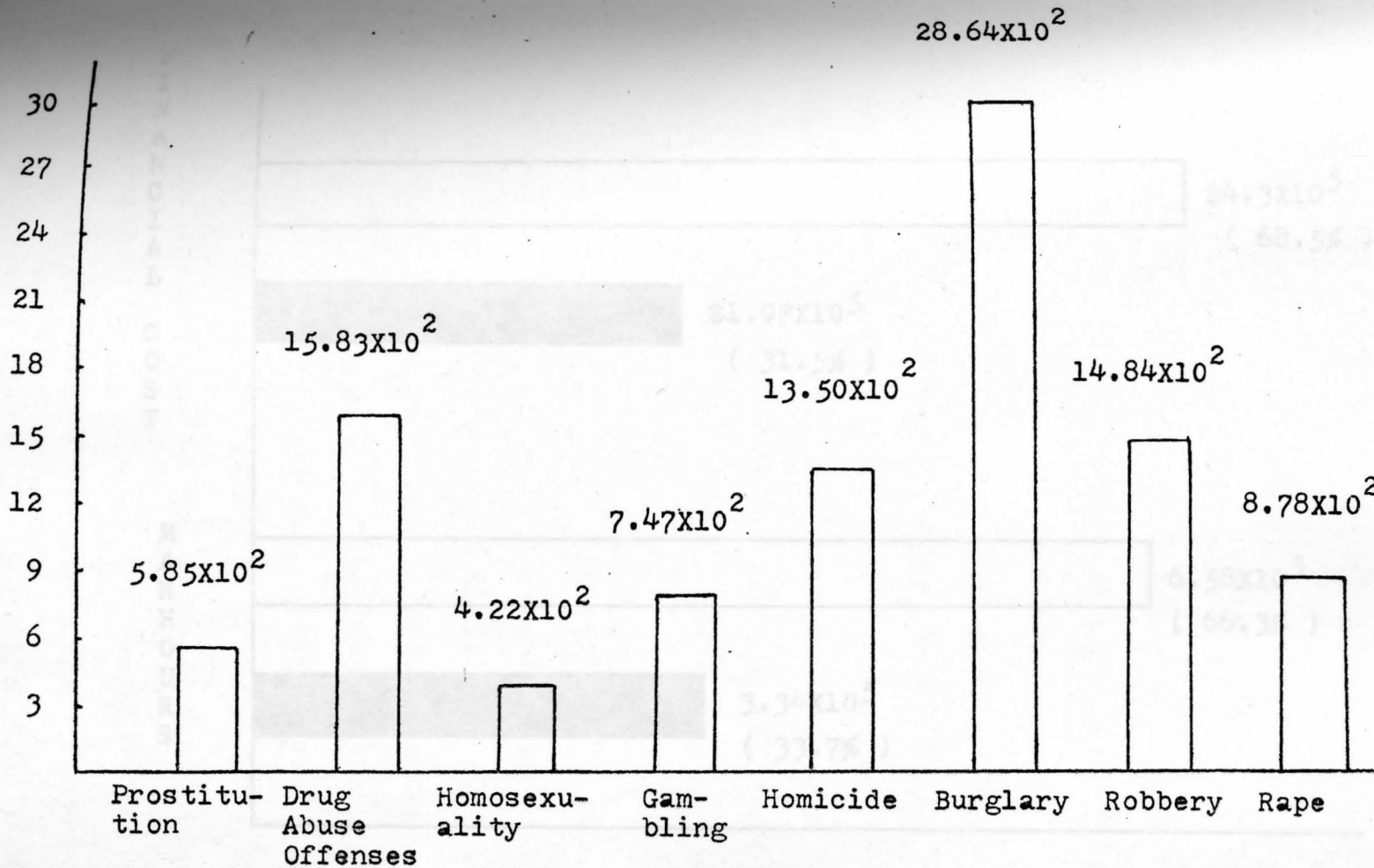
| CRIME CLASSIFICATIONS | NUMBER OF ARRESTS |
|-----------------------|-------------------|
| Prostitution          | 187               |
| Drug Abuse Offenses   | 1596              |
| Homosexuality         | 105               |
| Gambling              | 106               |
| Homicide              | 94                |
| Burglary              | 2210              |
| Robbery               | 456               |
| Rape                  | 122               |





Graph Chart 2.-- Illustrates the weekly cost in dollars assigned for counter measures taken for each one of the eight crimes.

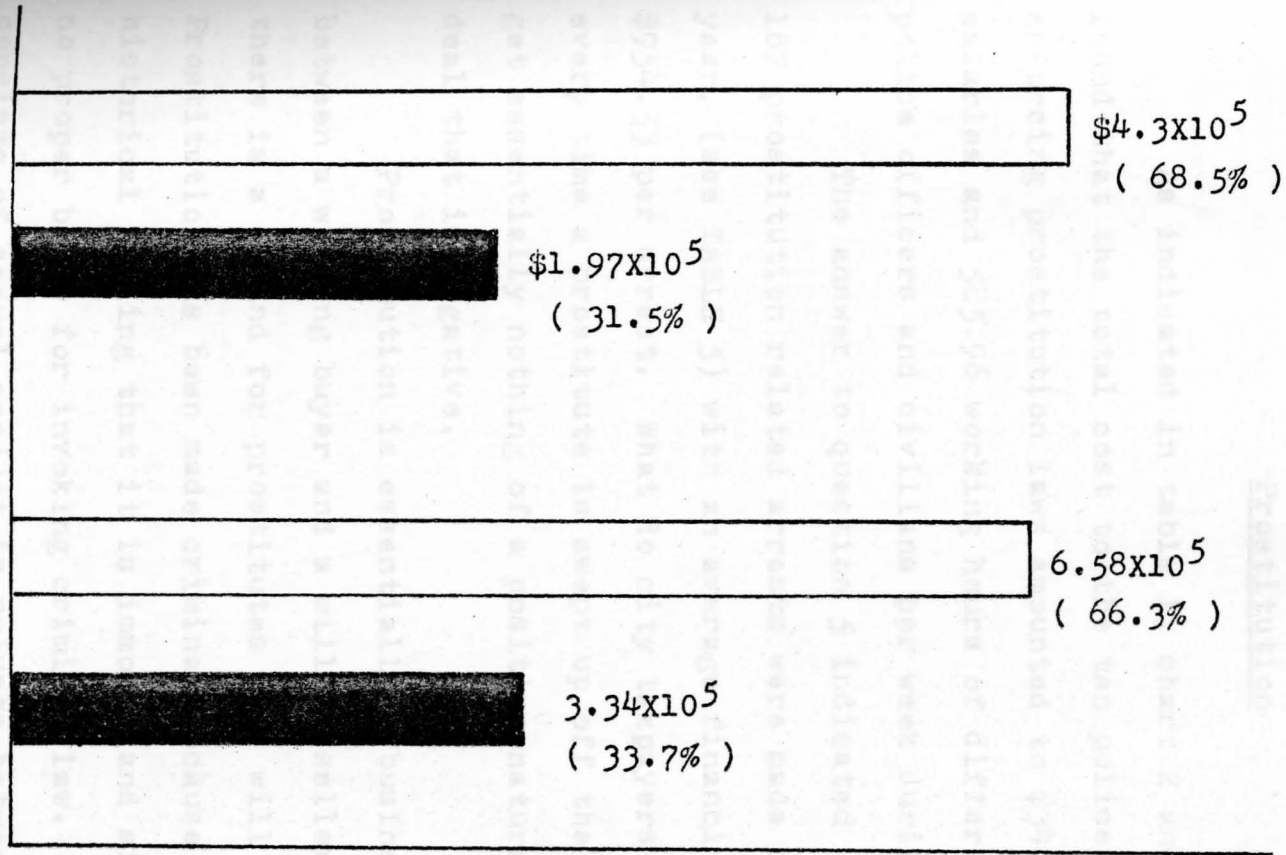
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Graph Chart 3.-- Illustrates the relative number of manhours assigned weekly in fighting each of the eight crimes.

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Victimless Crimes

Serious Crimes

Chart 4.-- Illustration of the relative amount of the resource utilization in terms of time and financial cost for the victimless and serious crimes.

### Prostitution

As indicated in table 1, chart 2 and 3, it was found that the total cost to the ten police departments in enforcing prostitution laws amounted to \$3432.64 in salaries and 585.96 working hours of different ranked police officers and civilians per week during 1975.

The answer to question 5 indicated that a total of 187 prostitution related arrests were made during the same year, (see TABLE 5) with an average financial cost of \$954.53 per arrest. What do city taxpayers get for \$954 every time a prostitute is swept up off the street? They get essentially nothing of a positive nature and a great deal that is negative.

Prostitution is essentially a business transaction between a willing buyer and a willing seller. As long as there is a demand for prostitutes they will exist. Prostitution has been made criminal because of a wide and historical feeling that it is immoral and sinful. This is no proper basis for invoking criminal law. As prostitution consists of sexual conduct in private between two willing adults, the principles for removing the illegalization are applicable.

Also, while questioning law enforcement officials, it was learned that it is very difficult to obtain convictions of prostitutes. The problem of prostitution

starts on the street. Police are supposed to arrest prostitutes for soliciting or for engaging in an act of prostitution. The soliciting prostitute is very difficult to catch. While any citizen can report a solicitation to the police, citizens are ordinarily not so offended that they are willing to call the police, fill out a report, and spend time on the witness stand in the municipal court. Also, customers do not wish to get involved with prostitution arrests. Whenever a police officer apprehends a prostitute on the street, the customer is not likely to cooperate. This makes it difficult to conduct a trial. The case is often plea bargained or dismissed by the prosecutor. Consequently, many prostitution cases are dismissed or short sentences are given on plea bargains.

Because of the problems involved in obtaining convictions of such offenses it appears that the criminal process not only fails to be a significant deterrent to prostitution, but it also does not accomplish much to help the prostitutes. It reinforces the pimp's role in the prostitution complex. A jail sentence does not help a girl who wants to get out of the business. She is not given protection from her pimp when she is released from jail. She has not been given any education or training or skills which might enable her to survive without prostitution. What the system does is remove the girl from the street

temporarily. Her pimp gets her bailed out and usually retains a specialized lawyer in prostitution cases.

Obviously the question now is: Is it worth police efforts to spend significant resources in terms of money and time on this offense? (especially when serious crimes are continuously increasing) It seems to be poor utilization of police resources. If such resources were spent to fight serious crimes it could have a significant effect on reducing the crime rate. Better use of such resources would be to divert such funds to social agencies for counseling and rehabilitative services for prostitutes.

There are a number of losers in the 'prostitution game' as it is now played. "The taxpayers are losers because they do not get what they think their money pays for. The police and the courts are losers. However, the pimps continue to exercise their dominion from the sideline."<sup>17</sup>

It has been found that most prostitutes are in the profession for one of the following reasons:<sup>18</sup>

1. Drug addiction. There is a connection between prostitution and drugs. Most female addicts become prostitutes since this is the easiest way for them to

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<sup>17</sup>Non-Victim Crimes in San Francisco Report, Part 2, pp. 26-27.

<sup>18</sup>Ibid., p. 30, and Smith and Pollack, Some Sins are Not Crimes, p. 67.

acquire money with which to purchase drugs.

2. The pimp. He induces girls into taking habit-forming drugs as a calculated way of gaining power and control. The girl performs for the pimp who in turn supplies her with drugs for her habit. He also entices young girls into the profession.
3. Organized crime. It has gained foothold in prostitution. It might also be true that if prostitution were not a crime it would not be organized.
4. Psychological illness. This may lead to drug addiction and consequently to prostitution.

Even if prostitution is legalized, street walking should not be permitted. Solicitation should remain a criminal offense. It has been suggested that red light districts should be established.<sup>19</sup> Most Americans find this solution rather repugnant even in principle. In practice no one wants his district to be zoned for prostitution. The other alternative is a suggestion to adopt the English system which allows prostitutes to advertise their services in magazines and newspapers.

The issue of licensing prostitution involves two important considerations:

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<sup>19</sup>Smith and Pollack, Some Sins are Not Crimes, p. 121.

## 1. Taxation

Prostitutes will be subject not only to income taxes like any other business, but additionally they will pay business taxes, franchise taxes, occupancy taxes, and the like. This idea may create criticism of the government for profiting from the distasteful of a prostitute.

## 2. Public Health

Prostitutes play a significant role in public health dangers such as a source of infection for venereal diseases. Even with licensing of prostitutes and periodic inspection, a prostitute could still acquire V.D. immediately after inspection and infect a hundred before she is inspected again.

The present method of handling prostitution is ineffective in controlling V.D. When police arrest prostitutes they are ordinarily given a shot of penicillin and asked to return. Few do return and they can not be located since they give false addresses to the police.

It has been proposed <sup>20</sup> that the most effective remedies for the problem of venereal disease must be found in efforts that will:

a- educate both prostitutes and customers about the risks

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<sup>20</sup>Non-Victim Crimes in San Francisco Report, Part 2, p. 33.



and dangers of venereal disease;

- b- encourage, rather than discourage prostitutes in seeking medical inspection and help;
- c- encourage medical research to develop preventive medical approaches to venereal disease.

### Conclusions and Recommendations

It seems certain that the amount of resources utilized to fight this offense through law enforcement should attempt to:

1. Prevent street solicitation.
2. Eliminate the pimp.
3. Prevent the enticement of minors into prostitution.
4. Prevent the use of force or violence or the sale of dangerous drugs in connection with prostitution.
5. Provide education, treatment, and counseling for prostitutes who wish to leave the business.
6. Retard as much as possible the spread of venereal disease.

Probably all these objectives could be achieved through a system of licensing prostitution by which the government admits the necessary existence of prostitution and licenses its conduct.

Final conclusions concerning prostitution are:

1. Laws against on-the street activity should be continued

and enforced.

2. Laws against pimps should be continued and enforced, because the activity of pimps is not a victimless crime.
3. Discreet, private, off-the street prostitution should cease to be criminal.

#### Drug Abuse Offenses

In January 1971, the Federal Department of Health, Education, and Welfare (H.E.W.) reported that 31% of American college students had used marijuana by 1970.<sup>21</sup>

Drug use offenses are considered victimless crimes because the user acts voluntarily, while the act of selling is not. The act of using drugs itself should not be considered as victimless conduct, since society may be the victim if drug use reduces the next generation to a state of passive vegetation.

As indicated in Table 2, charts 2 and 3, the ten police departments assigned a total of \$9,499.16 per week which involved 1,583 working hours to combat drug related offenses. Research data also indicated that 1,596 drug related arrests were made during 1975 (see Table 5), which cost \$309.50 per arrest. Again, what benefits accrue to

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<sup>21</sup>United States Department of Health, Education and Welfare, A Report to Congress: Marihuana and Health, January 31, 1971, pp. 35-38.

tax payers each time a drug abuser is arrested?

Drug offenses involve more than one offense according to legal definitions. Therefore, drug offenses are further classified into five different types of offenses and are identified in Table 5. This table also estimates the percentage of time spent in fighting drug offenses on each of the specific offenses (as a response to question '9' of the questionnaire.)

TABLE 6

PERCENTAGE OF TIME SPENT BY SPECIAL UNITS  
ON DRUG ABUSE ENFORCEMENT FOR EACH  
OF THE FIVE TYPES OF OFFENSES

| CRIME CLASSIFICATIONS                    | PERCENTAGE |
|--|------------|
| Drug Abuse, Possession                   | 10.5       |
| Drug Abuse, Possession for Sale          | 30.5       |
| Drug Abuse, Furnishing to Minors         | 20.5       |
| Drug Abuse, Sales                        | 27.7       |
| Drug Abuse, Manufacturing or Cultivating | 10.8       |

An appropriate question to be considered is: "What human conduct with respect to a given drug or narcotic should be illegal?" To answer this question each type of drug must be examined to determine the related illegal conduct which differ from one drug to the other. This

requires an independent discussion on some of the most widely used drugs of abuse. Marijuana and heroin are selected for this purpose.

#### A. Marijuana

The National Commission on Marijuana and Drug Abuse has reported that "marijuana is America's third most popular drug after alcohol and tobacco."<sup>22</sup> It also reported in a 1972 survey that "13 million Americans considered themselves users of marijuana. This compares with 80 million drinkers and 57 million tobacco smokers."<sup>23</sup>

While drinking is probably the most harmful behavior in The U.S.A. - "as one measure of alcoholism's impact on society comes from death certificates, which show cirrhosis to be the third killer - behind heart disease and cancer."<sup>24</sup> Alcohol also is involved in at least half of all fatal automobile accidents and millions of lost working-days annually. Contrasted to drinking, which is legal, there is "no medical evidence that moderate use of

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<sup>22</sup>"Marijuana found 3rd most Drug," New York times, March 18, 1973, p. 57.

<sup>23</sup>Ibid.

<sup>24</sup>"Baboon Experiment shows Alcohol damages liver, even with good diet," New York Times, January 22, 1974, p. 41.

marihuana is harmful..."<sup>25</sup> Marijuana defenders claim that it is not addictive because there are no physical withdrawal symptoms.

Many investigations find that the evils of marijuana use are not proven. However, if the question is whether marijuana should be used, most of the general public will say no. But the concern of this study is to answer the question: "How far should the criminal law impose criminal sanctions on an unproven issue?" This question needs to be examined in more detail and differentiation should be explored between adults and minors in regard to use, possession, sale and commercial exploitation.

1. Sale of marijuana to minors and possession by minors:

Since society has an obligation to protect the young, it may be appropriate for the government to intervene by imposing criminal control on sale of marijuana to youths. This is justified by saying that a minor is not yet mature enough to reach sound judgment for themselves. The prohibitions on use of marijuana by minors should parallel those of alcohol which prohibit sale of alcoholic beverages to minors.

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<sup>25</sup>Smith and Pollack, Some Sins are Not Crimes, p. 27.

## 2. Use of Marijuana by Adults:

If it is admitted that dangers of marijuana use is unproven, criminal law should not impose criminal sanctions on the user who is more a victim than a perpetrator. It is noted that the victim in this case is an adult and not a youth who needs special protection. Accordingly, lenient laws are required for the use of marijuana by adults. Some states have modified their laws in relation to adults use of marijuana.

By interviewing police officials, it was found that marijuana offenses are the most frequent drug violations and they take a considerable amount of police time. Police activities concerning marijuana abuse by adults involve search of persons, homes, cars, follow-up investigations, and taking samples to the crime laboratories for identification.

## 3. Possession of Marijuana by Adults:

Possession of a small amount for personal use should not be criminal. On the other hand, possession of a large amount should be treated the same way as a sale, since there is reasonable inference that one who possessed

a large amount will either sell it or give it away.<sup>26</sup>

#### 4. Sale of Marijuana to Adults:

The sale of marijuana to adults can be regulated by laws such as those regulating alcoholic beverages. Marijuana sale should not be subject to criminal sanction unless and until medical evidence proves it is harmful (considering also that the sale of liquor to adults is lawful when its harm has been proven.) If the sale of marijuana were no longer criminal the cost of acquiring it would decline. It can be grown almost anywhere.

#### 5. Commercial Exploitation:

Perhaps the most heinous crime in relation to marijuana abuse is the production, smuggling and selling in large quantities supported by organized crime.

Lenient laws or even legalization should be implemented concerning the use of marijuana. Heavy penalties should be retained against production, smuggling, and sales in large quantities. Marijuana advertising should be prohibited. Society should continue efforts to educate against

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<sup>26</sup>Section 2925.01 (E) of Ohio Drug Abuse Control Act Training Manual, effective July 1, 1976, defines the "Bulk" amount or the large amount of marijuana as (... is 200 grams of marijuana or ...)

its use. Interstate and foreign shipment of marijuana should be prohibited. Production for sale intrastate should be regulated and taxed. This would be a control on its production and also a source of revenue.

### Recommendations Concerning Marijuana

In view of this research the author makes the following recommendations:

1. Repeal, modify, or make more lenient laws prohibiting the use of marijuana by adults.
2. Repeal, modify, or make more lenient laws prohibiting the possession by adults.
3. Repeal, modify, or make more lenient laws prohibiting sale of marijuana to adults. Make laws similar to those regulating alcoholic beverages.
4. Continue to prohibit sale to minors and possession by minors.
5. Prohibit any advertising of marijuana.
6. Prohibit the importation of marijuana into Ohio.
7. Develop laws concerning the production of marijuana in Ohio for sale, similar to those regulating the commercial production of alcoholic beverages.
8. Expand educational programs concerning marijuana.

This research does not seek to encourage the use of marijuana. The author believes strongly that



people would be better off without it. On the other hand the criminal process is not the way to prohibit its use. It is possible that by removing the stigma of criminality, the attraction and the abuse of marijuana may be reduced.

## B. Heroin

Heroin is much different than marijuana. It is destructive to the user and to society. The sale of heroin is not a victimless conduct. Some writers, however see that "there is no medical evidence of psychological harm due to reasonable heroin consumption."<sup>27</sup> They also doubt that heroin users suffer undesirable psychological symptoms. It is not clear whether these symptoms are a result of drug use or whether both drug use and behavioral dysfunction results from a prior existing pathological, psychological, or sociological condition. A distinction should be made between the user and the supplier in handling the problem.

### 1. Possession and Sale of Heroin:

The present laws making the sale of heroin criminal should be kept and enforced. Possession by an addict of a "small" amount for his personal use should be dealt with informally. Possession by an addict of a large amount

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<sup>27</sup>Smith and Pollack, Some Sins are Not Crimes, p. 27.

or a bulk amount (as it is defined by Ohio laws) should be prohibited as being possession for sale. Possession of any amount by a non-addict (other than a physician or researcher) should be treated as possession for sale.

The addict pusher probably needs treatment, while the non-addict pusher belongs in prison. Also, the major effort of the federal government must be to stop importation of heroin or its raw material. Efforts by local police has minor effect.

Actually, the present system of illegal sale contributes to making the problem infinitely worse. The price of heroin is enormously high and consequently the profits of the illicit business is attractive.

In England, a new system was adopted in 1968. It established special treatment centers where addicts were registered, medically examined, and prescribed certain amount of heroin depending upon their addiction. This system eliminated the attraction for the pusher to hook people on drugs because there was no incentive of profit for him. Also, once a person became hooked he would be eligible to obtain free supplies of the drug and would not have to be a customer to any pusher. At the same time, by registration all addicts would place themselves in trained medical hands.

Efforts for rehabilitation were stepped up through education and treatment.

A most recent and hopeful approach to handle drug addicts (especially heroin addicts) is the use of methadone. Methadone is a synthetic narcotic chemically related to heroin with some addictive effects. Its advantages as compared to heroin are that it can be administered orally, produces lesser effects which last longer (about 36 hours). Infrequent dosing is necessary and methadone addicts can live a normal productive life in society.

Considering that methadone is inexpensive, it has been very helpful in curing heroin addicts. Methadone maintenance programs have achieved a number of very positive results for the participants:

1. They remain in the program, contrast to drug-free programs.
2. They show a marked decrease in antisocial behavior.
3. They show an increase in steady employment rate.
4. They have less death rate.<sup>28</sup>

## 2. Use of Heroin:

Heroin use is the most publicized and the most serious drug abuse problem in the country. The primary difficulty of heroin is its association with criminal

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<sup>28</sup>Ibid., p. 103.

behavior, which is not due to the use of the drug per se, but related to the need to obtain money. The drug is very expensive because it is illegal and cannot be prescribed in this country. Heroin users are more victims than criminals. The United States Supreme Court has held that an addict's condition cannot be punished as a crime.<sup>29</sup>

It is probably true that most of those who do not use heroin are deterred by knowledge and fear of the consequences rather than criminal punishment.

If the system of dispensing narcotics at government clinics should be established, then the use of narcotics outside the clinics should be made criminal. This would force the addict to the clinic.

Heroin addicts are desperate and will get the drug one way or another. They will steal and if necessary kill to obtain heroin. However, they rarely commit major crimes while under the influence of the drug. They do commit crimes in order to obtain money to buy their next supply. An estimation of the amount of property stolen by heroin addicts in the city of San Francisco each year is 45 million dollars (this amount exceeds the annual budget of the police department).<sup>30</sup> Heroin addiction is an illness and the

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<sup>29</sup>Robinson v. California, 370 U.S. 660 (1962).

<sup>30</sup>Non-Victim Crimes in San Francisco Report, Part 3: Dangerous Drugs and Narcotics, 1971, p. 47.

solution to the problem is not prosecution and jailing, but rather providing users with treatment. It may not completely eliminate the users addiction, but it may substantially reduce the crime the addict inflicts on society. Such treatment could be provided by placing the addicts into medical clinics and supplying them with substitutes under the supervision of experienced physicians. This may save the police time in fighting heroin abuse offenses and may also substantially reduce the efforts police spend on drug related crimes.

#### Recommendations:

The federal government should establish a system of controlled clinics that dispense free (or at a nominal cost): methadone, heroin, or other drugs or treatment which experts conclude is proper.

In view of this research the author makes the following recommendations:

1. Heroin users should not be punished for use. They should be treated. Any person who voluntarily places himself in an agency for treatment should have complete immunity from prosecution.
2. The greatest effort should be at the federal level in strict enforcement of anti-smuggling laws and negotiation with opiate producing countries to reduce the

cultivation. Enforcement at the local level should concentrate on trafficking. The users should be handled by treatment centers.

3. Consider repealing laws which make the use of heroin a crime. The addict should be handled through a method of civil detention.

### Homosexuality

Homosexuality has been considered by society as if it were a pathological condition that could be spread by contact. In our modern society homosexual behavior is 'different' only because it is unusual.

Lesbianism is far less noticable than male homosexuality and there is less promiscuity and more stable relationships. Lesbians are less likely to be prosecuted simply because their conduct is less obvious. But like male homosexuals, lesbians must often be secretive or lose their job.

Unlike drug offenses, homosexuality does not consume a large portion of police budget. As indicated in Table 2, Charts 2 and 3, the ten police departments assigned a total of \$2,512.23 per week involving 422.13 working hours to enforce homosexually related crimes.

Research data also indicated that 105 homosexuals (males and females) were arrested in all the ten departments

during 1975, (see Table 5.) The average cost per arrest amounted to \$1,244.15.

What benefits accrue to city taxpayers each time a homosexual is arrested? Does the criminal justice system use these funds the best it can to fight crimes?

As a result of interviews with police administrators it was observed that police usually concentrate on the enforcement of laws against public homosexual activity involving some form of solicitation. Police seem to be lenient towards homosexuality. Also, Ohio laws now do not consider homosexual relations among consenting adults in private as a criminal offense. Even judges are found to be reluctant to send homosexuals to jails, believing that jailing will encourage homosexual activity and increase the problem.

The results of behavioral therapy to change homosexuals are controversial. One common method is to expose male "gays" to electric shocks or nauseating drugs while pictures of nude men are shown. Such attempts seem to be going out of fashion. The emphasis now is on helping troubled homosexuals to function well as "gays". A number of clinics have sprung up for that purpose. Homosexual 'marriage' counseling for example addresses itself to problems such as which partner should be dominant in the relationship. One reason that psychiatry seems less interested in helping

homosexuals go straight is that few of them want to. Another reason is that the causes of homosexuality are obscure. (While some argue that they were born this way, attempts to find a biological or genetic cause of homosexuality have failed.)

Some of the western countries have modified their criminal laws by decriminalizing homosexuality among consenting adults. England and Canada legalized homosexuality during the 1960's. However, there is no evidence that such new laws have any adverse effects in these countries. On the contrary, it has been helpful to law enforcement agencies by concentrating on more serious crimes.

This writer believes that homosexuality is deviant based on the following grounds:

1. It menaces the health of society.
2. It has damaging effects on family life.
3. A man who indulges in these practices with another man may turn his attention to boys. It is known that male prostitutes, who are teen-age or younger, are greatly in demand particularly by older married men.

Accordingly, society should work toward reducing homosexuality as a behavior. Except for the criminal homosexual activities cited in Ohio Criminal Code (as being of public concern), other homosexuality should be considered illness and homosexuals should be given treatment. A number of



clinics have already sprung up to provide medical and psychiatric treatment.

### Recommendations:

In view of this research the author makes the following recommendations:

1. Laws which designate homosexual behavior as a crime should be retained. They function as the guardian of the public good.
2. Non-criminal homosexual behavior should not be treated as a crime. However, it should not be ignored. Efforts should be continued to cure this unnatural behavior.

### Gambling

Gambling is ubiquitous in The United States, the contents of our codes notwithstanding. People like to gamble and will probably find a way to gamble despite legislative restrictions.

This offense varies in different states. Gambling is legal in Nevada and Atlantic City, New Jersey and illegal in most of the rest of the country. Private gambling has been in existence at least intermittently over the last two hundred years. Public lotteries exist in many states. Lotteries were instrumental in financing such educational institutions as Harvard, Yale, and Columbia.

The results of the survey are given in Table 2, Charts 2 and 3. It was found that the ten police departments assigned a total of \$426.68 per week involving 747.65 working hours to enforce gambling laws. It was also found that the total number of arrests in the same departments during 1975 amounted to 106 (see Table 5.) The average cost per arrest was \$2,092.10 ! A tremendous amount of money is being paid by the taxpayers just to arrest one gambler.

However, the measurable dollar cost of enforcement is only part of the costs. There are other unmeasurable costs suffered by society when these victimless crimes are enforced. There is bitterness engendered when the law is enforced unequally among classes of citizens. When the law bears down on the conduct of the poor and of racial minorities, leaving similar conduct by the affluent untouched, then the poor and minority citizens feel that the law is against them. There is a lack of respect for law when it tries to make illegal what people largely desire.

In 1962 the attorney general estimated that the American people spend more on gambling than on medical care or education.<sup>31</sup>

Most people are losers in gambling and the gambling public taken as a whole cannot win. The odds are so fixed

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<sup>31</sup>Robert F. Kennedy, "The Baleful Influence of Gambling", Atlantic Monthly 209, no. 4 (April 1962) : 76.

as to provide a substantial margin of profit for the entrepreneurs of gambling who are for the most part operating illegally and providing the chief sources of income to organized crime.

It is also important to notice that gambling laws are not enforced against church bingo games, football pools and private clubs. This is because most people in the community do not want the laws enforced against these activities. It is not a matter of whether the police could get evidence but rather by refusing to enforce such laws police save themselves and the whole legal system from ridicule. This is because the anti-gambling laws try to prohibit people from engaging in activities that many want to pursue.

Gambling is partially used as a crutch and an escape from reality and poor people are heavily involved.<sup>32</sup> This money should be spent for food, clothing or shelter for the gambler's family. Historically it has been impossible to eradicate gambling. A realistic social policy must be based on this fact. It is a contradiction to retain gambling in our penal code as criminal act without prohibition of bingo, race tracks, and state lotteries.

There are advantages for removing gambling from the criminal code, such as:

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<sup>32</sup>Smith and Pollack, Some Sins are Not Crimes, pp. 136-37.

1. It will relieve the criminal justice system of spending considerable sums which could be used against the more serious crimes.
2. Will help to eliminate police corruption.
3. Illegal gambling is considered the chief source of capital for many organized crime enterprises. Organized crime exists when the act is illegal and it is presumed to have less activity when these acts become legal. Therefore, its legalization may reduce organized crimes involvement in gambling.<sup>33</sup>

Recommendations:

In view of this research the author makes the following recommendations:

1. Until there is not injurious to society, laws on gambling should be tailored to prevent the operation of gambling apparatus from being organized and large.
2. Big corporations and partnerships should be denied the right to run gambling establishments or operations.
3. Public advertisement of gambling or public solicitation of participation in gambling should be prohibited.
4. A review of gambling laws should be made by a legislative committee (including criminologists who have conducted studies about gambling) to minimize the scale of anti-

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<sup>33</sup>Ibid., p. 139.

gambling laws.

5. As long as anti-gambling laws remain on the books, they should be applied equally to all segments of society. Private games in homes and garages should be free from arrest for gambling as well as private clubs and church games.
6. Police should confine their effort to the control of large games, organization, the enticement of minors and solicitation.

With regard to question 4, the percentage of police departments who have special units to handle each category of crimes is as follows:

|     |                     |
|-----|---------------------|
| 60% | Drug abuse offenses |
| 30% | Homicide            |
| 20% | Burglary            |
| 20% | Robbery             |
| 20% | Rape                |
| 10% | Prostitution        |
| 10% | Gambling            |

Thuse, most of them combined two or more of group 'A' offenses or group 'B' offenses together to be handled by a certain group of officers.

Regarding question 6, the answers obtained were computed and are illustrated in Chart 5. It appears that there is a strong sentiment for decriminalization of

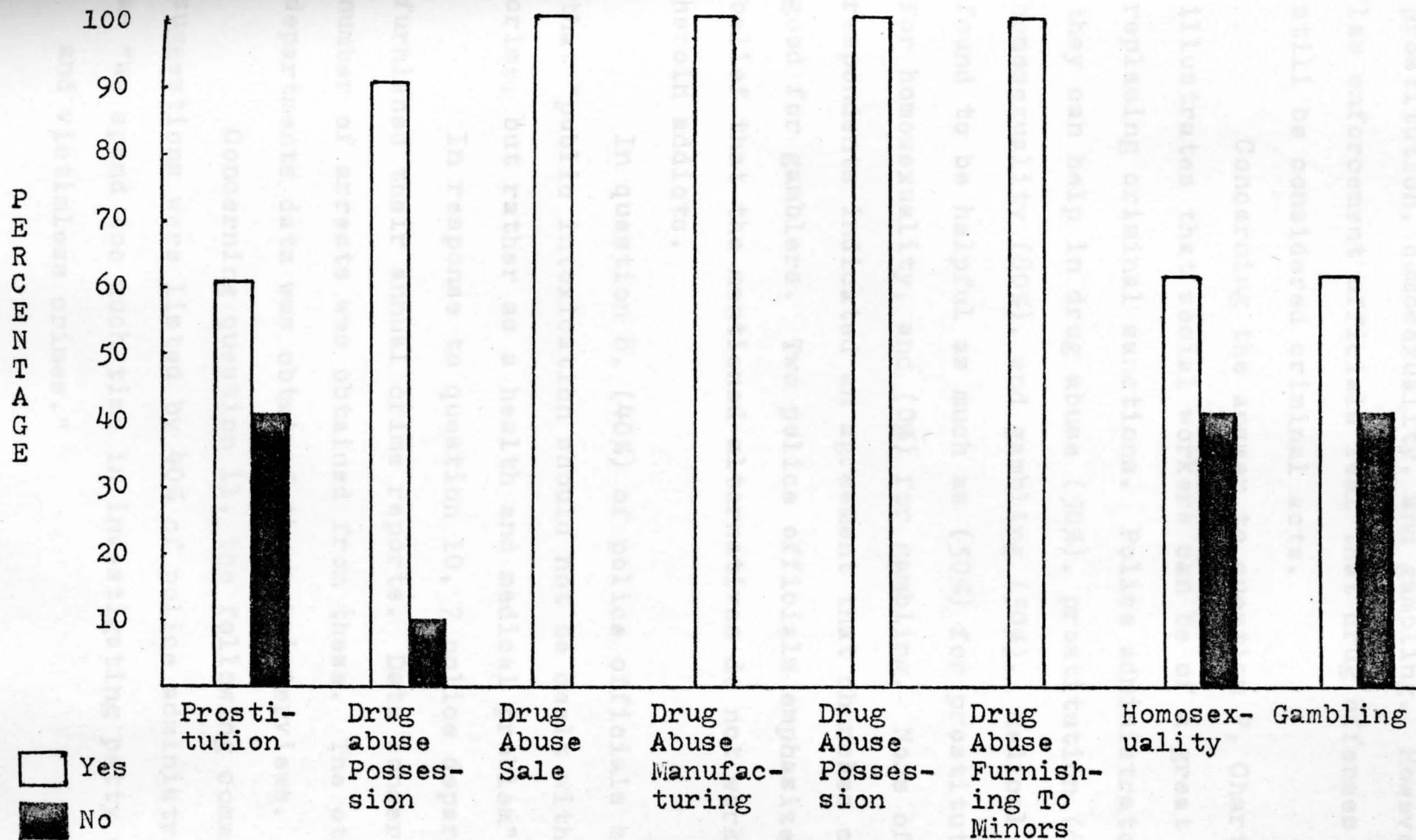


Chart 5.-- Percentage of police administrators who believe victimless crimes should remain in the criminal code.

prostitution, homosexuality, and gambling. However, most law enforcement officials feel that drug offenses should still be considered criminal acts.

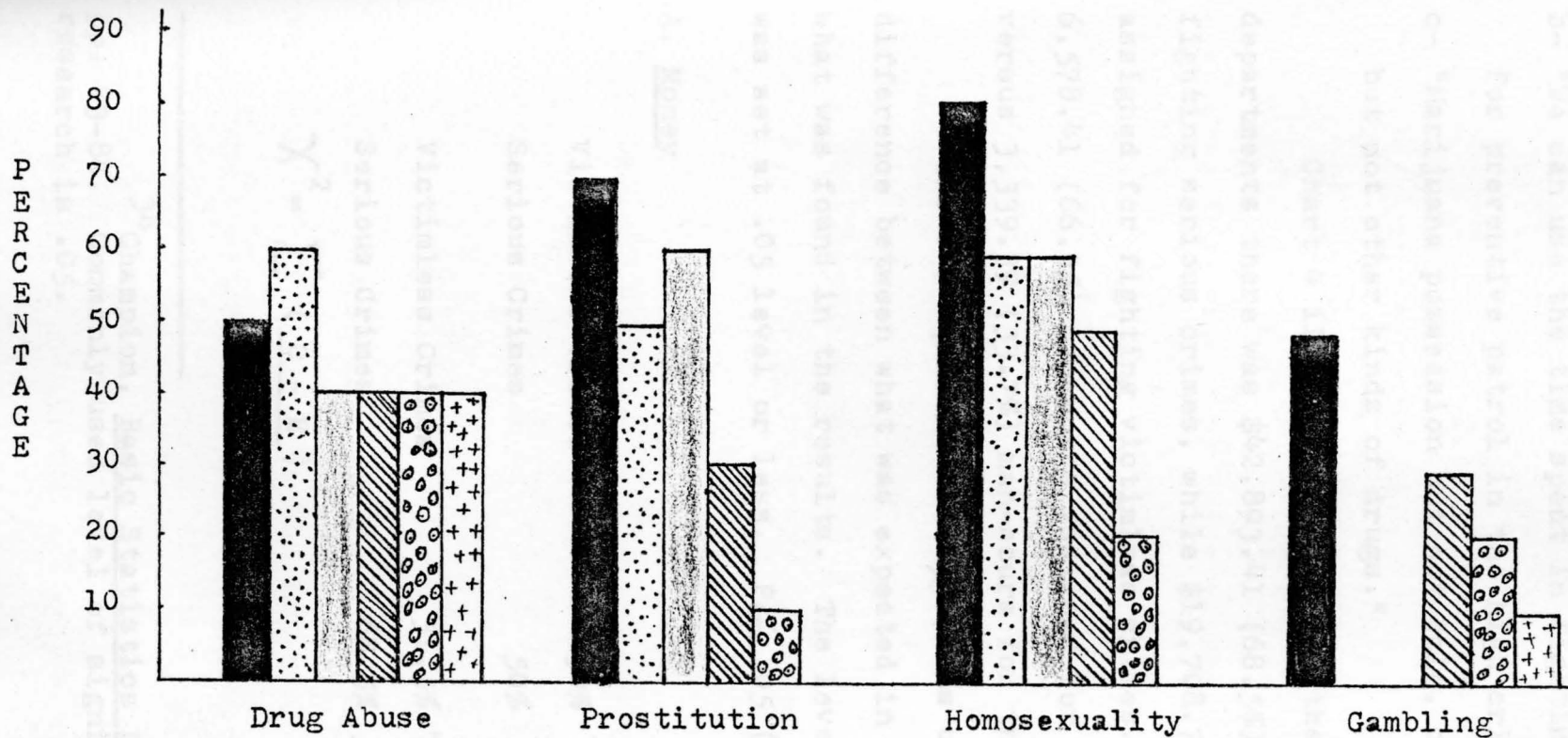
Concerning the answer to question 7, Chart 6 illustrates that social workers can be of a great help in replacing criminal sanctions. Police administrators agreed they can help in drug abuse (50%), prostitution (60%), homosexuality (80%), and gambling (50%). Medical care was found to be helpful as much as (50%) for prostitution, (60%) for homosexuality, and (0%) for gambling. None of the respondents indicated an agreement that churches can do any good for gamblers. Two police officials emphasized their belief that the mentioned alternatives do not work with heroin addicts.

In question 8, (40%) of police officials suggested that "public intoxication should not be dealt with as a crime, but rather as a health and medical problem".

In response to question 10, 7 police departments furnished their annual crime reports. Data concerning the number of arrests was obtained from these. The other police departments data was obtained through interviews.

Concerning question 11, the following comments and suggestions were listed by 40% of police administrators:

a- "We spend too much time in investigating petty offenses and victimless crimes."









-  Social Workers
-  Medical Care
-  Churches
-  Families
-  Schools
-  Peer Groups

Chart 6.-- Percentage of police administrators indicating agreement towards certain proposed alternatives to criminal sanctions of four victimless crimes.



- b- "We can use the time spent in fighting victimless crimes for preventive patrol in the high crime areas."
- c- "Marijuana possession but not sale, could be legalized, but not other kinds of drugs."

Chart 4 illustrates that for the ten police departments there was \$42,893.41 (68.5%) assigned for fighting serious crimes, while \$19,708.71 (31.5%) was assigned for fighting victimless crimes. Also, there were 6,578.41 (66.3%) man-hours assigned for serious crimes, versus 3,339.39 (33.7%) man-hours for the victimless crimes.

The Chi-Square Test ( $\chi^2$ ) was used to test the difference between what was expected in the hypothesis and what was found in the results. The level of significance was set at .05 level or less.  $P \leq .05$  (two tail test).<sup>34</sup>

A. Money

|                   |     |            |
|-------------------|-----|------------|
| Victimless Crimes | 50% | } expected |
| Serious Crimes    | 50% |            |

|                   |       |            |
|-------------------|-------|------------|
| Victimless Crimes | 31.5% | } observed |
| Serious Crimes    | 68.5% |            |

$$\chi^2 = \sum \left( \frac{O - E}{E} \right)$$

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<sup>34</sup>Champion, Basic Statistics for Social Research, pp. 83-84. Commonly used level of significance in social research is .05.

$$df = K - 1$$

$$= 2 - 1 = 1$$

$$\chi^2 = 13.69$$

We must have a  $\chi^2$  value equal to or larger than 3.841 in order for our observation to be significantly different from chance at the .05 level with 1 df (degree of freedom.)<sup>35</sup>

Since it has been observed that  $\chi^2$  is 13.69, then the hypothesis can be rejected.

#### B. Man-hours

|                   |       |            |
|-------------------|-------|------------|
| Victimless Crimes | 50%   | } expected |
| Serious Crimes    | 50%   |            |
| Victimless Crimes | 33.7% | } observed |
| Serious Crimes    | 66.3% |            |

$$\chi^2 = \sum \left( \frac{O - E}{E} \right)$$

$$= 10.8916$$

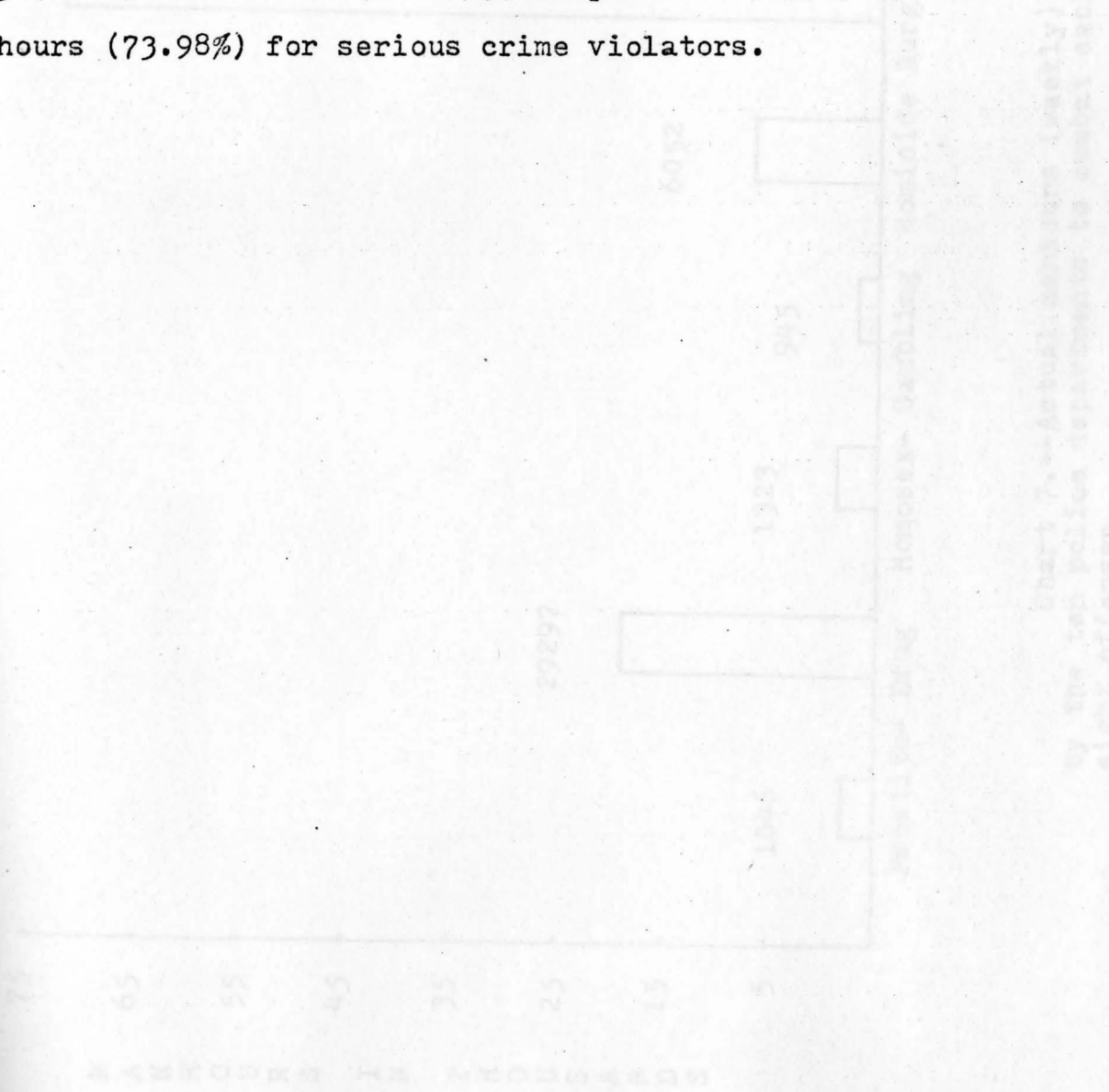
Here  $\chi^2$  value was found to be more than 3.841, so the observed difference in the assigned man-hours is significant at .05 level. Accordingly, the hypothesis can be rejected.

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<sup>35</sup>Ibid., p. 264.

Chart 7 indicates the actual time spent on fighting each of the eight crimes. Burglary was found to be the highest offense consuming police time among the eight crimes. Drug abuse offenses were next, followed by gambling.

Chart 8 illustrates that the total amount of man-hours spent in arresting victimless crime violators was 32,612.91 man-hours (26.02%), compared to 92,749.29 man-hours (73.98%) for serious crime violators.



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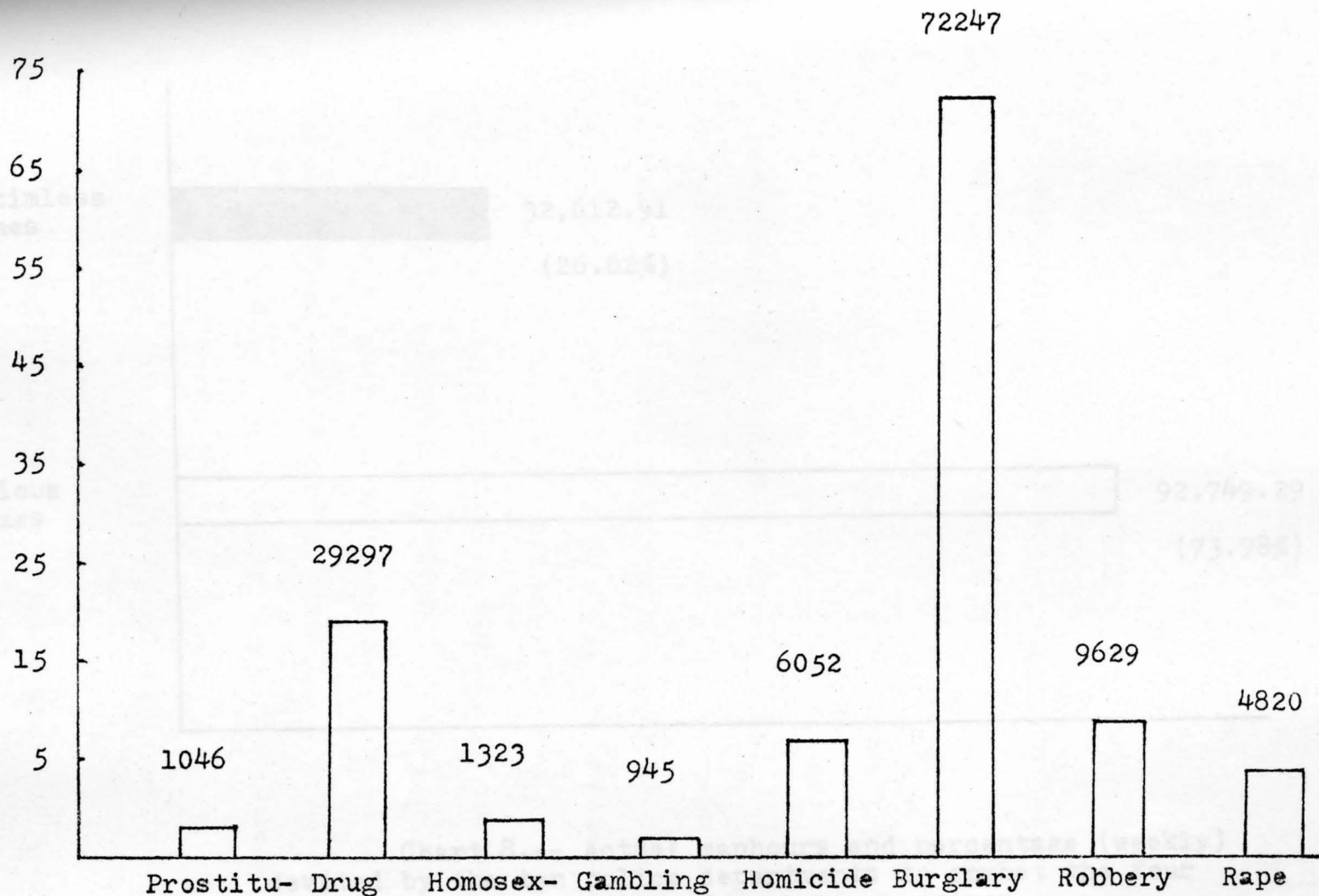


Chart 7.--Actual manhours (weekly) devoted by the ten police departments to combat each of the eight offenses.

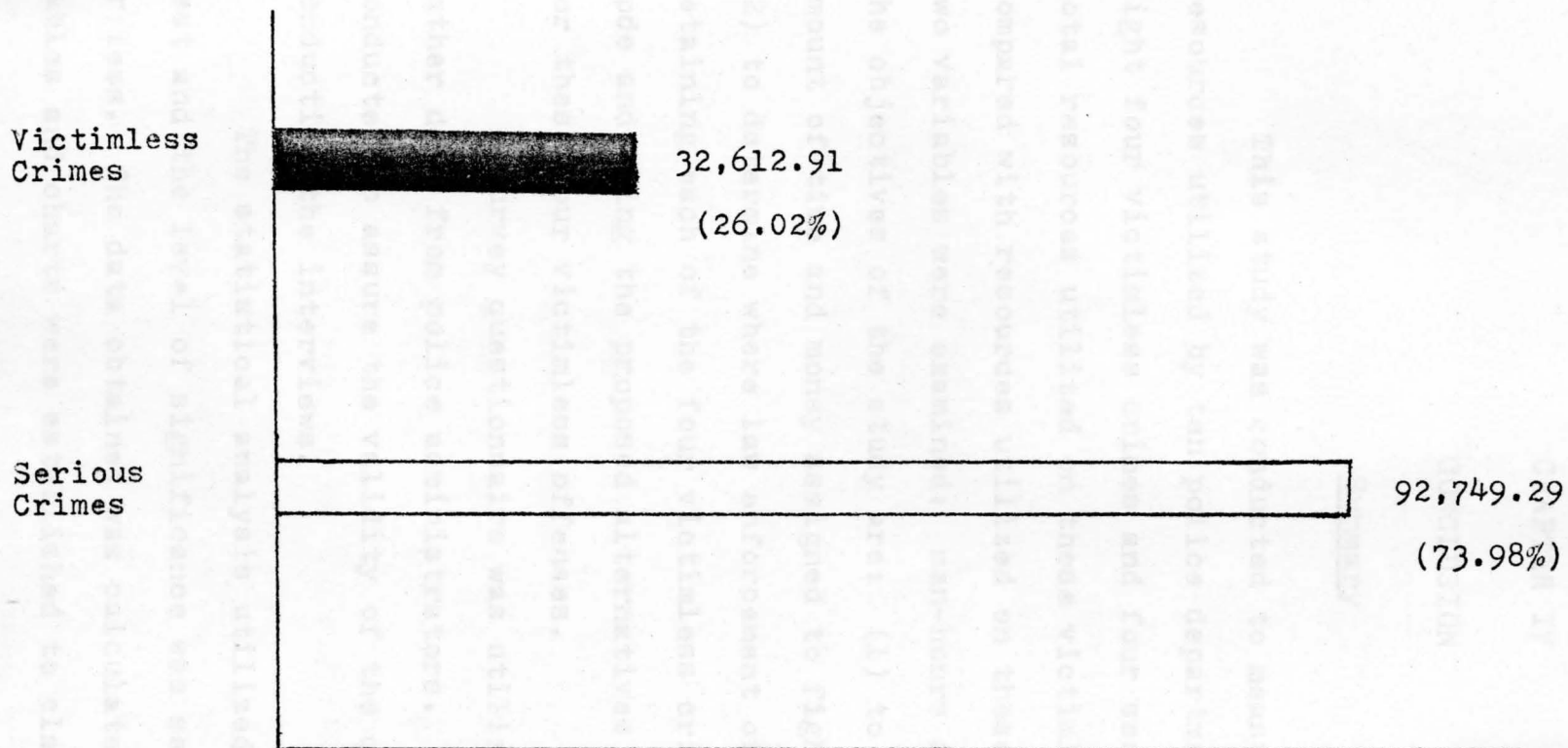


Chart 8.-- Actual manhours and percentage (weekly) devoted by the ten police departments to combat the four victimless crimes and the four serious crimes.

## CHAPTER IV

## CONCLUSION

Summary

This study was conducted to measure the total resources utilized by ten police departments in Ohio to fight four victimless crimes and four serious crimes. The total resources utilized on these victimless crimes was compared with resources utilized on these serious crimes. Two variables were examined: man-hours and financial cost. The objectives of the study are: (1) to determine the amount of time and money assigned to fight each of the crimes; (2) to determine where law enforcement officials stand on retaining each of the four victimless crimes in the criminal code and using the proposed alternatives to criminal sanctions for these four victimless offenses.

A survey questionnaire was utilized in order to gather data from police administrators. A sample test was conducted to assure the validity of the questionnaire before conducting the interviews.

The statistical analysis utilized was the Chi-square test and the level of significance was set at the .05 level or less. The data obtained was calculated and analyzed. Tables and charts were established to clarify the findings.

### Major Findings

1. \$19,708.71 (31.5%) was assigned by the ten police departments to fight the four victimless crimes compared to \$42,893.41 (68.5%) which was assigned to fight the four serious crimes.
2. 3,339.39 man-hours (33.7%) were assigned to fight group 'A' offenses, while 6,578.41 man-hours (66.3%) were assigned to fight group 'B' offenses.
3. Concerning the actual time spent, it was found that group 'A' offenses consumed 32,612.91 man-hours (26.02%) compared to 92,749.29 man-hours (73.98%) consumed by group 'B' offenses.
4. The average cost per arrest for each of group 'A' violators was found as follows:

|                     |            |
|---------------------|------------|
| Prostitution        | \$954.53   |
| Drug Abuse Offenses | \$309.50   |
| Homosexuality       | \$1,244.15 |
| Gambling            | \$2,092.10 |

5. Burglary was found to be the highest offense consuming police resources. Not only among group 'A' offenses, but also among group 'B' offenses and then followed by drug abuse offenses. The least consuming offense was found to be homosexuality.
6. There is a strong sentiment among law enforcement

officials for decriminalization of prostitution, homosexuality, and gambling. Most of them feel that drug offenses should still be considered criminal offenses.

7. If criminal sanctions are modified for group A offenses, social workers, medical care, and churches were found to be the most agreeable alternatives. Peer groups and schools were found the least agreeable alternatives.

#### Final Conclusion

It was found (contrary to the hypothesis) that most of police resources are being rightfully utilized to enforce serious crime laws rather than victimless crimes. That difference was found to be significant in favor of serious crimes. "Do these results mean that victimless crimes should not be removed from the criminal code?" It has been argued that decriminalization of the victimless crimes would improve the police capabilities to fight more serious crimes. This study found that police utilize a considerable amount of their available resources on victimless crimes (34% of their man-hours and 31.5% of their financial cost.) Since society suffers from homicides, robberies, burglaries, and rapes so much and is greatly concerned about serious crimes, it seems evident that money and time spent on certain victimless crimes



could be better spent on serious crimes.

Inconsistency is found in the laws relating to the victimless crimes in different states within The United States. For example, gambling is legal in a few places but it is illegal in most of the country.

Many laws involving victimless crimes in our criminal codes should at least be reviewed in depth and consideration for removing as many of them as possible from the criminal code should be made.

This research defines each crime with regard to the following sections of The Ohio Revised Code:

## APPENDIX A

### Working Definitions

#### Prostitution:

2907.21 Compelling prostitution

2907.22 Promoting prostitution

2907.23 Procuring

2907.24 Soliciting

2907.25 Prostitution

#### Drug Abuse Offenses:

3719.01

(B) "Narcotic drugs means..."

(U) "Opiate means..."

(V) "Opium poppy means..."

(W) "Person means..."

(X) "Drug has the same meaning..."

(F) "Manufacturer means..."

(G) "Marijuana means..."

3719.011

(A) "Drug of abuse means..."

3719.41 (Schedules of Controlled Substances)

2925.01

(E) "Bulk amount of a controlled substance means..."

(H) "Drug abuse offense means any of the following..."

This research defines each crime with regard to the following sections of The Ohio Revised Code:

Prostitution:

2907.21 Compelling prostitution

2907.22 Promoting prostitution

2907.23 Procuring

2907.24 Soliciting

2907.25 Prostitution

Drug Abuse Offenses:

3719.01

(R) "Narcotic drugs means..."

(U) "Opiate means..."

(V) "Opium poppy means..."

(W) "Person means..."

(H) "Drug has the same meaning..."

(P) "Manufacturer means..."

(Q) "Marijuana means..."

3719.011

(A) "Drug of abuse means..."

3719.41 (Schedules of Controlled Substances)

2925.01

(E) "Bulk amount of a controlled substance means..."

(H) "Drug abuse offense means any of the following..."

- 2925.02 Corrupting another with drugs
- 2925.03 Trafficking in drugs
- 2925.11 Drug abuse
- 2925.12 Possessing drug abuse instruments
- 2925.13 Permitting drug abuse
- 2925.21 Theft of drugs
- 2925.22 Deception to obtain a dangerous drug
- 2925.23 Illegal processing of drug documents
- 2925.31 Abusing harmful intoxicants
- 2925.36 Illegal dispensing of drug samples

Homosexuality: (When the offender and the victim are of  
the same sex).

- 2907.05 Gross sexual imposition
- 2907.06 Sexual imposition
- 2907.07 Importuning
- 2907.08 Voyeurism
- 2907.09 Public indecency

Gambling:

- 2915.02 Gambling
- 2915.03 Operating a gambling house
- 2915.04 Public gaming
- 2915.05 Cheating
- 2915.06 Corrupting Sports

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