

Comparative Analysis of Post Release Control and the Parole Release in Ohio:
Which is Reflective of the Purpose in Sentencing?

by

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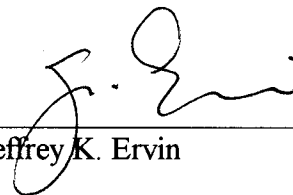
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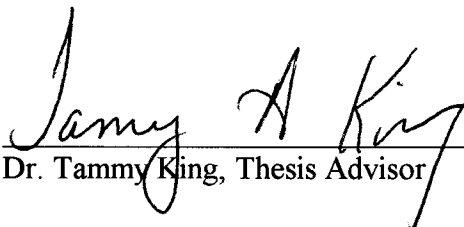
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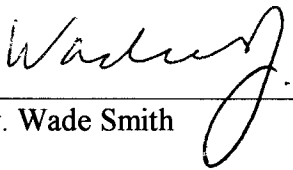
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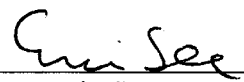
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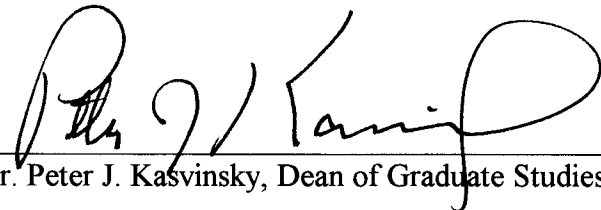

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ABSTRACT

This thesis examines the difference between two post-incarcerative practices in Ohio. The comparisons sought to establish the practice that offered the greatest punitive value while protecting Ohio's citizens from crime. Eighty parole cases were compared to 80 Post Release Control offenders. Variables ranged from descriptive data to programming information that the offenders participated in while confined and while under supervision in a community setting.

Statistically significant correlations were found to exist in the following areas: The number of charges at arrest; the seriousness of offense at arrest; the manner by which the sentence was imposed; the most serious offense at conviction; substance abuse programming in the community; mental health services in the community; which practice succeeded on intensive supervision; and, the absconder rate.

Pearson Chi-square was used in observing the difference between the observed sample distribution and that expected for a population. Also, independent τ test was used to compare the sample length of incarceration.

The study found parole to be more punitive than PRC when using the time spent incarcerated as a gauge to assess punishment. However, more time was spent monitoring the compliance of PRC offenders due to the enhanced need endemic of the PRC profile. Therefore, supervision measured as a means of incapacitation was greater under PRC. Finally, because parole offenders are more likely to engage in treatment in the community, it stands to reason that their risk to the community would be displaced more often than that of the PRC offender.

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Most importantly, great appreciation is extended to Dr. Tammy King, thesis committee chairperson, whose dedication to the learning process is exceptional. Likewise, I would like to thank my committee members for their cooperation with this endeavor.

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Chapter I

Introduction

On July 1, 1996, after several years of study and debate, a change in Ohio's sentencing took effect. The law, known as Senate Bill 2, adopted new principles geared towards punishing criminal behavior. The body responsible for making recommendations to the General Assembly fell to the Ohio Criminal Sentencing Commission. Section 181.21 of Senate Bill 258 established the sentencing commission, which initially called for 17 members. The complement was to be chaired by the chief justice of the Ohio Supreme Court and comprised of the following: one appellate judge, three common pleas judges, one municipal court judge, the superintendent of the state highway patrol, state public defender, one sheriff, one prosecutor, one police officer, one victim of crime, one criminal defense attorney, two senators, and two representatives of the House (Ohio Criminal Sentencing Commission [OCSC], 1990).

Their assigned task required them to:

- A. Evaluate the effectiveness of the current sentencing structure;
- B. Review each criminal statute and find out if the penalty is proportional to the crime;
- C. Study any operative guidelines to date;
- D. Ascertain the number, capacity, and quality of all correctional facilities, programs (e.g., probation and pretrial diversion), and resources;
- E. Compile a profile of all correctional facilities, services, and programs;
- F. Coordinate the aforementioned with the criminal sentencing goals of the state (Senate Bill 258).

The OCSC (1990) determined the sentencing goals of Ohio to be punishment, deterrence, fairness, rehabilitation, and treatment. Also, the commission sought to ascertain if additional correctional resources were necessary once the new sentencing structure was imposed.

The conclusions reached from their study became the foundation for a new sentencing policy. The Executive Director of the OCSC, David Diroll (1990), explained the policy must “enhance public safety by achieving certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs and services” and eliminate disparity among sentences (Diroll, personal communication, April 4, 1991). Ultimately, the Commission would use their findings to recommend a comprehensive sentencing structure to the Ohio General Assembly no later than July 1, 1992 (OCSC 1990). Upon completion, the commission would remain to oversee its execution, compliance with set guidelines, and recommend changes.

The panel was established through legislation and was charged to “do good things” (Diroll, personal communication, October 3, 1995). Its approach fostered a blend of strategies that incorporated truth in sentencing¹, post release control² for those deemed appropriate, an extensive list of community sanctions³, and bad time⁴. The law’s design centers around two overriding purposes for sentencing: punishing offenders and protecting communities from further criminality (OCSC, 1995).

¹ Truth in sentencing is defined as a period of incarceration, fixed by law, where convicted felons serve at least 80 percent of their actual sentence.

² Post release control is defined as a term of supervision, imposed upon a releasee from prison, and monitored by an administrative agency.

³ Community sanctions is defined as punishment imposed in a community setting.

⁴ Bad time is defined as punishment in a prison setting that adds incarceration time to the balance of a definite term for criminal conduct in a correctional facility.

This approach can be viewed as an extension of the early 1980's rendition to get tough on crime. The effects of which on the criminal justice system have been enormous. This approach attempted to control crime through punitive measures. Unfortunately, the result oftentimes made matters worse (Byrne and Brewster, 1993). For example, a strategy adopted, called surveillance-based community corrections program, was designed primarily to punish offenders thereby deterring aberrant behavior (Byrne and Brewster, 1993). According to a Bureau of Justice Statistics report (May 1993), the percentage of state admissions for probation or parole technical⁵ violators increased from 17 percent in 1980 to 30 percent by the end of 1991 (Byrne and Brewster, 1993). The literature states that increased surveillance [typical of these programs] heightened the incidence of technical violations; thereby, increasing incarceration time and cost (Petersilia, 1998; Tonry, 1996; and Rhine, 1993). Arguably, the specific deterrence sought in sentencing had the same inadequate effect in offender supervision under this alternative approach. Policymakers left with the burden of imprisonment, as the primary method of control, also sought immediate remedies.

Another remedy discussed was the abolition of parole. One explanation concluded parole violators contributed to the elevations of inmate populations. For example, in 1984 the Bureau of Justice Statistics (BJS) released a report detailing a study of fourteen states. Over a 3 year period, 32 percent of those under conditional release were returned to custody (Rhine, 1993). In 1989, a survey of 46 states concluded 21 percent were parole revocations (Herrick as cited in Rhine, 1993). The common factor shared by both studies revealed that technical violations accounted for approximately one-half of those returned

⁵ Technical violations occur when a condition of supervision has been transgressed. The State of Ohio has at least 16 rules imposed upon a releasee.

to prison. Furthermore, Parent (1993) reports of an interview with a high ranking correctional official where revocations “accounted for two-thirds of the state’s prison admissions” (Rhine, 1993, 7).

The current trend towards intermediate sanctions place offenders at a much higher risk of return due to the enhanced supervision (Tonry, 1996). Correctional resources introduced to broaden the scope of punishment and lessen the use of imprisonment [in sentencing] have become an invaluable supervision tool with parole endeavors. Such measures exact punishment within a short time frame of the infraction. Furthermore, they are generally tied to intervention. The graduated sanctioning model adopted by the Federal Government, discourages unwanted behavior by escalating the punitive measure. When tied to treatment goals, it can subject the releasee to intervention that is more sociologically acceptable, thereby ensuring the aims of both rehabilitation and control.

In a parole system, those determined to be most in need of supervision, in order to protect society, are conditionally released. In Ohio, parole flourished as a model for control under indeterminate sentencing, that is at least to the agents charged with supervision. Ironically, the lack of control over technical returns presumably created an impetus for change.

Estimates from 1994 reflect failure rates⁶ between 30 and 50 percent of all new prison admissions (Parent as cited in Petersilia, 1998). Indeed, parole’s arbitrary function, and sometimes capricious decision-making, could undermine the indiscriminate control sought from sentencing guidelines (Tonry, 1996). Naturally, the foremost release mechanism, parole, used for decades in Ohio, would be replaced.

⁶ Failure rates are defined as a violation of the terms of release that resulted in re-incarceration.

The abolishment of parole is reflective of the “get tough” temperament politicians have towards crime (McCarthy and McCarthy, 1997). This trend has seen discretionary release lose its appeal in 17 states in recent years (McCarthy and McCarthy, 1997). In Ohio, Parole Board procedure was depicted as being tantamount to a second sentencing hearing. Many factors weighed in hearings, such as type of offense and harm created, had already been decided in a court of law but was now being revisited by the Parole Board. Others driven to reform our sentencing practices, but retain parole practices, were easily swayed. With parole ending, another strategy would need to be developed that controlled the offender’s release into society, Post-Release Control (PRC) supervision.

Need

In Ohio, an explanation for changing our sentencing strategy was the rising tide of indeterminate sentences, which created a serious concern over budgetary matters. For instance, demographic trend reports indicate an “at risk” population will get increasingly younger (DiIulio, 1991). “As the children of the ‘baby boom’ generation (echo boomers) move through that ‘high risk’ period during the mid to late 1990’s, crime rates are likely to rise”(Byrne and Brewster, 1993, 4). Likewise, the incentive to prosecute generated by the “get tough” era, coupled with a rising criminal pool, is likely to culminate into a costly correctional dilemma. As such, by December 31, 1994, Ohio’s prison population totaled 43,074 inmates (Bureau of Justice Statistics, 1995). On July 1, 1996, the effective date S.B.2, Ohio’s inmate population had risen to 45,167 (Ohio DRC Census Report, 1996). Those incarcerated under indefinite terms numbered 35,697 while flat time⁷ totals accounted for only 9,470 (Ohio DRC Census Report, 1996). This identified trend

⁷ Flat time is defined as a definite term of incarceration that is not subject to a period of supervision upon release.

promulgated the unavoidable conclusion that correctional populations would continue to rise. Moreover, Ohio's prison system on January 1, 1995 was operating at 170 percent capacity (BJS, 1995).

The forecasts generated by correctional officials in the early 1990's stimulated debate over slowing the prison population. Federal incentives advocating truth in sentencing proved to be an added bonus to what was already deemed a necessary action. The Commission's agenda would devise and oversee numerous changes to Ohio's foremost method of social control. Parole, as it has been known for decades, would be replaced with a new method.

Therefore, there exists a need to examine the differences between the Ohio practices by comparative analysis. By measuring the variables selected for this study, a refined outlook is possible. The information imparted might increase awareness of the problems that exist with the new practice, as well as the old. The identification of significant trends may also lead to supervision practices that are more efficient and effective.

Upon release from prison, the development and implementation of the offender supervision plans have historically been vested solely within the discretion of the supervising officer (Pursley, 1977). In addition, monitoring compliance with the terms and conditions of release, as well as setting case plan parameters, fall with the supervising officer. Departmental policies and procedures offer guidance as a plan of action is executed. As a method of control, a superior in a process known as a case audit may scrutinize a supervising officer's work. This method, if done properly, can measure the efficacy of the supervision endeavor. Specifically, offenders are held accountable for their behavior and are in position to be rewarded or punished.

In a grander scheme, supervision of the offender in the community is an accepted form of social control and its appeal has grown. The proliferation of data supporting the conclusion that our prison system is dangerously overcrowded is but one example fostering the notion to change the status quo (Irwin and Austin, 1994). Likewise, there is a renewed interest in diversion of the non-violent offender so they do not add to the crowding problem (Petersilia, 1998; Klein, 1997; and Tonry, 1996).

As such, integral sections within the Department of Corrections depend on an overriding philosophy to achieve its goal. A method used to ascertain correctional philosophy can be determined by locating the approaches that deal with managing the offender in the state's penal code (Sluder et al., 1994). In 1993, a study conducted to analyze the nation's preferred orientation found rehabilitation encompassed the dominant selection among states (Burton, Dunaway, and Kopache, 1993). Yet, it is essential to note that a majority opted for multiple objectives: rehabilitation, reintegration, incapacitation, deterrence, and retribution (Burton et al., 1993). Sluder et al. (1993) report that an indicator of probation philosophy can also be interpreted by what officers perceive to be their principal responsibility. In short, studies have concluded that officers favor distinguishable goals that engender rehabilitation and control (Sluder et al., 1994).

Supervising a committed felon upon release from state confinement has taken on new meaning in Ohio. No longer would the term parole be applicable to offenders sentenced after July 1, 1996. Instead, they would be known as Post Release Control (PRC) Offenders. Parole, as it is commonly known, is a conditional release from prison to supervised community living. It is the post-incarcerative equivalent of probation (Morris and Tonry, 1990). Since the demise of the parole release, there has been a dramatic shift in offender management.

Scope of the Problem

Supervising offenders in the community is a challenging endeavor. The proliferation of adults under community control has surged from 1.4 million in 1980 to 3.6 million in 1997 (Petersilia, 1997). In Ohio, indeterminate sentences were replaced by presumptive release dates, thereby eliminating parole and the conditional release. Instead, offenders can now be susceptible to dual sanctions (Senate Bill 2, 1995). First, a period of incarceration is imposed. Afterwards, a term of supervised release can be ordered.

The burden of monitoring these offenders (PRC) requires multiple objectives (i.e., protecting society, stemming the tide of returns, punishing violations, facilitating integration). As violations are identified, it is imperative that remedial action⁸ take place with these offenders. In Ohio, the foremost sanction for technical violators is regarded to be prison. The unavailability of such a formidable remedy to curtail aberrant adjustment undermines an important function of community supervision--control. Therefore, the aim of this research will seek to determine whether PRC is fulfilling its objectives. Does it punish and protect society? Another objective is to determine if parole was a more effective means of controlling criminal behavior in a community setting.

In Chapter II a historical review will focus on the development of PRC. It will feature a timeline of events that present the reader with a synopsis of committee meetings. The dialogue generated by the Sentencing Commission sought monumental changes to our current system. Naturally, the process elicited various expert testimony on diverse components of the system. The historical review will highlight the discourse that

⁸ Remedial action is defined as an intervening course of action intended to correct inappropriate behavior by utilizing both punitive and rehabilitative measures.

prompted changes to the correctional landscape. When applicable, similar concepts will be offered to advance understanding. In chapter three, the methods used to compare PRC and parole will be presented. Additionally, the method used to evaluate if PRC is meeting its goals will be offered. Limitations of the current research and suggestions for future research will be presented. Chapter four will provide the analysis and findings with focus upon patterns that identify successful implementation of the sanctioning process within the scope of punishment or rehabilitation [or both]. Finally, chapter five will impart a discussion concerning conclusions, limitations, implications for criminal justice practitioners, and recommendations for future research.

Chapter 2

Historical Review

Recorded history has depicted numerous sanctions of the criminal offender. Since 1789, with the establishment of the first penitentiary, American corrections has depended on incarceration. As a result, prisons have become a key budgetary concern. As Colson and Van Ness (1991) report, something had to be done.

Intermediate sanctions have given public officials an opportunity to control spiraling costs and subdue prison overcrowding (America Behind Bars, 1993). However, the design, implementation, and management of sanctions pose greater challenges than managing prisons because communities are less restrictive and possess an infinite number of variables (America Behind Bars, 1993). Therefore, careful consideration should be given to its practice, so the objectives for which it was created do not undermine the very purpose in sentencing.

One example of undermining its effect is “net widening.” Judges desiring “proportionality in punishment and [the] availability of a continuum of sanctions” often divert offenders to more intrusive practices than probation, thus inhibiting cost savings and prison space, which inevitably opposes the program’s motive (Tonry, 1996, 103). In conjunction with release practices, net widening can reveal a higher number of technical violations (e.g., curfew and reporting violations) due to the increased amount of surveillance and concern for program integrity (Tonry, 1996). Coupled with the community control model (i.e., surveillance-enforcement), field services are increasingly at an impasse. The ever-increasing administrative function, inherent in sanction process, evoke deficiencies in observing the offender in his/her environment. Time studies conducted in the late 1970’s on the Federal system and the State of Georgia revealed,

after administrative tasks, officer's spent seven to eight minutes a week on each case assigned (Holt as cited in Petersilia, 1998). Quality contacts are diminished by the quantitative needs of any given bureaucracy, which ultimately enhances the likelihood that a non-conforming lifestyle is maintained.

Sanctioning should elicit a process of reasoning between an offender and supervisor. The identification of technical violations coupled with a short-list of remedies designed to control behavior, will inevitably lead to the detection of more indiscretions due to the enhanced surveillance needed to ensure compliance. Without a rehabilitative focus, offenders will likely withdraw to the "us verses them" or "catch me if you can" mentality of old. As Tonry (1996) reports, intermediate sanctions performed no worse than traditional sanctions in reducing recidivism, yet they are effective in discovering technical violations.

Hence, the predicament exists regarding the outcome of post-release control [PRC] offenders that habitually undermine the sanctioning process. By law, offenders can not be returned for more than 50 percent of their original sentence. For example, a six month sentence in prison results in a net return of three months. At least four in 10 offenders have been assessed a period of PRC from one to five years since July 1, 1996 (VanDine, personal communication, May, 1998). Mandatory terms of PRC are imposed on all felonies in the first, second, and violent third-degree offenses. Also, all felony sex offenses and boot camp releasees are subjected to a mandatory term of PRC. The remainder of those committed to prison are deemed discretionary, which may result in a term of PRC. Guidelines developed by the Department of Rehabilitation and Correction assist the parole board in PRC determinations for discretionary cases. Post-Release supervision is generally imposed if:

1. The current offense involves violence or threats of violence;
2. The offender's criminal history includes an offense of violence, sex, or DUI within the previous 5 years of the current criminal act; or,
3. The offender has a court order for restitution or other PRC sanction to be imposed upon release from prison (Kinkela, personal communication, December, 1998).

The serious offender (i.e., multiple priors, poor skills, low motivation) is undaunted by the control mechanism. By not returning them to prison represents considerable deprivation for any deterrent benefit sanctions may have. Yet, institutionalization contributes to the very problem sanctions were designed to impede, such as overcrowding (Petersilia, 1997).

As Tonry (1996) observes, it is apparent that the rehabilitative structure that so dominated corrections in the 1970's has been extinguished. Further, he laments, it is less evident there is any distinguishable paradigm that has emerged in its place (1996). Presently, the State of Ohio operates its correctional apparatus as an instrument that punishes the criminal offender for wayward behavior, while protecting the citizenry from future harm. This is its stated objective for sentencing.

Following confinement, Ohio continues this fervor by making available supervision (post release), for certain felonies and other offenders deemed appropriate by the Parole Board. Release from prison is now guaranteed instead of earned (S.B.2). Beginning July 1, 1996, all criminal acts perpetrated on society will fall under the umbrella of Senate Bill 2. At the same time, a large number of parole releases remain. Since the act contains a "no retroactivity" provision, persons incarcerated prior to the effective date would be subject to the decision-making processes of the Parole Board. Before assessing the

punitive value of our post incarcerative applications, it is important to review the maturation of Senate Bill 2's development.

For the purpose of this historical review, the following is provided to distinguish the relevant sections of writings that pertain to a thematic and chronological review. First, an overview of general facts will be presented to illuminate the scope of restructured sentencing in America. At length, a chronological review of key Sentencing Commission Committee meetings will be summarized. The goal here will be to identify the relevant thought processes of the members as it leads to fulfillment. Furthermore, the information the commission digested to advance the process will be reviewed. Also, a variety of major conclusions, findings, and issues recognized by scholars in the field will be integrated.

General Overview

Beginning in 1991, the Chief of Research for the Department of Rehabilitation and Correction (DRC) in Ohio, Steve VanDine, sent a memo to the director, Reginald Wilkinson, reporting that the second meeting of the sentencing commission was to be held on April 4, 1991 in Columbus, Ohio. In it, VanDine is seen urging the director to appoint a representative to monitor and interact with the commission through an “observer” position. VanDine explains that the “commission may fail, but if it does not, the changes that it makes can dramatically affect the future of the department [DRC] for decades” (Steve VanDine, personal communication, March 27, 1991).

On April 4, 1991, Director Wilkinson guided an interoffice communication (I.O.C.) to VanDine containing a paper written by Dave Diroll titled, Ohio Sentencing Commission Established. In it Diroll acknowledges the creation of the commission, which resulted out of Senate Bill 258. The anti-drug bill had created the commission largely due to the efforts of Governor Voinovich’s Committee on Prison and Jail Crowding.

According to Diroll, Ohioans have complained about the severe crowding that has taken place in prisons and local jails, as well as the complexity of the criminal code. The Commission would elicit a bipartisan approach to systematically reform sentencing within the state. One such task, he relays, “could review sanctions and balance them with existing or expanded correctional resources” (Diroll, 1991, 1).

The paper outlines four key tasks assigned to the Commission. The first was to carry on an extensive study of Ohio’s criminal statutes, sentencing patterns, and correctional resources. Secondly, to develop a policy for sentencing that enhances public safety by obtaining veracity among sentences, deterrence, and sound use of correctional resources. Third, the Commission was required to make a recommendation regarding a

sentencing structure to the General Assembly no later than July 1992. Furthermore, their proposal need address areas that enhanced public safety, controlled overcrowding, simplified the statutes, guaranteed proportionality, regularity, and fairness in sentencing, while provide for truth in sentencing. It is said, “the structure must reflect ‘a full range of sentencing options’ consistent with public safety” (Diroll, 1991, 1). Finally, they were directed to forecast how the new sentencing structure would impact standing correctional facilities, and determine if further resources were necessary (Diroll, 1991).

As an instrument of information, the Commission attempted to digest certain published works by various writers. In April, 1991, an excerpt from “Between Prison and Probation...,” was offered to members for review. In it, Tonry writes that indeterminate sentences came under attack beginning in the 1960s. One such attack alleged the “sentencing strategy did not keep its rehabilitative promise” (Morris and Tonry, 1990, p. 243). Additional attacks professed it produced “arbitrary and capricious decisions which suffered from racial and class bias” (Morris and Tonry, 1990, p. 243). Further assaults on the indeterminate ideal targeted program effectiveness (Morris and Tonry, 1990).

Other challenges alleged indeterminate practices did not keep with minimum procedural safeguards surrounding prosecutorial, sentencing, and parole endeavors (Tonry, 1990). Finally, the preferred practice engendered “gross and unacceptable sentence disparities” as well as garnished no effective correctional program while in operation (Tonry, 1990, p. 244). Subsequent reports and conclusions questioned the efficacy of the indeterminate philosophy, thus suggesting new approaches (Tonry, 1990). Influenced by such opinions, many states began sentence reform, thereby changing their laws and practices (Tonry, 1990).

In 1972, Judge Marvin Frankel proposed a specialized administrative agency be empowered to create presumptive guidelines for sentencing. The Yale Law School subsequently elaborated on his undertaking and created model legislation (Tonry, 1990). Invariably, model legislation became the foundation for a number of bills introduced into the United States Congress. Shortly, sentencing commission legislation was enacted in Minnesota, Washington, Pennsylvania, and the U.S. Congress (Tonry, 1990). Today, many have sought out this process to reform antiquated sentencing policy.

In 1991, Ohio began to re-evaluate its sentencing practices. On April 3, 1991, Gregory White wrote to the Sentencing Commission the following preliminary position of the Ohio Prosecuting Attorney Association (OPAA). A proposal was drafted with the following objectives: truth in sentencing; simplification; and adjusting penalties where existing penalties are too high or too low (i.e., specific offenses).

In regards to truth in sentencing, the OPAA remarked, "it is time for Ohio to take the lead on this issue. The Sentencing Commission should seize this opportunity to restore public confidence in our criminal justice system by making sentences credible" (White, personal communication, 1991). The proposal eliminates good time and shock parole while blocking the Parole Board and/or DRC from releasing any prisoner before s/he has served the full minimum set by the court. Other recommendations surround penalties for violating the criminal code.

To add to these suggestions, on April 10, 1991, Public Defender's wrote to the Sentencing Commission. In regard to this study, only the recommendation for the elimination of shock parole appears applicable. All other ideas focus on penalties for violating the criminal code.

On June 5, 1991, the offender's committee was assigned the responsibility of overseeing a study of issues surrounding shock parole, good time, and parole. Randall Dana (Public Defenders Office) requested the commission also look into the causes of crime. Members discussed racial disparity and offered specific viewpoints. Dana was chosen to study other sanctions available rather than incarceration. James Kura (Ohio State Bar Association) was assigned along with Senator Jeffrey Johnson to study the characteristics of pre-sentence and post-sentence alternative programs.

The Ohio Criminal Defense Bar (OCDB) submitted a paper to the committee proposing their own ideas for restructuring the sentencing system. Their proposition encompassed seven assumptions beginning with the elimination of the Adult Parole Authority and the Parole Board. Next, they recommend the elimination of all mandatory and indefinite terms of imprisonment. Also, the continuation of "good time" and the retention of jurisdiction within the sentencing court over an offender's sentence for its duration. Finally, the creation of a cap on the prison population (based on design capacity) and finally the creation of *de novo* (i.e., new or a second time) appellate review of sentences.

The OCDB agreed with the Prosecutors Association that victims should have the expectation that the defendant will serve the majority, if not all of the term of imprisonment. For this reason, they believe sentences should be determinate, therefore moving to abolish all indeterminate terms.

Further, good time should not be used exclusively to control prison behavior; instead, control should originate from degrees of internal punishment. The role of awarding good time by the DRC should be reduced. Likewise, legislation should require the DRC to amend the prison population. Controlling the population, they surmise, could

help alleviate current problems and enable to the DRC to redirect “its energies towards rehabilitation thus reducing the recidivism rate” (OCDB, 1991, p. 7). Still, the OCDB (1991) believes the DRC should be required to develop a community reintegration program because failure rates are as problematic as sentencing. They contend that if a person is released without job skills, training, or opportunities of support, he/she will inevitably return to a life of crime (OCDB, 1991).

Finally, the OCDB suggests the incarceration rate is a good indication that it is ineffectual at lessening the crime rate. “Criminal sanctions have not and never will deter crime.” The answer, they conclude, lies in strengthening the “nuclear family and instilling ethical, social, and more values in our children.” For every dollar spent on law enforcement and corrections, “the General Assembly should be spending five dollars on programs...” that reduce child abuse, drug abuse, control handguns, and provide opportunities for the “...poor and uneducated to break free from the cycle of poverty and advance in society” (OCDB, 1991, p. 8).

On June 13, 1991, the Procedures Subcommittee underscored objectives of the Commission that pertained to this committee. The agenda’s minutes relay seven characteristics the new sentencing structure must provide for. Their following distinctions were drawn from the revised code, section 181.24 (B):

- (a) proportionate sentences assures the degree of sentence be determined by the gravity of the criminal act and the background of the offender;
- (b) procedures to ensure penalties are not disparate, that is, similar criminal offenses throughout the state will receive similar punishments [uniformity];

- (c) allowances for reasonable judicial discretion consistent with the goals of the overall criminal sentencing structure;
- (d) procedures for matching criminal penalties with the available correctional facilities programs and services ;
- (e) procedures that control the use and duration of a full range of sentencing options consistent with public safety (i.e., imprisonment, probation, fines, and other sanctions);
- (f) sentencing departures must be accompanied with appropriate reasons for the application of judicial discretion (Procedures Subcommittee Agenda, 1991).

In regards to item (f) above, the procedures subcommittee sought the guidance of other systems. For instance, the state of Oregon compels their justices to impose the presumptive sentence provided for in the guidelines. However, should a judge depart from the sentence range, he/she must state on the record the “substantial and compelling reasons to impose a departure” (Oregon Sentencing Guidelines Manual, 1989, 123). The departures reportedly present a basis for appellate review, hence it must be done on the record. Furthermore, all departures must conform to an appellate review standard. Essentially, it must withstand an evidentiary test. This test would show clear support in the record for the departure as represented by the facts in the case (OSGM, 1989). Additionally, it must withstand a legal test. In short, it must show that the reason for the departure is consistent with the rules for sentencing departures (OSGM, 1989). The committee also considered other systems such as: Pennsylvania, New Jersey, California, Canada, England, Virginia, as well as other jury sentencing states.

On May 5, 1991, in a letter addressed to Chief Justice Moyer [Chairman of the Sentencing Commission], Inmate Thompson sought a forum to address some of his concerns over the newly formed commission. He writes he was made aware of studies being conducted to overhaul sentencing policy by newspaper articles. He agreed the system needs adjusted, but is not "grossly out of line". Thompson's major concern surrounds the Parole Board's consideration of the "nature of crime" during Parole Board hearings. He contends this was considered by the court and should not be included in a review for release consideration. In essence, he claims the process is tantamount to re-sentencing. Furthermore, he suggested creating a contract with the inmate. A mutual agreement that need would set goals that need to be accomplished prior to release (e.g., acquire a G.E.D.). Periodic reviews would convene to determine an inmate's progress to better access their availability for release.

On July 23, 1991, DRC Research Chief Steve VanDine, directed a memo to DRC Director Reginald Wilkinson. In it, he summarizes consensus points of the various group committee meetings. First, he reports the Parole Board should cease to exist. Second, the discretion regarding release of prison inmates currently vested in the Parole Board, should return to the sentencing judge. Third, guidelines should be developed to constrain a judge's choice in sentencing. Fourth, the committee favors DRC's position over release control (i.e., either parole, good time, or bad time). According to the Ohio Revised Code section 2967.11, "bad time" is a newly created measure of control to be utilized by the Parole Board. Specifically, the law permits the Board to extend the stated prison term of an offender that was found [by clear and convincing evidence] to have committed a violation while serving a sentence. The "violation" can only be a criminal act under state or federal law. In addition, the extended period ordered by the Parole Board could be

served in 30, 60, or 90 day increments. But, at no time can the Parole Board order an extension for a period longer than one-half of the original sentence [for all violations] over the term's duration.

On May 9, 1991, VanDine reported to the sentencing committee that record intakes had entered Ohio prisons January through April 1991. Further, Director Wilkinson speculated we [DRC] would not likely see a decrease [in admissions] culminating in 35 to 37,000 inmates by the year 2,000 [note: as of 07/01/96 there were 45,167 total inmates in Ohio]. Most, he submits, are low level felony commitments (i.e., 3rd or 4th degree). Director Wilkinson encouraged members of the DRC to accommodate more diversions. Violent inmates had reportedly remained constant while they appeared to have longer sentences. Parole Board Chairman Ray Capots described the process for rendering decisions. According to Mr. Capots, members utilize guidelines that compile data sooner on various categories (i.e., "risk" - offender's prior record and probability of success on parole and "endangering offenses" - which counts against them). Guidelines ensure different panels arrive at the same decision. Departures from the guidelines are weighted by the nature of the crime, prior record, behavior in prison, and public opinion, as well as victim considerations. Jim Kura (Ohio State Bar Association) reported that 20 percent of the boards decisions are based on behavior the inmate exhibited while in prison in comparison to 80 percent for reasons the inmate is in prison. Ultimately, he contends it amounts to a second sentencing hearing rather than a determination of inmate behavior.

James Lawrence (Ohio Half-Way-House Association) recommended more consideration be given to intermediate sentences (e.g., electronic monitoring, work centers, HWH's). He noted some forms of intermediate sanctions are regarded to be

more punitive than prison, as well as being more cost effective. In fact, in a survey conducted on 1,027 Texas inmates, B.M. Crouch (1993) reported the majority preferred prison over probation. The questionnaire simply asked if the prisoners would prefer probation over prison. Curiously, the majority of those responding preferred prison, claiming probation was harder. In addition, the survey showed that minorities and older inmates chose prison, while married prisoners favored probation (Crouch, 1993). Similarly, Petersilia and Deschenes (1994) found that one year in prison was not as severe as five years on intensive supervision. Both studies however, reported inmates with families found confinement to be most severe. Lawrence suggested that violent or chronic offenders need to be separated from society, while more diversion programs need to be developed for others. Further, he conveyed his concern that too many people are being released [from prison] without supervision.

On May 9, 1991, Professor Katz (Case Western Reserve University), while addressing the Procedures Subcommittee, suggested a compromise approach to establishing a guideline system. A system that would allow for discretion but with control. The examination of the Minnesota guideline system, he remarked, would argue against a guideline system. For years, critics have debated the pros and cons of guidelines developed by commissions (Tonry, 1996). In Minnesota, guidelines appear to have the least discretion among states that have gone to a formula for sentencing. Compliance to the standards are “greatest” in Minnesota where sentencing guideline ranges are considered to be “very narrow” (Tonry, 1996, p. 39). Hence, discretion was not a key consideration.

Professor Ron Huff (OSU) argued, guidelines shift discretionary power to the police. Others in the committee agreed discretion should be retained with the judge. John

Murphy countered by insisting that prosecutors are also elected to exercise discretion. Still, members questioned giving discretionary power to others outside the bench. Essentially, guidelines pre-determine a sentence for the commission of a particular criminal act. This “presumptive sentencing” disrupts the balance of power that existed in the pre-trial stages of a criminal proceeding. Now prosecutors are likely to associate the weight of the evidence to a charge and penalty with greater certainty. Also, the police could exploit a sentence at arrest and pressure defendants to incriminate themselves and others, consequently undermining criminal procedure. “Comparisons of the plea bargaining in Minnesota before and under guidelines showed a marked shift away from sentence bargaining and toward charge bargaining” (Knapp as cited in Tonry, 1996, p. 34).

During the Sentence Subcommittee meeting, much discussion ensued concerning sentencing. Judge Griffin expressed concern over truth in sentencing regarding probation at the sentencing committee meeting. He suggested keeping the threat of incarceration over the offender to encourage better supervision. Diroll informed the subcommittee that the first Prison Crowding Committee suggested a term of supervision at the end of a determinate sentence. Judge Lanzinger contends judges need control over the parole authority so they can have control over sentences. Another attack over the Parole Board ensued, contending they act as a sentencing panel. Reportedly, only one guideline focused on institutional behavior. Van Dine argued they [parole board] are a “good leveler of inequalities” (Sentencing Subcommittee Minutes, 1991, p. 2).

Also on May 5, 1991, at the Offender Subcommittee, Diroll relayed that other states focused on the role of criminal history in sentencing. Randall Dana suggested recommendations be offender-focused, based on causes of crime and the need for alternatives to incarceration. Judge Griffin remarked on a need to study the effectiveness

of treatment programs, but “keeping in mind, forced treatment seldom works” (Offender Subcommittee Minutes, 1991, p. 1). James Lawrence disagreed, citing prison programs offer a good base line; however, problems occur when offenders return to society without further treatment. There is a “serious” need to intensely monitor offenders in treatment, he said. Considerable attention was given to the effectiveness of programs [this material is not provided in this text]. Dana stated that if probation officers have no more than 40 offenders, probation works. At the request of Judge Griffin, VanDine provided the committee with data regarding the percentage of releasees returned to prison (35-40%), contending those being rearrested is probably greater. A California study was introduced reporting that 50 percent of their releasees commit new crimes within 5 years.

In another study, reported by Financial World (1991), Missouri reported the effects of parole violators being returned to prison was astonishing. Technical violators were being returned at an average of a 14 month stay for “consuming alcohol, dirty urine, or leaving supervision” (55). The article reports the long terms for minor infractions (i.e., technical violations) led them to develop intensive programs that kept the offender for just 90 days. The difference saved 11 months of bed space per prisoner. The result was that eight million dollars was saved per year. An added bonus was the state did not see any change in the crime rate from putting the offenders back on the street that much sooner. The article’s message is clear; the vast majority of states have experienced a “choking” sensation as the burden of imprisonment overrides other essential programs (e.g., education) (54).

The article investigated various prison organizations across the nation. It reported the purpose for building more prisons [in Michigan] was to lower the crime rate. But the crime rate had not regressed, according to Bob Brown, Prison Commissioner (54). The

article advocates the use of alternatives to incarceration for nonviolent crime, such as: house arrest, electronic monitoring, intensive supervision, community service and half-way houses to be utilized separately or in combination. Advantages are obvious according to the article. The cost of intensive supervision is but a fraction of new prison bed space. Further, offenders are kept in communities to compensate victims [community justice], hold jobs, and support families. Non-violent offenders, when dealt with on a local basis, can be forced to pay restitution and perform community service ("Financial World," 1991).

On June 13, 1991, Professor Huff (OSU) gave an overview of empirical research surrounding institutions and community based corrections to the sentencing committee. He explained the original rationale for rehabilitation was to "change the offender." The historical data presented in his report covered the Pennsylvania Quaker system, the Auburn prison system in New York, and the Prison Congress in Cincinnati (i.e., rehabilitation type programs focused on the individual needs of the offender). He explained Benjamin Rush proposed the use of indeterminate sentences with parole release in 1878. The evaluation of rehabilitation programs, he asserted, suffered due to disagreement on definitions and measured outcomes. Specifically, recidivism was a term most noted for misinterpretation. Although it is most commonly referred to as "a return to crime," it does not include all criminal behavior, but only those for which the offender is arrested. Thus, he contends measurements are mostly conservative.

Huff further maintains parole supervision increases measurements of recidivism. He estimates 55 percent of the offenders on parole will be returned to prison within three years for technical violations. Huff elaborated that in the years between 1945 and 1967, no single rehabilitation effort was determined reliable in reducing recidivism (e.g., "What

works?-- Questions and answers about prison reform” by Robert Martinson, 1974). It was also reported that subsequent studies found:

- (a) individual offenders benefit from various interventions;
- (b) certain groups benefit from specific intervention than do others;
- (c) different interventions have different aggregate rates of success.

Nevertheless, no strategy has proven reliable in reducing recidivism. Still, Huff argued that offenders motivated to participate in available programs are likely to benefit. Additionally, the State may be obliged to address the needs of offenders who volunteer for assistance, thus improving their condition. Huff reported that rehabilitation programs are all differently effective at curtailing recidivism, but no one program is effective with all offenders. He suggested a system to determine which programs are effective for which offenders. He also maintained that rehabilitation cannot be rationalized as punishment nor can probation be regarded as rehabilitation. Upon query by Judge Griffin, Huff remarked prison studies reveal offenders tend not to get better, but neither do they reveal whether they get worse.

Current data showed that substance abuse is heavily related to crime (Gendreau, Cullen, and Bonta, 1994). Hence, interventions addressing these needs represent an opportunity to reduce recidivism. Director Wilkinson relayed 75 percent of today’s [1991] prisoners have a history of drug or alcohol abuse. Huff asserted that a motivated inmate will take advantage of offered programs. Director Wilkinson disputed this by citing the DRC once housed 20,000 inmates needing drug and alcohol counseling, and stated only 832 bothered to enroll in drug abuse programs.

On June 13, 1991, at the Offenders Subcommittee meeting, Judge Griffin observed 60 to 70 percent of those confined in a state correctional facility are of special needs (i.e.,

mental, sex offender, substance abusers, etc.). Illiteracy reports in prison indicate at least one third of those imprisoned have a fourth grade reading level. Abruptly, the meeting returned to the discussion surrounding the Parole Board's duties. VanDine revisited his previous remarks contending they [Parole Board] serve as a "leveler", in that the process evens out "unduly harsh or lenient" sentences, as well as eliminates disparities from county to county. Further, he asserted most maintain it is a resentencing hearing, one reserved for the judiciary. Members concluded good guidelines could eliminate the need of the Parole Board.

On June 13, 1991, at the Sentencing Subcommittee, a sentencing proposal was made calling for the elimination of indeterminate sentences and the Parole Board. Gregory White (Prosecutor) agreed that the disposal of indefinite sentencing sounded good, but may be too broad in range. Further, he reminded them members of the Parole Board deal with minimum sentences and not maximum. Subsequent discussion surrounded the elimination of current practices, thereby enlisting a system of determinate sentences without parole. Considerable discussion revolved around post release supervision. VanDine explained that other states utilize supervised community release. The round table discussion returned to determinate versus indeterminate sentencing. Jon Richardson, a defense attorney, remarked the state must lean towards putting fewer people in prison for shorter periods to afford greater availability of longer prison terms for those needing it.

On July 18, 1991, at the Sentencing Subcommittee, Senator Bill Montgomery moved to return to last meetings agenda (i.e., truth in sentencing, good time, and parole). Again, the Parole Board was lauded as a second sentencing panel. Jim Kura, Ohio State Bar Association, reported that sentences could be increased in Ohio without additional

population surges if the Parole Board were eliminated. VanDine continued to highlight the productivity of the Parole Board, although members appeared not to be interested. Montgomery suggested parole suffers by being a "closed, nonlocal system". Richardson asserted the Parole Board never elicited "the defenses" position. Stone offered her contention that truth in sentencing is a fictitious concept. Richardson agreed and alleged it clashes with the use of a Parole Board. Further, he contended any post confinement release with indeterminate sentences should be made by the judiciary. Judge Griffin stated they [judiciary] are not informed adequately enough about the offender after they have been incarcerated. He favored good time credit subject to removal should the offender misbehave. The Judge also favored lengthening parole supervision periods. Furthermore, he suggested a new system of parole. That is, the offender serves a sentence unless released early by way of good time credit. The release would be controlled by the sentencing judge through a process granted through "motions for release". White ascertained that any early release short of the minimum would violate the notion of truth-in-sentencing. Senator Montgomery proposed that "verified good time" could be revoked by bad conduct. Montgomery asked members to write out their opinions on reviewing the parole system and the good time policy.

On July 18, 1991, the Resources Subcommittee listened to a presentation offered by Jill Goldhart, Deputy Director of DRC, regarding Ohio's Community Corrections. She reported some probationers fail on supervision because they were in need of a more aggressive sentencing approach. Community correction programs were designed for those unlikely to go to prison. Yet, these cases required greater attention than basic probation. She noted that Ohio maintains a balance to ensure those destined for this type of an

alternative are in programs operated as such (i.e., alternative to incarceration) rather than alternatives to probation.

On July 23, 1991, VanDine directed a memo to DRC Director Wilkinson highlighting various consensus points revealed from the sentencing subcommittees. In essence, they agreed to the following:

1. Abolish the Parole Board.
2. Discretion surrounding release presently vested in Parole Board should be returned to the sentencing judge.
3. Guidelines need developed to constrain judges choices in sentencing options.
4. Commission favors DRC concern over some kind of release control used to improve institutional behavior (parole, good time, or bad time)
(VanDine, personal communication, 1991).

On August 30, 1991, Judge Judith Lanzinger presented "A Talking Paper" to the Sentencing Commission. In it she submitted 18 points for debate, of these, the following are relevant to this discussion:

1. The Commission must define the purpose in sentencing.
2. Presumptive sentences should be established for each felony category. For example, if the offender physically injured someone, the presumption would be confinement. Whereas, non-violent crimes would not carry this presumption immediately.
3. All sentences should require the judge to state the maximum time to be served, subject to modification by the judge. This development would dispose of mandatory minimums, indefinite sentences, and the parole board. Therefore, the offender would know precisely how long the term was to be served.
4. The term imposed could be a definite sentence as opposed to indefinite terms stated in months, not years. The parole information could be used to reflect reality by averaging the midpoint of each presumptive sentence.

5. Prison should be reserved for those absolutely needing it. Therefore, the offender must be defined. Are those necessitating confinement violent, career criminals, drug dealers, and/or mentally ill? Caps should be removed on consecutive sentences when the protection of society is essential. If good time is kept it should be earned and subject to removal.

6. Alternatives to prison should be defined narrowly. That is, many violent or drug related offenders are excluded by many community programs for the usually probatable offenders. Essentially, more control is being used inappropriately, hindering the marginal offender's chance to avoid prison.

7. A continuum of punishment needs developed for violations of non-prison alternatives. Additionally, the presumptive sentences should allow for measures of confinement (i.e., jail and prison) even if an alternative is initially imposed.

8. Should post-conviction activity expand, some entity needs to be acknowledged to assume the burden. Judges will not likely want to deal with post-conviction cases as probation violations and motions for shock absorb 30 to 45 percent of the typical arraignment docket. Eliminating parole would entangle a judges activities significantly (Judith Lanzinger, personal communication, 1991).

On August 14, 1991, Professor Katz submitted two proposals to be considered by the sentencing committee. First, a period of court supervision should be imposed on offenders found guilty of crimes in a court of law. A felony would warrant, but not exceed, a 5 year period of supervision. A 2 year period would be supervised for committing a misdemeanor in the first degree. The supervision period would be imposed on the day of sentencing, or release from confinement if imprisoned. The court would set conditions of supervision. Professor Katz (1991) wrote, "court supervision is intended to prolong the authority and control of the court upon the offender." Court supervision could be used to replace the parole system, should abolition of Parole Board be recommended.

On October 22, 1991, David Diroll directed a letter to the Commission members which reviewed the consensus points from the meeting at Perrysburg, Ohio.

According to the memo, the Commission opted for a simplified, non-motivated system of sentencing guidance. The range of sentence would be narrow for many offenders. The basic structure would consist of a minimum period of incarceration imposed by a sentencing judge, followed by a set period of supervised release. The example that was provided concerned burglary. A person convicted of this offense could receive a prison term of 2, 2.5, or 3 years (at judges discretion) followed by a 2 year period of supervision.

The next point agreed upon by the Commission relayed the minimum term imposed would be served, reduced only by good time earned at 10 percent of the minimum. Good time could also shorten the period of community supervision. As in the past, it could be revoked for bad behavior.

Finally, traditional parole release was eliminated. The Parole Board would no longer control release decisions. Further, the release would be set by a minimum term given by the sentencing judge, adjusted for good time. The Parole Board would review institutional conduct and set meaningful conditions to be met after release. The Adult Parole Authority [APA] would be responsible for supervision for the time specified by the sentencing judge. The Parole Board would further be in control of determining if conditions were met and if the offender should be released from supervision. The APA would follow guidelines for sanctioning violations of supervision. Any violations short of a new crime would be managed by the APA, using a continuum of sanctions. Any new offense would require the offender be brought back before the sentencing judge.

On November 21/22, 1991, the Sentencing Commission was opened with White's opening remarks regarding a freeze on new prison construction. Instead, he relayed, an effort should be made towards local confinement construction to accommodate an alternative location for felony 3 (F3) and felony 4 (F4) offenders, thus reserving space

[prison] for felony 1 (F1) and felony 2 (F2) offenders. Additionally, he maintained for “truth in sentencing” a minimum sentence must be served. Judge Griffin agreed with a fixed minimum principle. In addition, he favored indeterminate sentences, so offenders that are uncooperative can be returned to prison. Judge Griffin suggested limiting the Parole Board’s review of institutional behavior and favored post-incarceration supervision for all offenders.

Jim Kura, Bar Association, encouraged a hybrid system. For instance, F1 and F2 sentences can be indeterminate coupled with the elimination of good time. Moreover, F3 and F4 sentences can be determinate sentences. He suggested removing the Parole Board’s authority in reviewing an inmate’s prior behavior as a criteria for release. Releasing offenders from prison could then be based on their institutional adjustment, thereby controlling behavior.

Randall Dana remarked parole should be a function of the court and not the Parole Board. George Farmer, APA Superintendent--Division of Probation, (1991) supported the effectiveness of post-release supervision, to which he relayed the APA has seen “a substantial decrease in recidivism among those under post-release supervision.”

White turned the discussion to the adequate housing needs for dangerous felons. Earlier, he had favored a hybrid system similar to that of Kura. However, he suggested a pause on prison construction while addressing the need of possible local confinement for F3 and F4 offenders. After all, he contends an assured minimum must be served to achieve “truth in sentencing.” Judge Williamson remarked F3 and F4 offenders could be sentenced to community facilities, instead of prison, notwithstanding the repeat offender. To this end, Judge Griffin offered three points for contemplation:

(a) some county jails (e.g., Cuyahoga) cannot allocate the extra space

needed to house the proposed F3 and F4 sentences;

(b) satisfactory probation control cannot be maintained without the threat of prison back-up; and

(c) invariably, some F3 and F4 offenders need to go to prison before some F2 cases (Judge Griffin, personal communication, November, 1991).

In addition, Judge Lanzinger offered some community options can exceed the cost of incarceration in state facilities (i.e., community based correctional facilities or CBCF). Jim Kura favored the plan but speculated county governments could not afford the added expense implied with this concept. Kimberly Crawford, Legislative Associate--County Commissioners Association, reminded the committee that counties already require a guarantee for funds appropriation for handling State prisoners. White suggested that local facilities be State funded.

Judge Griffin resounded his opinion that there can be no absolute distinction between the violent and nonviolent offenders in sentencing because the later could still pose a severe threat to the community. Therefore, the sentencing judge must be permitted to weigh the facts of the crime, as well as scrutinize the individual to render sentence. He stressed the need to develop an alternative source for sentencing. Judge Lanzinger agreed to broaden the concept of punishment and ascertain progressive sanctions that become severe for those that violate conditions. Jill Goldhart, DRC--Division of Parole and Community Service, proposed maintaining the longer term offenders in prison while removing the others to various types of sanctions. Senator Montgomery returned to the debate over "determinate" verses "indeterminate" sentences. In essence, she concluded that judges should set the minimum term of confinement followed with a period of supervision. Consensus among committee members reflect the following points:

1. Generally, the place of incarceration to be based on length of sentence rather than classification of offense.
2. Post-release conditions should be imposed, and services should be available for all offenders released from incarceration.
3. There should be a rebuttable presumption for first and second degree felons (especially the violent or career criminal) should be incarcerated in prison and third and fourth degree felons (especially the nonviolent) should be placed in local facilities or programs (which may be State funded) (Ohio Criminal Sentencing Commission [OCSC], 1991).

Senator Montgomery discussed “bad time” over “good time” for prison conduct.

She provided an example regarding an offender being sentenced for 1 to 3 years. If the offender behaved, the offender’s release from incarceration would be 1 year followed by 2 years of supervision. Should the prisoner become disobedient during the term, time could be added to the 1 year minimum. Judge Griffin suggested “bad time” need not result in prison time, but other sanctions could be given. Following this discussion, 2 more consensus points were revealed:

4. The basic sentence imposed (of incarceration) by a judge would set the offender’s basic release date. The basic sentence could not be reduced by “good time” but may be extended for “bad time”. In essence, the offender is not released until expiration of basic sentence, plus bad time. All releases would be subject to post-release supervision.
5. There should be a statutory range of sentences in which the judge selects two numbers: The low number is the basic sentence of incarceration (i.e., minimum term) and the high number would indicate the maximum period of supervisory control (OCSC, 1991).

Subsequent to these agreements, the panel turned to the future of parole. Judge Griffin suggested the Parole Board could be used as an administrative body tasked to deal with “bad time” without judicial input. Again, it was suggested that release authority be taken from the Board and controlled by judges. However, Judge Griffin feared judges would become too overloaded.

Considerable discussion ensued over minimum terms should replace the maximum term, thus enabling a system with automatic releases. Accordingly, only poor prison conduct would warrant the imposition of bad time. Chief Justice Moyer called for the next consensus point:

6. An administrative body should review an inmate's institutional record and recommend whether "bad time" should be added to the basic sentence recommended by the judge. Otherwise, the basic sentence imposed by the judge would set the inmate's presumptive releases date (OCSC, 1991). Note: Gregory White--prosecutor--and Colonel Tom Rice--Highway Patrol--dissented].

Professor Katz suggested the administrative body [being discussed] should specify the nature and terms of the release, including, but not limited to, conditions of supervision and post release services. After some discussion, the administrative body was presumed to be the Parole Board. Further, Jon Richardson asked whether the board would then be responsible for setting the length of supervision. Jill Goldhart, DRC-Division of Parole and Community Service, interjected that Ohio's resources do not permit the option of supervising every offender upon release from State confinement. Kura hinted at creating a device to pay for expanding supervision. Director Wilkinson, DRC, requested the Commissions definition of supervision and what they believe it entails. Chief Justice Moyer suggested making a recommendation to the General Assembly for post-release supervision for all offenders. Judge Lanzinger opted for shorter terms of supervision to accommodate needs and resource availability, while Kura recommended a range a conditions from minimal to intensive.

The discussion returned to the need for post-release conditions. Judge Griffin's opinion sought to be informed about releases, conditions assessed, and eventual termination of supervision. Furthermore, he would like to recommend conditions,

particularly urinalysis testing. Judge Lanzinger suggested that conditions are better left to be addressed by those charged with supervision. However, she remarked that judges could impose special conditions to be dealt with upon release from prison. Jill Goldhart again stressed that available resources limit the scope of providing for required services. The following point was acquiesced:

7. An administrative body should review each inmate's institutional conduct and impose the manner and conditions of release. The body would supervise releasees and have some power to shorten the period of post-release conditions (OCSC, 1991).

Judge Griffin asserted his wish to see parole termination's be contingent upon good behavior, regular employment, and staying drug free. Dana suggested post-release supervision be short term so the problem of long term access to resources is curtailed.

Next, the forum discussed how to manage violations of post-release conditions. Both Goldhart and Kura agreed violations occur within 6 months to 1 year from release. However, sex offenders tend to last up to 5 years before reoffending. Although Judge Griffin expressed a need to have psychotic offenders under lifetime supervision, Jill Goldhart suggested a cap on the maximum time for supervision. She stated that protracted supervision creates tension in the offender, which can lead to various technical violations. Moreover, the technical violators create crowding problems in local jails. Judge Lanzinger recommended that the term of supervision be based on how many offenses the individual has committed rather than the offense. The Commission then divulged the following consensus points:

8. Generally, if an offender violates the conditions of release, parole revocation authority would rest with the administrative body that set release conditions. However, revocation authority would rest with the sentencing court when the offender is convicted of a new felony.

9. The Parole Board and the Parole Authority would be the administrative body charged with reviewing institutional conduct for "bad time," setting conditions of release, supervising the conditions, and handling nonjudicial revocation (OCSC, 1991).

On December 12, 1991, the Commission's discussion revolved around the use of graduated sanctions as alternatives to prison. Members noted that if F3 and F4 have presumption of "not" to imprison, a continuum of alternatives need to be developed. VanDine noted some inmates prefer prison to probation. Dana suggests some people must be forced to change their lifestyles. A point was made that many judges do not consider available options unless they are contained in the Ohio Revised Code. Consensus received:

10. The [Ohio] Revised Code should contain a menu of sanctions, including alternatives to imprisonment (OCSC, 1991).

David Diroll, OSC, suggested New Jersey's punishment concept offers equivalent sanctions to prison. Senator Montgomery did not like ranking the "equivalence" as sentences. However, Judge Griffin thought a statewide standard of equivalent punishments could be useful in dealing with parole and/or probation violators. A consensus was given in handing these considerations over to the resource committee. Senator Montgomery asked for the number of parole and probation violators in Ohio. VanDine, DRC, noted approximately 10 to 20 percent of parolees are returned to prisons for technical violations. Of 5,500 probationers, 400 to 500 shock probationers⁹ are returned. Judge Griffin restated his position that F3 and F4 offenders are inappropriate for prison unless: (a) they are violent; (b) found to disobey rules of the court; or (c) commits new crimes after having been subjected to sanctions. This premise urges the court to

exhaust most serious local sanction before prison is considered. Hence, he contends this also should be in the statute to pressure courts into utilizing local sanctions. Kura projected that funding would be essential for this idea to be realized.

In review, this chapter discusses the formation of the Ohio Criminal Sentencing Commission. The Commission, by changing existing law, offers guidance in sentencing felony offenders with two overriding principles:

1. Protect the public from future crime by the offender and others;
2. Punish the offender (Katz and Giannelli, 1997).

In order to achieve the intended purpose, the court would now be required to consider (a) the need for incapacitating the offender, (b) deterring the offender and others from future crime, (c) rehabilitating the offender, and (d) making restitution to the victim of the offense, the public, or both (Hanna-on-line, 1997: 2). Additionally, any conviction of a felony in the 1st or 2nd degree *shall* warrant a presumption for prison, while all others [F3 through F5] assure a presumption for community control (i.e., probation). Of course, there are various exceptions built into this enactment.

The provision for “truth in sentencing” made Ohio eligible for hundreds of millions of dollars from the Federal Government (Hanna-on-line, 1997). To be sure, Director Wilkinson reports (1995), the amount would be considerable to an already enormous budget. Yet, the money would not be earmarked for alleviating prison crowding. Ohio is second to California in prison overcrowding (Kura, 1995). After all, a function of the Parole Board was to ameliorate crowding (VanDine, 1991). Instead, Chief Justice Moyer (1995) contends SB2 could ease the growth of prison intakes by 8 to 10 percent annually

⁹ Shock probation is the reduction of a stated prison term of an eligible offender by the sentencing court. The term shock or supershock has been replaced by the term judicial release.

(Hanna-on-line, 1997). The additional cost savings could amount to 45 million dollars [estimated] yearly (Hanna-on-line, 1997).

The concerted effort to bring about change to Ohio's release authority was brought to fruition by a bipartisan legislature. The search for a system that would revamp the criminal justice process initially sought an alliance with professionals that serve the justice system in Ohio. The culmination of this endeavor is Senate Bill 2. The preceding chapter chronologically highlighted the development of post-release control and the correction portion of the bill.

The purpose of this study is to examine parole and PRC. Which is meeting the objectives of Ohio's sentencing agenda? Which inmates spend more time incarcerated? Which offenders, parole or PRC, are supervised longer in the community? Also, which supervision practice is more effective at incapacitation? How has the change in sentencing affected supervision? And finally, what is being done with rehabilitative aims?

Chapter 3

Methodology

Introduction

Senate Bill 2's perceived goals and objectives of sentencing were presented in chapter 2. Namely, these goals are:

1. "Truth in sentencing" in the form of definite sentences.
2. Supervision after prison for those who most need to be watched or helped.
3. A broader continuum of non-prison sanctions for less threatening felons.
4. "Bad time" to help maintain order in prisons (Diroll, personal communication, October 3, 1995).

Senate Bill 2's correctional design focuses on retarding aberrant behavior by utilizing various sanctions. The sanctions are strategic and when employed at the unit level can be swift and certain. Although the list of sanctions vary in intensity, most are to be utilized in conjunction with others to elicit the proper degree of punishment for the specified misconduct. If violations are repeated, the process inflicts a harsher sanction, which can ultimately lead to a new prison term, such as a technical return.

The focus of this research will be to explore Parole versus PRC in order to determine the distinctions between the new and the old prison release programs in Ohio. The assertion made in this study is that parole served to control a releasee's behavior more effectively given the amount of prison time that could be reimposed for violations. As such, parole would be regarded as more punitive than PRC since a new prison term under PRC is minimal incapacitation by comparison. Secondly, the wide discretion of the Adult Parole Authority to return a violator to prison served to protect the public more so under

parole than it does under PRC. To test the hypotheses, a comparison was made between 80 parolees and 80 PRC offenders. Accordingly, the following variables will be examined:

- (a) type of release;
- (b) the offender's gender, race, and education;
- (c) the age at first arrest and age at conviction;
- (d) number of charges at arrest and number convicted;
- (e) time sentenced and time served;
- (f) number and type of prior arrests (juvenile and adult);
- (g) supervision environment;
- (h) income;
- (i) arrests, if any, and type while under supervision;
- (j) type of supervision termination;
- (k) prison programs completed; and,
- (l) community supervision programs completed.

The description of the sample population, method of selection, collection of data, hypotheses, and statistical methods of analysis will be discussed in this chapter.

Sample and Population

This research involved data collected from the open and closed offender files of the State of Ohio Adult Parole Authority. An open file means the offender is actively under supervision. Conversely, a closed file reveals the offender's supervision has ended. These files consisted of offenders that were sentenced and released from an Ohio State correctional institution.

The Adult Parole Authority (APA) is charged by the legislature to supervise adult offenders in the community. One aspect of supervision involves record keeping and

maintaining an offender file. Accordingly, these documents will be examined. Eighty files of offenders released on parole and eighty files of offenders released on PRC was canvassed to ascertain the aforementioned variables. The offenders placed under supervision within the Youngstown district was targeted. That is, the releasees had established their residence in the following counties in Ohio: Mahoning, Trumbull, and Columbiana.

Collection of Data

As stated above, the sample was drawn from the open and closed offender files under the jurisdiction of the Ohio APA. While there are very few-closed PRC files available, this sample was predominately drawn from the open files. In any given district office, two collection points exist. First, a card cataloging system contains a brief record of adult offenders [both open and closed] under alphabetical order. Second, collections of closed files are grouped together while open files are divided among the parole officers assigned for supervisory duties. For the purposes of this research, the former collection point will be used instead of the latter. The card catalog is comprehensive, exhaustive, and ensured a speedy retrieval of the information.

Due to the age of SB2 and the unlikeliness that F1 and F2 PRC cases exist, only F3 and F4 parole cases were selected so a reasonable comparison could be made. Accordingly, all F3 and F4 cases were drawn from the closed parole index in alphabetical order. Next, a random systematic selection was conducted to aid the study's validity. For example, the initial file chosen to begin the sample will be the 20th file alphabetically, starting with the letter (A). Then, every subsequent 20th file was selected until the sample size was achieved. In order to accurately record the information, a data collection sheet was developed (see appendix C). Since no such PRC population could be drawn from

within the Youngstown District, all cases were collected and then every other file was selected until 80 cases were achieved.

Hypotheses

Several assertions are being made with regard to this study:

1. Post-release control is not as “punitive” as the parole release.
2. Parole allowed for greater incapacitation for violations.
3. PRC requires greater community intervention.
4. There will be more technical violations for PRC offenders versus parole offenders.

Moreover, various research questions can be extrapolated from these assertions.

Do the offenders take the sanctioning process seriously? In other words, do they perceive the correctional system as “soft” because they have so many chances before reincarceration. Are PRC offenders deterred by the imposition of a “new prison term” as the ultimate sanction? Do intermediate sanctions contribute to the awareness of repeated violations? What advantage is there to PRC revocations imposed consecutive to new felonies compared to tolling an indeterminate sentence? Similarly, are courts more likely to terminate a PRC supervision with a new sentence rather than tie up the docket for revocation? Finally, without the threat of significant time for aberrant behavior, how do parole officer’s achieve conformity in their clientele without minimizing risk to the community?

Statistical Analysis

The SPSS software was used for data analysis. Descriptive statistics was run on each population parameter, thereby determining a means and standard deviation for each

group. Next, a comparative analysis was conducted on those statistical findings. Any differences between groups were tabulated and the significance was verified using t-test, and/or Chi-square analysis.

Chapter 4

Analysis and Findings

Sample Group Descriptive

The variables selected to conduct this comparative analysis represent historical data that was obtained by examining each offender's file chosen. The data was centrally located and screened to fit the studies parameters. Since PRC felony 1 (F1) and felony 2 (F2) cases were unavailable, only felony 3 (F3), felony 4 (F4), and felony 5 (F5) PRC cases were used. Of the 6,965 closed parole files available, only the F3 and F4 Ohio parole cases were selected to depict a proper comparison. That is, each file that received an Ohio prison sentence for a F3 or F4 was listed by name and institution number. Documenting the names and numbers of the offenders was necessary so their files could be gathered and examined. The index catalogue of closed files at the Youngstown District Office (YDO) produced 1,089 F3 and F4 cases. To assist validity outcomes, every thirteenth file was selected for the study. That assured at least eighty parole cases could be examined.

Likewise, 87 PRC cases were under supervision at the YDO at the time of collection. Each case had a minimum of three months of supervised release. Data was obtained on all active PRC cases available, then every eleventh PRC data sheet was discarded. The total number of cases submitted for statistical analysis was 160. Of all data obtained, no personal information was recorded on the actual data collection form. As indicated above, the names and numbers listed from the index catalogue totaled 1,089. Once the information was collected, all references to the offenders were destroyed.

Gender

The sample is reflective but not representative of the population in Ohio prisons. Men made up 87.4 percent (n=139), whereas women made up 12.6 percent (n=20) of the study group. The latest statistics available from the Ohio DRC census report (July 1997) report the male population comprised 93.9 percent (n=44,298) and females accounted .06 percent (n=2,868) of the inmate population. Pearson chi-square revealed that men were slightly over represented on PRC (92.5%), whereas women were over representative on parole (17.7%) ($\chi^2 = 3.778, p \leq .052$). The data does not conclude however, that men were more likely to receive PRC. Likewise, it does not predict that women are more suited to parole. Rather, as table one reflects, the gender of the PRC offenders in the sample resembled the population of Ohio prisons (see table 1).

Table 1

Gender
(n=159)

	Parole Sample	PRC Sample	Study Group	Percent	Ohio Prisons	Percent
Males	65 (82.3%)	74 (92.5%)	139	87.4	44,298	94
Females	14 (17.7%)	6 (7.5%)	20	12.6	2,868	6
Total	79 (100%)	80 (100%)	159	100	47,166	100

Race

The race sample reflected an outcome contrary to that of Ohio prisons. For example, Caucasians made up 54.4 percent (n=82) of the study group, whereas Ohio prisons reflected a Caucasian population of 43.7 percent (n=20,652). However, African-

Americans consisted of 43.1 percent (n=69) of the study group, yet Ohio prisons reported their population at 54 percent (n=25,525). The Hispanic sample is reflective of the population in prison. The study reflected 2.5 percent of the study (n=4) and .019 percent (n=899) in prison. Race was not an indicator of who would be placed on PRC or parole (see table 2).

Table 2

Race
(n=160)

	Study Group	Percent	Ohio Prisons	Percent
Caucasian	87	54.4	20,652	43.7
African American	69	43.1	25,525	54
Hispanic	4	2.5	899	.019

In Youngstown, Ohio, the largest city within the study's parameters, the Caucasian population was 59.3 percent (n=56,777) and an African-American population was 38.1 percent (n=36,487) in 1990, according to the last US Census (YSU, 1995, p. 13). The cities Caucasian population has been steadily decreasing (15%) while its African-American population has risen (13%) over the last two decades (YSU, 1995). The change in the race population index of Youngstown may be indicative of the contrary findings.

Age at First Arrest

The sample depicted the earliest age for first arrest to be seven years (n=1, 0.6%) and the oldest was 52 (n=1, 0.6%). Ages seven through 13 culminated 5.6 percent (n=9) to be first arrests while 2.5 percent (n=4) of those were 13. On the other hand, 9.4 percent (n=15) were ages 33 to 52 before their first arrest. The most frequent age at first

arrest was 15 years or 9.4 percent (n=17). The least 0.6 percent (n=1) was depicted on seven occasions (i.e., ages 7, 10, 30, 32, 34, 45, and 52). The group of ages ranging from 14 to 19 years showed the greatest frequency for being first arrested, which culminated 56.3 percent (n=90). The mean age of first arrest was reported to be 20 years and five months with a standard deviation of seven years and four months.

The age at conviction found 2.6 percent (n=4) were minors. The sample reported two had been 16 years old at conviction and two were 17. Also 2.4 percent (n=4) were over 50 years old at conviction. The oldest reported was 62, which represented .6 percent (n=1) of the sample. The mean age at conviction was established at 28 years and 11 months old (s=8.37).

Historical Arrest Data

The next set of data used in the study reports previous arrest information. The information presented does not include arrests subsequent to the instant offense conviction, which led the offender to the supervision period studied.

For 100 percent of the study population (n=160), the average number of prior arrests was approximately 8 arrests (s= 8.95). Data collected for juvenile arrests were categorized by type. Status, person, property, and drug offenses grouped the offense classes. Delinquency and truancy were observed to be the most common among the status offenses for juveniles. Person offenses consisted of violent crimes as defined by the Ohio Revised Code, with exception to the crime of burglary, unless charged as an aggravated offense. Otherwise, the offense was classified as a property offense.

Table 3 below depicts 28.75 percent of the sample had a status offense (n=46). Person offenses made up 18.75 percent of the study (n=30) that were classified violent.

Property (n=47, 29.38%) and drug offenses (n=18, 11.25%) culminate 40.63 percent for the remainder.

Table 3

Juvenile Arrests
n=160

	Frequency	Mean	Valid Percent	Standard Deviation
Status	46	3.26	28.75	2.65
Person	30	2.10	18.75	1.65
Property	47	2.55	29.38	1.47
Drug	18	1.61	11.25	.70

Table 4 represents adult arrests that occurred prior to the instant offense conviction that led to the supervision period studied. Of the offenses committed by the sample group, 51.88 percent (n=83) were crimes against a person. These offenses are classified as violent by the Ohio Revised Code. The average number of person offenses was 3.19 (n=160, s= 3.07). Property offenses numbered 100 or 62.5 percent of those studied. The mean number of property offenses represented 4.31 of the sample (n=160, s=4.36). Lastly, drug offenses totaled 51.25 percent (n=82) and the mean represented 4.09 (n=160, s=8.75).

Table 4
Adult Arrests
(n=160)

	Frequency	Mean	Valid Percent	Standard Deviation
Person	83	3.19	51.88	3.07
Property	100	4.31	62.5	4.36
Drug	82	4.09	51.25	8.75

The number of charges an offender had at arrest was a predictor of the type of supervision they had upon release. Thirty-three PRC offenders (41.3%, n=80) had one charge at arrest, whereas 20 (25.0%, n=80) parole offenders were charged once. Two charges at arrest found offenders on parole exceeded PRC offenders 38.8 percent (f=31, n=80) to 26.3 percent (f=21, n=80). Likewise, at three charges at arrest, 17 parole offenders (21.3%, n=80) surpassed 10 that were on PRC (12.5%, n=80). Therefore, with one charge at arrest, offenders were more likely to be found on PRC than parole. The more charges at arrest, the more likely offenders were on parole ($\chi^2 = 18.81, p \leq .03$).

Table 4.1
Cross Tabulation
Number of Charges at Arrest for Parole and PRC Offenders
($\chi^2 = 18.81, p \leq .03$)

	1	2	3
PRC	33(41.3%)	21(26.3)	10(12.5)
Parole	20(25%)	31(38.8%)	17(21.3%)

The study found that in an arrest for violence (i.e., person offense) or one that involves drugs, the offender was more likely, although slightly, to be found on parole supervision than PRC (see table 5). Similarly, arrests involving property were more likely discovered on PRC ($\chi^2 = 9.56, p \leq .02$). Parole offenders were found to commit 47.5 percent (n=38) of the violent offenses compared to 43.8 percent (n=35) PRC. Additionally, 25 percent (n=20) of parole were found to have committed a drug offense compared to 13.8 percent (n=11) of the PRC cases. On the other hand, 35 percent (n=28) of the PRC offenders were caught committing a property crime compared to 27.5 percent (n=22) of the parole cases.

Table 5

Cross Tabulation
Most Serious Offense at Arrest for Parole and PRC Offenders
(n=160)

	Parole	PRC	Total
Person	38(47.5%)	35(43.8%)	73(45.6%)
Property	22(27.5%)	28(35.0%)	50(31.3%)
Drug	20(25.0%)	11(13.8%)	31(19.4%)
Other	0(0%)	6(7.5%)	6(3.8%)
Total	80	80	160(100.0%)

Just as person offenses at arrest were discovered to be under parole supervision, the opposite was found at conviction. Forty-five percent of the PRC offenders (n=36) were found to be convicted of a person offense, whereas thirty-five percent (n=28) were parole. The same was true for property offenses at conviction. Forty percent (n=32) of

the parole offenders had been convicted of a property offense compared to 35 percent (n=28) for PRC offenders. Drug crimes at conviction continued to reflect a parole supervision (25.0%, n=20). Therefore, at conviction, crimes against a person were more likely to receive PRC supervision than did instances of parole. Yet, property crimes resulted in parole supervision more often than PRC ($\chi^2 = 8.88$, $p \leq .03$). Drug offenses at conviction remained the same (see table 6).

Table 6

Cross Tabulation
Most Serious Offense at Conviction between Parole and PRC Offenders
(n=160)

	Parole	PRC	Total
Person	28(35.0%)	36(45.0%)	64(40.0%)
Property	32(40.0%)	28(35.0%)	60(37.5%)
Drug	20(25.0%)	11(13.8%)	31(19.4%)
Other	0(0%)	5(6.3%)	5(3.1%)
Total	80	80	160(100.0%)

The study divulged a separation of sentencing practices for the two methods of supervision (see table 7). Approximately 46 percent of the PRC offenders (n=37) were given a concurrent sentence to 35 percent for parole offenders (n=28) when multiple convictions existed. Conversely, 18.8 percent of the parole cases (n=15) to five percent for PRC (n=4) were sentenced consecutively. Hence, PRC offenders were more likely to be sentenced to a concurrent term in prison. Parole offenders, on the other hand, were more likely issued a consecutive term ($\chi^2 = 7.67$, $p \leq .02$).

Table 7
 Cross Tabulation
 Type of Sentence between Parole and PRC Offenders
 (n=160)

	Parole	PRC	Total
Concurrent	28(35.0%)	37(46.3%)	65(40.6%)
Consecutive	15(18.8%)	4(5.0%)	19(11.9%)
N/A	37(46.3%)	39(48.8%)	76(47.5%)
Total	80	80	160(100.0%)

The supervision environment for parole and post-release control offenders was largely urban. The area of supervision conducted in the Youngstown District transcends three counties in Ohio: Mahoning, Trumbull, and Columbiana. The largest cities of each county consist of Youngstown, Warren, and East Liverpool respectively. The urban environment defined, for purposes of this study, represents a mobilized culture. The living conditions vary as one moves farther from the center of these municipalities. With few exceptions, housing is also disparaged within the limits of the cities. The observations reflect a vast majority, 88.12 percent (n=141), had established a residence within the urban environment.

The rural environment is represented for the purposes of this study as a farming culture. These are the areas that are not accustomed to the quasi-governmental structure that municipalities advocate. The housing in these areas are typically improved. As the study showed, only 11.88 percent (n=19) set up residence in a rural environment. The

study did not reflect the number of offenders that had an approved rural residence; instead, were deposited in a halfway house (n=13, 8.1%).

The sample population by county was representative of the number of offenders, by county in the Youngstown district. The data showed that 46.9 percent (n=75) of the offenders resided in Mahoning county. In February 1999, the APA reported there were 140 parole and PRC offenders under supervision in Mahoning county. Likewise, the sample revealed 31.3 percent (n=50) had lived in Trumbull county. The APA statistics for February 1999 indicated 125 parole and PRC offenders under supervision in Trumbull county. Finally, the study reported 20.6 percent (n=33) derived from Columbiana county. Yet, in February 1999, APA statistics disclosed only 24 parole and PRC offenders under supervision in Columbiana, Ohio (APA Regional Workforce Analysis, personal communication, February 1999).

Sponsorship under supervision followed. As indicated in table eight below, the majority (n=72, 45%) set up residence with a member of their primary family (i.e., father, mother, or sibling). For the parole case, release from prison is not a guarantee. Parole Board's grant releases, but the Parole Authority is charged with approving the proposed placements and sponsors. On occasion, release plans are not approved and an impending release is delayed until a suitable residence can be found. Release to a family member has high probability of approval. Therefore, the sample is indicative of this trend. The same is true with the PRC offender with the exception of delaying the release process. In any event, release to the primary family unit is the most appealing plan to those charged with supervision, as evidenced by the sample outcome.

The other extreme is sponsorship by a friend. As reported in the study, only 4.4 percent (n=7) were permitted to reside with an associate. Because the probability of

getting accurate information from this type of collateral contact is low, only in unique situations are these sponsors accepted. Similarly, cohabiting heterosexual relationships are discouraged. The study also reflects 19.38 percent (n=31) were married to their sponsor. Included in this class were relationships established under common-law. Self-residencies followed with 14.4 percent (n=23), whereas sponsors that were of the extended family consisted of 8.8 percent (n=14). Extended family members embodied aunts, uncles, and cousins. Finally, halfway houses or other group-living arrangement made up 8.1 percent (n=13) of the sample. As depicted, sponsorship in this arena was a product of punishment.

Table 8

Sponsorship
(n=160)

	Parole	PRC	Frequency	Valid Percent
Self-residency	8	15	23	14.4
Primary family unit	35	37	72	45
Extended family	10	4	14	8.8
Significant other	17	14	31	19.38
Halfway house, etc.	7	6	13	8.1
Friend	3	4	7	4.4

The estimated annual earnings of the offenders on parole or PRC supervision that were selected is summarized in table nine below. As reported, the largest group was found to earn an estimated \$5 to \$7 an hour, based on an average 40 hour work week. The second largest group consisted of 17.8 percent (n=28) of the sample earning an estimated \$7.25 to \$9.50 an hour at a full-time rate. An estimated 15.9 percent (n=25) earned less than \$10,000 per year compared to 15.3 percent (n=24) that were unemployed at the time data was collected. A frequency of nine or 5.7 percent had reported collecting

a disability check, whereas only 8.3 percent (n=13) represented an income above \$20,000 a year.

Table 9

Estimated Annual Earnings
(n=157)

	Parole	PRC	Frequency	Valid Percent
<10,000	9	16	25	15.9
10,001 to 15,000	31	27	58	36.9
15,001 to 20,000	16	12	28	17.8
20,001 to 25,000	3	5	8	5.1
25,001>	3	2	5	3.2
SSI Disability	5	4	9	5.7
Unemployed	11	13	24	15.3

Table 10 represents the number of prison programs completed. Each offender file contained institutional material that listed the programming the offender was engaged in during his/her incarceration. An overwhelming amount (36.87%; n=59) participated in substance abuse treatment (SAP). Psychological assessments followed with 28.13 percent (n=45), which is indicative when incapacitation is used for violent felons. Offender's that used group counseling therapy consisted 15 percent (n=24), whereas those that participated in anger management made up 11.25 percent (n=18). Prisoners active in 12 step programs (i.e., alcoholics anonymous, narcotics anonymous, and cocaine anonymous) made up 20 percent (n=32) of the sample. Offender's that participated in a trade amounted to 9.38 percent (n=15). The number of inmates that engaged in adult basic education was similar to those that went on to earn their general equivalency diploma (GED). Those enrolled in basic education classes consisted of 6.25 percent (n=10) and the inmates that achieved the GED numbered 7.5 percent (n=12). Fifteen percent (n=24) occupied their time in prison with a job assignment and 6.88 percent (n=11) sought

religious intervention. The remainder, 8.25 percent (n=14), participated in a prison program that either reduced their sentence or reduced the hours spent locked up. These inmates elected to undergo boot camp (ITD/IPS), furlough, or community service work projects.

Table 10

Prison Programs Completed
(n=160)

Program	Frequency	Percent
GED	12	7.5
SAP	59	36.87
Religion	11	6.88
Trade	15	9.38
Group Therapy	24	15
Psychological Assessment	45	28.13
Job Assignment	24	15
Community Service Projects	2	1.25
Adult Basic Education	10	6.25
Anger Management	18	11.25
12 Step (AA/NA/CA)	32	20
Furlough	4	2.5
ITD/IPS	8	5

Table 11 illustrates the activity offender's were engaged in while under supervision in the community. In all cases reported on, the observation was conducted during an

active parole or PRC term. The parole officer's observations are documented and maintained under a specific case heading.

The majority had participated in substance abuse programs (n=78, 48.75%). Only 11.87 percent (n=19) had reported compliance with 12 step programs, a practice that typically goes with SAP treatment. Psychological assessments followed with 38.75 percent (n=62), while 18.75 percent (n=30) attended individual counseling sessions. Approximately one-fifth (n=34, 21.25%) had required halfway house intervention. Intensive supervision consisted 5.62 percent (n=9) of the sample. These cases sought enhanced surveillance practices, such as sex offenders or cases expressing multiple risk factors. Only 4.37 percent (n=7) received their GED and 6.25 percent (n=10) used the Bureau of Vocational Rehabilitation (BVR) to assist in adjustment.

Table 11

Community Supervision Activity Completed
(n=160)

Activity	Frequency	Percent of Sample
GED	7	4.37
SAP	78	48.75
Religion	1	.6
Trade	1	.6
Group Therapy	7	4.37
Intensive Supervision	9	5.62
Electronic Monitoring	1	.6
Psychological Assessment	62	38.75
Psychological Counseling	30	18.75
Halfway House	34	21.25
12 Step AA/NA/CA	19	11.87
BVR	10	6.25

Parole verses PRC

The average offender age at first arrest was similar for both PRC (20.21) and parole (20.65), which was approximately 20 to 21 years old. PRC offenders had averaged a couple of months younger than the parole offenders at first arrest. PRC offenders were charged with less criminal acts (2.30) than that of their parole counterpart (2.56).

Likewise, the number of instant offense convictions was lower for PRC cases (1.63) than the parole cases (2.00) (see table 12 for a summary of this information).

Table 12

Arrest Data
(n=160)

	Age at first arrest	Number of charges at arrest	Number of instant offense convictions
PRC	20.21	2.30	1.63
Parole	20.65	2.56	2.00

The number of prior arrests for PRC offenders numbered 9.37, whereas parole offenders averaged 7.26 arrests preceding the instant offense. Therefore, the PRC cases reflected a slightly elevated arrest rate by more than 2 arrests over parole offenders.

Parole offenders appeared to yield more status offenses as juvenile's (3.73), whereas PRC cases reflected (2.65). Of the offense categories depicted, status crimes for parole offender's was the only typology reported to have a handicap (1.08). All other types were similar or less than 1 offense in either direction.

Arrests for felonies and misdemeanors under supervision were similar in that parole cases reported; 13 (n=80) arrests for felonies and 19 (n=80) arrests were for misdemeanors. PRC offenders reflected 15 arrests (n=80) for felonies and 14 (n=80) arrests for misdemeanors. However, 35 (n=80) arrests were conducted on parole cases for technical violations compared to 45 (n=80) for PRC cases (see table 13).

Table 13Arrests Under Supervision
(n=160)

	Felony	Misdemeanor	Technical (PV)
Parole	13	19	35
PRC	15	14	45

The mean number of technical arrests while under supervision for parole cases was 1.09, whereas PRC cases averaged 1.24 arrests for violating the terms of supervision.

The type of supervision terminations could not be compared with much accuracy because many of the PRC cases remain active. However, of those sampled, seven parole and (8.8%, n=80) seven PRC (8.8%, n=80) offenders were prosecuted for additional felonious conduct and resentenced. Those returned to prison for a parole violation (PV) comprised 25 offenders (31.3%, n=80), whereas 16 PRC offenders (20%, n=80) received a new prison term. The "PV" or the "new prison term" could be a result of criminal conduct; however, the events that precipitated the termination were not being addressed in this study. The most common termination for the parolee was the final release termination. Thirty-one cases (38.8%, n=80) had traversed the minimum requirements to receive an early release from their imposed sentence. Only one PRC offender over the course of this study achieved the same result. It should be noted that the parameters of this study did not allow for a time frame commensurate to the parole profile that was obtained. The same is true for the terminations obtained through sentence expirations.

Differences can be found on the sanctioning of parole and PRC offenders. As reported earlier, post Senate Bill 2 sought changes to the violation process. Too many

inmates, it was reported, were returned to prison for technical violations that did not pose a substantial risk to the community. Hence, greater control over who was returned was put in place under the guise of graduated sanctions. Sanctioning of parole offenders was largely an informal process prior to SB2. The study showed 34 PRC offenders were formally sanctioned for behavior that was contrary to their conditions of supervision (42.5%, n=80), compared to seven parole offenders (8.8%, n=80). However, both cases were comparable of one another in observing the violation hearings conducted. Twenty-three or 28.8 percent (n=80) of the PRC offenders sampled had participated in the violation process. Similarly, the parole offender engaged the process at 31.3 percent (n=80, f=25). Therefore, roughly one-third of the offenders sampled under PRC and parole, engaged in conduct where prison was sought as recourse (see table 14).

Table 14

Violation Process
n=160

	Times Sanctioned	Violation Hearing
Parole	11(13.8%, n=80)	25(31.3%, n=80)
PRC	34(42.5%, n=80)	23(28.8%, n=80)

The study observed disparity in the success and failure rates of the cases under intensive supervision (IPS) (see table 15). The sample reports 53.8 percent (f=7) of parole succeeded, whereas 7.1 percent (f=2) of the PRC had success. Forty-six and two tenths percent of the parole cases compared to 32.1 percent (n=9) were failures under this measure. There were no parole cases observed that were still under IPS, even though 60.7 percent (n=17) of the PRC offenders had been collected. Intensive supervision is

used as a method of incapacitation in Ohio, as well as a sanction. The offenders subjected to IPS are those convicted for a sex offense, serving a community sanction, or overridden for another objective purpose. The study reports that parole offenders were more likely to succeed under IPS than the PRC offenders ($\chi^2 = 17.19$, $p \leq .005$).

Table 15

Cross Tabulation
Community Supervision-Intensive Supervision and Success or Failure of Program
between Parole and PRC Offenders
($\chi^2 = 17.19$, $p \leq .005$)

	Parole	PRC	Total
Completed	7(53.8%)	2(7.1%)	9(22.0%)
Failure	6(46.2%)	9(32.1%)	15(36.6%)
Other		17(60.7%)	17(41.5%)
Total	13(100.0%)	28(100.0%)	41(100.0%)

Ohio has taken a more passive approach to absconders. The modification of policies reflect recent studies that report absconders as low-risk property offenders (Rhine, 1993). The differences between the supervision methods and absconders are largely a reflection of the changes brought about by SB2. The parole offenders were held accountable by their indeterminate sentence and the Parole Board. PRC offenders are held accountable with the charge of escape. Likewise, parole cases are subjected to escaping detention. Also, terms could be adjusted administratively should the offender abscond supervision. Essentially, the sentence would be tolled until the violator at large could be captured. The return rate of absconders as technical violators, coupled with the studies reporting a subdued risk, empowered policymakers to affect change.

The study reflects that all parole offenders that absconded supervision were charged with a technical violation (100.0%, $f=5$). However, four separate outcomes were noted for the PRC absconder. Four PRC offenders were continued under sanction by the supervising unit. Only one was charged with a technical violation and taken to an administrative violation hearing. Three PRC cases were charged with escaping detention and bound over for a new felony. One PRC offender remained at large. The sample reports that parole violators-at-large is maintained internally, whereas the PRC absconder is often formally charged ($\chi^2 = 10.37$, $p \leq .016$).

Table 16 below reflects the apparent differences between pre and post Senate Bill 2 eras as it pertains to the offender's participation in prison programming. The chart reports on a variety of prison programs completed by parole and PRC inmates. Parole cases are subjected to indeterminate sentences, whereas PRC offenders are given a definite sentence. Moreover, the Parole Board grants parole offenders a conditional release after a review of their institutional conduct. In contrast, PRC offenders have no such barrier to overcome. They are given a term of supervision only if certain elements exist.

Table 16
Prison Programs Completed
(n=80)

	Parole	PRC
SAP	52(65%)	7(8.8%)
12 Step	29(36.3%)	4(5.0%)
GED	17(21.2%)	3(3.8%)
ABE	11(13.8%)	3(3.8%)
Psychological Assessment*	20(25.0%)	25(31.2%)*
Group Therapy*	10(12.5%)	14(17.5%)*
Anger Management	13(16.3%)	5(6.3%)
Religion	8(10.0%)	3(3.8%)
Trade	16(20.0%)	0(0.0%)
Job Assignment	15(18.8%)	9(11.3%)
Community Service	1(1.2%)	1(1.2%)
Boot Camp	6(7.5%)	2(2.5%)
Furlough	4(5.0%)	0(0.0%)

The asterisk denotes the programs that PRC inmates outperformed parole inmates in the sample. An explanation for this is that a greater number of PRC offenders are institutionalized after having been convicted for a violent [or person] crime (see table 6). These offenders are often screened and evaluated for psychological disorders as a matter of departmental policy. Conversely, the activity of the parole inmates is largely associated

to the conditional release process. Parole inmates must earn their release, whereas the PRC inmate's release is fixed at sentencing.

Table 17 represents the breakdown of programming and other supervision activities conducted in the community. Of the 15 areas depicted, the parole offenders utilized only four at a greater capacity. Among those exceeding the PRC demand were substance abuse programming (SAP), halfway house (HWH), the Bureau of Vocational Rehabilitation (BVR), and violation proceedings. Supervision activities used that were representative in both methods were the SAP, 12 step meetings, GED, and violation proceedings.

It should be noted that the sanction process was not as formal for parole offenders as it has become for PRC cases. Hence, the sample denotes disproportion. Jail time as a sanction differs as well, since it too was not available for the sampled parole cases. Instead, the parole offender would likely be returned to prison.

Table 17

Community Supervision Activity
(n=80)

	Parole	PRC
SAP	61(76.2%)	57(71.2%)
12 Step	17(21.2%)	17(21.2%)
GED	9(11.2%)	10(12.5%)
Psychological Assessment	24(30.0%)	39(48.7%)
Group Therapy	7(8.7%)	14(17.5%)
Psychological Counseling	19(23.7%)	24(30.0%)
Religion	1(1.2%)	0(0.0%)
Trade	1(1.2%)	1(1.2%)
Intensive Supervision	13(16.2%)	28(35.0%)
Violation Hearing	25(31.2%)	23(28.7%)
Jail Time	0(0.0%)	11(13.7%)
Sanction	11(13.7%)	48(60.0%)
HWH	26(32.5%)	18(10.0%)
PVAL	5(6.2%)	9(11.2%)
BVR	10(12.5%)	3(3.7%)

Of the community supervision activities noted, parole offenders (82.0%, f=50) were more likely to successfully complete a substance abuse program (SAP) than were PRC offenders (49.1%, f=28). Although the parole offenders (f=61, n=80) were involved

in substance abuse treatment only slightly more than the PRC offenders (f=57, n=80), they were found to be more adept at finishing the program ($\chi^2 = 15.69, p \leq .005$). Table 18 further reports that 14.8 percent (f=9) of parole cases were unsuccessful, compared to 29.8 percent (f=17) of the PRC cases.

Table 18

Cross Tabulation
Community Supervision--Substance Abuse Programming between Parole and PRC
Offenders
($\chi^2 = 15.69, p \leq .005$)

	Parole	PRC	Total
Completed	50(82.0%)	28(49.1%)	78(66.1%)
Failed	9(14.8%)	17(29.8%)	26(22.0%)
Other	2(3.3%)	12(21.1%)	14(11.9%)
Total	61(100.0%)	57(100.0%)	118(100.0%)

Coupled with the requirement of participating in a substance abuse program, offenders with drug and/or alcohol conditions must also engage in a 12 step program that enlists a group forum as support (see table 19). The sample depicts 82.4 percent (n=80) of the parole cases were so involved, compared to 29.4 percent (n=80) for the PRC cases. Whereas, 17.6 percent of the parole offenders failed as did 23.5 percent on PRC. However, 47.1 percent (n=80) of the PRC cases were still participating. The study depicts significance as parole cases were more likely to complete the objectives of 12 step support ($\chi^2 = 12.41, p \leq .002$).

Table 19

Cross Tabulation
Community Supervision--12 Step Involvement between Parole and PRC Offenders
($\chi^2 = 12.41, p \leq .002$)

	Parole	PRC	Total
Completed	14(82.4%)	5(29.4%)	19(55.9%)
Failed	3(17.6%)	4(23.5%)	7(20.6%)
Other		8(47.1%)	8(23.5%)
Total	17(100.0%)	17(100.0%)	34(100.0%)

Another community supervision activity, group therapy involved offenders participating in psychological counseling that utilized a group forum. Such practices engaged some form of behavior modification as a foundation, but were often eclectic. The offender's most often found to be participating in this process were sex offenders and those that were committed for domestic violence. The sample established that 85.7 percent of the parole cases succeeded in attending the group through fruition, whereas only 7.1 percent of the PRC cases did so (see table 20). The parole offender failed to complete the process in one instance (14.3%), as did PRC (97.1%). Twelve of the PRC cases or 85.7 percent were found to be involved in the group process but had no termination noted. At any rate, the parole offenders were more likely to participate and successfully complete the group therapy process ($\chi^2 = 14.89, p \leq .001$).

Table 20

Cross Tabulation
Community Supervision--Group Therapy between Parole and PRC Offenders
($\chi^2 = 14.89$, $p \leq .001$)

	Parole	PRC	Total
Completed	6(85.7%)	1(7.1%)	7(33.3%)
Failed	1(14.3%)	1(7.1%)	2(9.5%)
Other	0(0.0%)	12(85.7%)	12(57.1%)
Total	7(100.0%)	14(100.0%)	21(100.0%)

The psychological counseling process required the offender's to participate in individual sessions with a psychologist. The offenders that participated were usually anti-social, institutionalized, had committed a violent offense, or had been diagnosed with a mental disorder. The sample reported 84.2 percent of the parole offenders completed this requirement, compared to 58.3 percent of the PRC offenders (see table 21). The study reports that 15.8 percent failed on parole and 12.5 percent failed while on PRC. The sample denotes significance ($\chi^2 = 6.64$, $p \leq .036$).

Table 21

Cross Tabulation
Community Supervision--Psychological Counseling between Parole and PRC Offenders
($\chi^2 = 6.64, p \leq .036$)

	Parole	PRC	Total
Completed	16(84.2%)	14(58.3%)	30(69.8%)
Failed	3(15.8%)	3(12.5%)	6(14.0%)
Other		7(29.2%)	7(16.3%)
Total	19(100.0%)	24(100.0%)	43(100.0%)

Education

The level of education was obtained from the presentence investigation.

Therefore, all of the education data is reflective of study subject's formal education prior to incarceration on the instant offense for which the supervision period derives. The parole offenders that attained their GED prior to this incarceration made up 3.8 percent, whereas the PRC offender consisted of 6.3 percent. Yet, upon incarceration, the sample reflects the parole offenders participated in GED programming at a higher rate than their PRC counterparts. As depicted in table 13 above, 17 parole offenders were involved in GED classes whereas only three PRC inmates became involved. The mean education level for parole and PRC offenders prior to their incarceration reflected a ninth grade education.

Sentencing and Time Served

The majority of parole offenders (36.3%) were sentenced to serve a maximum sentence of 120 months, whereas the majority of PRC offenders had served 12 months

(37.5%). The distinction between the two methods is that most of the parole offenders would not often serve the sentence through to its set maximum. On the other hand, PRC offenders are subjected to truth in sentencing. Therefore, time sentenced is generally the time that they will be incarcerated, less one good day a month. Thirty-five percent of those sentenced under Senate Bill 2 served 12 months in prison ($f=28$), representing the most common sentence for PRC offenders in the sample. Indeed, these inmates that would become PRC cases upon release, were in fact given a 12-month term. Eighteen cases or 22.5 percent followed, which had served a six-month sentence. By comparison, 11.3 percent of the parole cases served six months in prison ($f=9$). This represents the most common sentence for parole offenders serving time in the institution, followed by 6.3 percent for those serving seven, 42, and 60 months ($f=5$).

The mean time actually served in the institution between parole and PRC offenders was 31.26 and 11.49 months respectively. The finding reflects sentences imposed for F3, F4, and F5 cases. For 160 cases obtained there were 79 different offenses listed (see Appendix C). The sample depicts significance in that parole offenders were more likely to spend more time incarcerated in a State prison than the PRC offender ($t =6.52$, $p \leq .005$).

Summary of Findings

This study examined the differences between the practice of parole and PRC. A random systematic approach was used to select the cases to be scrutinized. Because numerous parole cases existed, an optimal number was produced to lessen any bias. However, not many PRC cases existed. Therefore, an accurate comparison could not be attained.

Several assertions were made with regard to this study. First, PRC is not as punitive as parole. The length of incarceration in prison was used to gauge punishment.

The study concluded that the parole offender spent a greater amount of time locked up in prison, thereby curtailing his/her ability to commit more crime. Therefore, the imposition of a prison term on lower category offenders is more punitive for parole cases than PRC. Nevertheless, the study does not examine the quality of the punitive measure imposed on the offender, as a questionnaire was not distributed. As previously discussed, some inmates prefer prison to other methods of incapacitation, such as intensive supervision.

Second, parole provided for greater incapacitation for violations. The study reflected that both parole and PRC offenders engaged the violation process at a similar rate. It did not track the length of incarceration used for violations. The threat of incarceration is greater for the parole offender due to their indeterminate term of imprisonment. However, the PRC offender is also subjected to the threat of incarceration through jail term sanctions or a new prison term. These measures are for a lesser duration, but can be utilized in conjunction with other sanctions. Still, correctional resources are lacking for many communities to implement this practice fully.

Third, PRC requires greater community intervention. Indeed, PRC cases reflected a higher need for community intervention compared to the parole cases. Failure rates were similar, notwithstanding substance abuse treatment, where PRC failures were substantial. Also, a higher need was reported on mental health referrals for the PRC offender. The increase can be related to the greater number of violent offenses receiving a prison term. The trend identifies the need to shift expenditures from the institutions and enhance the development of community resources to meet this need. Case planning endeavors always demand conformity with community referrals to lessen risk to the community. After all, empirical evidence suggests forced treatment is better than no treatment.

Moreover, the study depicts a significant shift in prison programming utilized by these inmates. Essentially, the study revealed that the parole offender was an active participant, whereas the PRC offender was not. This is largely due to programming in Ohio prisons becoming voluntary. Yet, upon release to the community, treatment referrals are increasingly mandated for many.

Lastly, there will be more technical violations for the PRC offender than the parole offender. As reported, both practices engaged the violation process at a similar rate. However, the study did not expand on the aberrant activity. There were a larger number of PRC offenders sanctioned, but this could be associated to the formalized process adopted that did not exist for many of the parole offenders. Also, the advent of intermediate sanctions has increased the surveillance activity. Finally, policy and statutory changes have made the offender more accountable, thereby enhancing the scope and reach of the authority charged with supervision.

Chapter 5

Summary and Conclusions

Discussion

In 1998, Norman Holt (as cited in Petersilia) reported that 12 parole boards forfeited some or all of their ability to release prisoners. Ironically, he laments, Ohio's parole board not only lost their power to release but was enabled the authority to extend a prisoner's term (Petersilia, 1998). This is, he continued, the opposite of where they originated in the early 1800's (Petersilia, 1998).

This study sought to review the developmental process that changed the way offenders are punished and released in Ohio. The burden of this task fell to the Ohio Criminal Sentencing Commission. The process can be depicted as highly political due to the number of members elected to their respective roles. The adage, "abolish parole," had become a prevalent political message for many wanting criminals to be punished for the pains they caused society (Petersilia, 1998). Notwithstanding, the fervor over indeterminate sentences, coupled with the rising cost associated with parole revocations, could not be legitimized given the enthusiasm over intermediate sanctions.

On July 1, 1996, Ohio made its dramatic shift on the offender population. Parole would continue to be exercised on offenders sentenced prior to July 1996. Parole supervision is an extension of a criminal sentence. PRC is a sanction that is manifested in a period of supervision after a term of imprisonment has expired. However, it is not a sentence. The Ohio Parole Board is charged with notifying offenders that have met the criteria for post release supervision in discretionary cases. Under certain circumstances, PRC is mandatory and could be interpreted as part of the criminal sentence (e.g., sex

offenses, F1, F2, and some F3 offenses). "In concept, in law, and in practice, PRC is very different than parole" (John Kinkela, personal communication, December 1998).

This study attempted to measure each practice as it pertains to the stated purpose for criminal sentencing. The two overriding purposes as stated by S.B.2 are punishing the offender and protecting the public from future crimes by the offender and others. This objective contends that the chosen punitive measure can detract offenders and when imposed, its severity deters others of equal persuasion. For the parole and PRC offender, specific deterrence is achieved by a set term of incarceration, notwithstanding the location (i.e., jail or prison). At least to the extent that the offender can not commit a criminal act in society while incarcerated. General deterrence, on the other hand, is questionable given the creation of the felony five category. Many of the PRC used in this sample were F5 commitments; therefore an accurate comparison could not be attained. A study should embark to measure similar criminal acts to achieve a proper comparison. This study also suggests that the short prison stay of most F5 commitments does not sway the average PRC profile to enable general deterrence.

Likewise, supervision terminations were difficult to assess. Parole technical returns were reflective of the returns state wide prior to S.B.2 at 40.1 percent (8.8% were recommitted). However, not enough time had elapsed to accurately depict a comparison between the two practices. Yet, PRC sanctions that resulted in a period of incarceration measured 28.8 percent.

If punishment is defined as a period of incarceration, then the creation of a F5 category coupled to a definite term of imprisonment is helpful. However, the profile of the F5 offender resembles a distinct criminal orientation. When compared to the parole offender, they reflected two more priors' (2.11) and required more attention of their

officer. This may be indicative of most F5 offenders as the criminal backgrounds depicted numerous “petty” offenses. The result is that many of these offenders would have likely received probation. In fact, many of the PRC cases were multiple probation failures that were unable to conform to probation supervision. The study did not discriminate between petty or index offenses but rested on police contact that engaged the justice process. The net widening is effectively shifting the burden from local jurisdictions to state roles.

Although prison populations have risen, correctional aid for offenders has been depleted. Many of the sanctions used on the PRC offender’s enhance the surveillance activity. The elevated supervision increases the incidence of detecting more violations. The study revealed that far more intermediate sanctions were imposed on the PRC cases than the parole. The formal sanction process engaged a limited number of sanctions. Therefore, the proper utilization of graduated sanctioning is questionable. Perhaps the more aberrant PRC offender necessitates higher maintenance. Hence, the lack of measures specifically oriented to the offender and tied to the violation ensures the utilization of a sanction that has previously performed well. A comprehensive list of sanctions should be developed to accommodate a variety of technical violations. The itemized menu should then be developed into a “continuum of sanctions” and applied to the offender uniformly (Harland as cited in Petersilia, 1998, p. 72).

The challenge, therefore, is not simply to meet a need for more sanctioning options, but to develop options that will have clear relevance and credibility in the eyes of the practitioners and policymakers on whose understanding and support [for] their long-term survival and success depends (Harland as cited in Petersilia, 1998, p 71).

Rhine (1993) suggested that formalized policy should elicit an agencies rationale for dealing with technical violations. “It should explain to field personnel why a course of

action should be taken” and the boundaries for which they must operate (Rhine, 1993, 102). Since the onset of S.B.2, policy changes have been implemented but with much debate. Perhaps goals established for accreditation should minimally address an explanation for the change. Further, Rhine (1993) observed that a cohesive violation process represents an essential element for effective case management. Yet, combining the two necessitates an obvious distinction between behavior that is deserving of revocation and that which does not (Rhine, 1993). Field services continue to struggle with the comparisons before and after S.B.2. What appears to be lacking then, is training on the distinctions between practices and the importance of enforcing each standard.

Affording a degree of incapacitation for the offender offers the community some balance between retribution and rehabilitative aims. The offenders’ liberties are greatly curtailed when removed from society then released under the watch of an agency that touts “community first, then the offender.” Surveillance-based supervision has become the standard in Ohio. The national trend has witnessed a correctional movement that has shifted from the Justice Model to a Restorative Justice approach. Surveillance that increases a programs failure rate is difficult to tie to recidivism (i.e., return to crime) (Rhine, 1993; Tonry, 1996; and Petersilia, 1998). Moreover, it detracts attention that could be apportioned to service delivery (Clear and Latessa, 1993).

Yet, corrections are a process empowered by operant conditioning. Without an effective punishment to curtail unwanted behavior, offenders are likely to return to their aberrant lifestyle. Parole returns do not denote the exception, since their high return rates have promulgated the change in law. However, PRC cases do not appear to be adjusting any better. This study reflects a sample that engaged the violation process at a similar

rate. Therefore, there may be a need to follow the parole offenders under the new process because there is a greater amount of liberty at stake.

Correctional supervision has long since been enamored with the prospect of controlling the criminal offender. Prior to S.B.2, rehabilitative measures were imposed in an effort to provide the offender with the knowledge and tools to make a successful transition. The current state of rehabilitation revolves around voluntary participation. The difference in programming for parole and PRC offenders is obvious. The study concluded that parole offenders were more likely to participate in prison programming than their PRC counterpart. In fact, programs do not ameliorate a PRC offender's release. Most notably, substance abuse involvement and mental health services stand out. The cost saving should be substantial.

Upon release, both practices are subjected to mandated involvement in programming. Even though PRC cases voluntarily receive treatment in prison, case planning after release dictates otherwise. As reported, many are poorly motivated. Because the prospect of treatment is escalated upon release for both practices, funding should be diverted to field services. Although failure rates are higher for PRC cases, the need remains. Moreover, data on intensive rehabilitative supervision appears promising and should be investigated (see Gendreau et al., 1994).

The obstinate view among PRC offenders [that they can not be punished] is noted in the absconder statistics. The random sample denotes five parole offenders had absconded supervision to nine PRC cases. The parole cases were charged with technical violations, whereas three PRC cases had been criminally charged with escape ($\chi^2=10.37$, $p \leq .016$).

The amount of time these offenders remained under supervision could not be addressed with any certainty. Time spent under community supervision is a form of incapacitation. Likewise, intensive supervision denoted significance. The study found that parole cases were more successful under this sanction ($\chi^2 = 17.19, p \leq .005$).

Because the cost of imprisonment is considerable, intermediate sanctions are being touted as a panacea. It offers the ability to punish without the costs associated to prison. It provides for intervention and enables the offender the opportunity to restore the wrong. The failing, of course, is that it enhances the detection of technical violations. Empirical evidence suggests supervision of the offender in a community setting only marginally decreases risk of recidivism (Petersilia, 1998). Studies reflect a low instance for felony arrests under supervision (Petersilia, 1998). Conversely, the study depicted a 33.3 percent felony escape arrest for PRC absconders. The study was unable to conclude which practice offered optimum protection to the community. However, because the PRC offenders appeared to require greater involvement of their assigned officer, it stands to reason that PRC offenders' best utilize the interests of incapacitation under supervision.

The study postulates that a rudimentary shift in the attitudes of offenders on PRC compared to parole has occurred. The lack of leverage over controlling their behavior is problematic. Offender expectation has therefore changed from a concerted effort of rehabilitative aims (parole) to putting out fires (PRC).

Jail term sanctions are nevertheless positive. Although PRC cases express no fear from a new prison term, their behavior may be swayed with the imposition of local jail term sanctions. However, the study was unable to conclude with certainty which alternative measure worked best. Perhaps a study should undertake this very aspect, since

controlling this offender appears to be of utmost concern for field staff. A duplication of the Petersilia and Deschenes study (1994) could be attempted (i.e., "What Punishes?").

Using incapacitation as the standard to measure which practice is more punitive, without question parole meets this objective. Parole cases are subjected to approximately 20 more months on average incarcerated ($t = 6.52, p \leq .005$). Further, the time that remains on their indeterminate sentence may affect programming success in prison and in the community. The PRC case appears undaunted thus far, by this sentencing rationale. Ironically, it appears the lack of control over these cases affects conformity with case planning endeavors and demeans the punitive value of sentencing. Perhaps Judge Griffin's depiction of a need to maintain control over offenders was clairvoyant. Mandatory minimums instead of a presumptive release may resolve the current trepidation, yet provide for truth in sentencing.

Appendix A

Human Subjects Committee Approval



Youngstown State University / One University Plaza / Youngstown, Ohio 44555-0001

March 26, 1999

Dr. Tammy King, Assistant Professor for
Mr. Jeffrey Ervin
Department of Criminal Justice
CAMPUS

Dear Dr. King and Mr. Ervin:

The Human Subjects Research Committee has reviewed your protocol, HSRC#48-99, "Comparative Analysis of Post Release Control and the Parole Release in Ohio: Which Is Reflective of the Purpose in Sentencing," and determined that it is exempt from review based on a DHHS Category 4 exemption.

Any changes in your research activity should be promptly reported to the Human Subjects Research Committee and may not be initiated without HSRC approval except where necessary to eliminate hazard to human subjects. Any unanticipated problems involving risks to subjects should also be promptly reported to the Human Subjects Research Committee. Best wishes in the conduct of your study.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Lewandowski'.

Eric Lewandowski
Administrative Co-chair
Human Subjects Research Committee

cc:ECL

Celebrating
YSU
30 Years
as a State University

Appendix B

Hard Choices Survey

Hard Choices Survey

On September 20, 1991, an anonymous survey sought to elicit members' opinions over areas where no consensus had been achieved in the Procedures and Sentencing subcommittees. Of the 7 topic areas solicited, 2 pertain to this study: sentencing rationale and parole release. The following summary, titled "Hard Choices," was based on 20 responses received:

I. Sentencing rationale (i.e., primary reason for criminal sentencing)

- A. Incapacitation: Restrict offender's freedom to protect society from future wrong doing (10 responses).
- B. Deterrence: Punish offenders so others are discouraged from engaging in criminal conduct (5 responses).
- C. Just Deserts: Punish offenders because they deserve it for the harm they have caused society (3 responses).
- D. Rehabilitation: Improve sanctions that attempt to modify offenders behavior, thereby making them less likely to commit future crimes (3 responses).
- E. Hybrid: No primary rationale, different rationale used for different offenders and different crimes (10 responses).
- F. Other Comment: Require post incarceration supervision in all felonies.

II. Parole or Release:

- A. Status Quo: An apolitical, state-level, administrative agency decides the release dates and conditions for eligible felons who are serving indeterminate sentences; no parole for determinate sentenced inmates (3 votes).
- B. Abolition: The parole system should be abolished. No administrative early release from prison should be allowed (4 votes).
- C. Modification: Parole systems modified to move heavily weigh certain on different factors, to make proceedings public, to allow less or more time before eligibility, and/or change the nature of the parole supervision as follows (12 votes):
 1. Parole revocation should be heard by a court magistrate subject to review by the sentencing judge or appellate court.
 2. Parole issues should be decided by a sentencing judge or judiciary and not by an administrative body.
 3. Abolish the Parole Board completely.

III. Other Comments:

- A. Inmates should be prepared for release (i.e., treatment arranged, job placement).

B. To solve overcrowding, early release should be permitted for F4, F3, and some F2 offenses, by an administrative body. They can be returned to the sentencing judge for sanctioning if need be.

C. Offenders should serve consecutive sentences for each conviction (e.g., a rapist convicted for five crimes should receive five sentences) (Mary Ann Torian, personal communication, 1991).

Appendix C

Menu of Sanctions

Menu of Sanctions

The following list comprises the types of sanctions to be utilized by the Ohio Department of Parole and Community Services [Adult Parole Authority] pursuant to Rule 5120:1-1-43 of the Administrative Code (ORC 2929.14 through 18, and 2967.28):

1. Day reporting.
2. Additional supervision conditions.
3. Upgrades in supervision level.
4. Mandatory employment.
5. Structured supervision activities.
6. A summons before a Unit Supervisor.
7. Substance abuse testing.
8. Residential curfew.
9. Formal written reprimand by the supervising unit.
10. Office reporting [more frequent visits].
11. Formal written reprimand by the Parole Board.
12. Summons to appear before the Parole Board for review of the offender's performance on release.
13. Non-residential program placement.
14. Requirement that the offender maintain employment.
15. Requirement to obtain education.
16. Requirement to obtain education or training.
17. Service programming placements.
18. Halfway house placement without restrictions.

19. Other.

The following can only be imposed by a Parole Board Hearing Officer after a violation hearing:

1. Extensions of PRC (up to the statutory limit for the felony level).
2. Community Service.
3. Monetary restitution.
4. Victim-offender mediation.
5. House arrest.
6. Electronic monitoring.
7. Placement in a Halfway house with restrictions.
8. A term in an Alternate Residential Facility.
9. Placement in a county jail of up to six (6) months or
10. A term of imprisonment not to exceed (9) months or one-half (1/2) of the offender's sentence as imposed by the court or as later modified pursuant to law.

Appendix D

Data Collection Sheet

Data Collection Sheet

1. Case is Parole or PRC?

_____ Parole

_____ PRC

2. Gender

_____ Male

_____ Female

3. Race

_____ Caucasian

_____ African American

_____ Hispanic

_____ Other

4. Education

_____ (Highest Grade)

5. Age at Conviction

6. Age at First Arrest _____

7. Number of Charges at Arrest

8. Most Severe Offense at Arrest

9. Number of "Instant Offense" Convictions

10. Is the Sentence "Concurrent" or "Consecutive"

_____ Concurrent

_____ Consecutive

11. If Concurrent, Most Serious Offense Convicted

12. If Consecutive, Provide the (2) Most Serious

13. What is the Sentence? (RECORD IN MONTHS)

_____ months

14. Time Served in Institution _____

15. Time Served on Parole

16. Time Served on PRC

17. If Currently on PRC:

_____ Time Sentenced to PRC

_____ Time Served on PRC

_____ Time Remaining on PRC

18. Number of Prior Arrests

19. Type of Prior Juvenile Arrest Offenses (17 and below)

_____ Person Offenses

_____ Property Offenses

_____ Drug Offenses

_____ Status Offenses (e.g., delinquency, truancy)

20. Type of Prior Adult Arrest Offenses (18 and older)

_____ Person Offenses

_____ Property Offenses

_____ Drug Offenses

21. County of Conviction

22. County of Supervision

23. Supervision Environment

_____ Urban

_____ Rural

24. Sponsorship While on Supervision

_____ Self-residency

_____ Primary Family Unit (Father, Mother, Siblings)

_____ Extended Family (Aunts, Uncles, Cousins)

_____ Significant Other (Wife, Husband, etc.)

_____ Half-Way House or the like

25. Number of Dependents

26. Estimated Annual Earnings (based on 40 hr. wk.)

- _____ < 10,000
- _____ 10,001 to 15,000 (\$5-7 per hr.@Full Time)
- _____ 15,001 to 20,000 (\$7.25 to \$9.50p.h.@FT)
- _____ 20,001 to 25,000 (\$9.75 to \$12p.h.@FT)
- _____ 25,001+ (\$12.25p.h.@FT and up)

27. Number Arrests While Under Supervision of Instant Offense

(Hint: Look for **Hold** orders)

- _____ Felony
- _____ Misdemeanor
- _____ Technical

28. Type of Supervision Termination

- _____ Resentenced (Felony Arrest Only)
- _____ Technical Return
- _____ Final Release from Supervision
- _____ Maximum Expiration of Sentence
- _____ PVAL (Absconded)
- _____ Other (Death, Transfer, etc.)

Appendix E

Criminal Offense List

Criminal Offense List

1	Drug Abuse F4
2	Domestic Violence F5
3	Assault F5
4	Robbery F2
5	Robbery F3
6	Receiving Stolen Property F3
7	Failure to Comply F5
8	Failure to Comply F4
9	Burglary F2
10	Burglary F3
11	Having Weapons Under Disability F5
12	Burglary F4
13	Breaking and Entering F4
14	Breaking and Entering F5
15	Driving Under the Influence F4
16	Escape
17	Forgery F4
18	Forgery F5
19	Aggravated Vehicular Assault F4
20	Robbery F1
21	Receiving Stolen Property F4
22	Aggravated Trafficking in Drugs F1
23	Aggravated Trafficking in Drugs F5
24	Theft F4
25	Attempted Theft F5
26	Possession of Drug Paraphernalia M1
27	Driving Under the Influence F5
28	Corruption of a Minor F4
29	Rape F1
30	Gross Sexual Imposition F3
31	Attempted Gross Sexual Imposition F5
32	Abduction F3
33	Domestic Violence F4
34	Unlawful Restraint M3
35	Possession of Cocaine F5
36	Aggravated Robbery with Gun F1
37	Assault F4
38	Trafficking in Cocaine F5
39	Attempted Trafficking in Cocaine F4
40	Trafficking in Drugs F3
41	Inciting Violence F4
42	Attempted Robbery F4
43	Trafficking in Drugs F5
44	Felonious Assault F2

45	Carrying a Concealed Weapon F4
46	Receiving Stolen Property F5
47	Grand Theft F4
48	Complicity to Breaking and Entering F4
49	Theft F5
50	Corruption of a Minor F5
51	Endangering Children F4
52	Gross Sexual Imposition F4
53	Aggravated Burglary F2
54	Intimidation of a Witness F4
55	Aggravated Drug Trafficking F2
56	Possession of Criminal Tools F4
57	Theft F3
58	Attempted Aggravated Burglary F3
59	Felonious Sexual Penetration F1
60	Felonious Assault F3
61	Attempted Burglary F3
62	Aggravated Vehicular Homicide F3
63	Attempted Aggravated Trafficking F3
64	Aggravated Vehicular Homicide F4
65	Complicity to Robbery F3
66	Breaking and Entering F3
67	Carrying a Concealed Weapon F3
68	Having Weapons Under Disability F4
69	Trafficking in Drugs F4
70	Escape F4
71	Involuntary Manslaughter F3
72	Complicity to Attempted Burglary F3
73	Attempted Robbery F3
74	Aggravated Burglary F1
75	Attempted Theft F4
76	Passing Bad Checks F4
77	Aggravated Trafficking F3
78	Attempted Trafficking in Cocaine F3
79	Aggravated Assault F4

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