

"SHOCK" PROBATION: A COST ANALYSIS OF THE ECONOMIC  
IMPACT ON CORRECTIONAL INSTITUTIONS IN OHIO

by

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## ABSTRACT

"SHOCK" PROBATION: A COST ANALYSIS OF THE ECONOMIC  
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In July, 1965, the General Assembly of the State of Ohio passed a law providing for the early release of convicted felons from prison and returning them to their local community on probation. All felons are eligible to make application for "shock" probation with the exception of those convicted of nonprobationary offenses.

The incarceration of "shock" probationers in state correctional institutions however incurs many economic costs, i.e., the basic costs of support, the costs involved in processing the offender at the time of entry into the prison system, inmate wages, release money, and conceivably, the costs involved in the construction of a new correctional institution in order to accommodate the overpopulation of inmates. The overcrowded conditions may be attributable, at least in part, to the introduction of "shock" probationers to the prison system. The purpose of this study is to estimate the total cost of the "shock" probation program in Ohio, and to examine and compare alternatives with the present practice. A total of 712 men and women granted "shock" probation in the year 1973 comprised the population.

The figures arrived at indicate that the "shock" probation program is known to have cost the State of Ohio approximately \$862,549.97,

but this figure represents direct costs only. An alternative to the present practice would be the incarceration of "shock" probationers in a local jail for this brief period of confinement. The per diem costs for maintaining an offender are less in a jail-type facility as compared to a state correctional institution. In addition, many of the dysfunctional aspects inherent in its present practice would be eliminated if "shock" probationers were housed in local jails.

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## I. THE "MIXED" SENTENCE

The term probation has been defined as "a procedure under which a defendant found guilty of a crime upon verdict or plea, is released by the court, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service."<sup>1</sup> However, a condition for probation being used more frequently is the requirement that the offender be incarcerated for a short period of time before being released on probation. This practice can be found in the federal court system and the States of California, Michigan, Illinois, Maine, Wisconsin, Indiana, Kentucky, and Ohio. This practice is known as the "mixed" sentence.

The "mixed" sentence had its origins in Europe close to 100 years ago in the country of Belgium. The Belgian law (1883) limited application for a conditional sentence to prison sentences not exceeding six months and made provisions for the courts to set the duration of suspension of sentence up to a five year period.<sup>2</sup>

In 1891 France followed, but added the provision that the offender making application for a conditional sentence could not have a previous prison record. The suspension could be revoked and the execution of the sentence ordered if the offender were sentenced to imprisonment during

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<sup>1</sup>Kenyon J. Scudder, "In Opposition to Probation With a Jail Sentence," Federal Probation 23 (June 1959), p. 12.

<sup>2</sup>Walter C. Reckless, The Crime Problem (New York: 4th ed. Appleton-Century-Crofts, 1967), p. 562.

the suspension of the former sentence.<sup>3</sup> The "mixed" sentence spread throughout Europe without modification until 1905 when Denmark became the first European country to legislate supervision as a condition for the suspension of sentence.<sup>4</sup>

Sweden adopted similar legislation in 1939 and specified that an offender must be incarcerated not less than one month and not more than two months before being granted probation.<sup>5</sup> Sweden is the only country to legally differentiate between probation and the conditional sentence. Chapter 28 of the Swedish Penal Code provides that probation be used when supervision is required and the suspended sentence be used in all other cases.<sup>6</sup>

Although probation is legally possible in Europe, the suspended sentence has been preferred.<sup>7</sup>

Great Britain passed a Prison Act in 1952 which authorized detention centers to administer a "short, sharp shock" to young offenders ranging in age from 14-21 who had been unresponsive to treatment short of imprisonment. The maximum length of stay under this Act was set at

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<sup>3</sup>Ibid., p. 562.

<sup>4</sup>Probation and Related Matters, (New York, Department of Social Affairs, United Nations, 1951), pp. 65-69, 79-80.

<sup>5</sup>Torsten Eriksson, "Postwar Prison Reform in Sweden," Annals of American Academy of Political and Social Science, Vol. 293, (May 1954) pp. 152-157.

<sup>6</sup>Paul C. Friday and David M. Peterson, "Shock of Imprisonment: Comparative Analysis of Short-Term Incarceration as a Treatment Technique." Canadian Journal of Criminology and Corrections, 15, p. 289.

<sup>7</sup>European Committee on Crime Problems, (1964), p. 21.



six months to protect the offender from the negative effects of imprisonment.<sup>8</sup>

The State of California introduced the "mixed" sentence to the United States in the mid 50's.<sup>9</sup> The Federal government followed suit on August 23, 1958 by granting the Federal Courts the power to incarcerate an offender in a jail-type or treatment institution for a period not exceeding six months with the remainder of the sentence suspended and the offender placed on probation under the conditions of the Court.<sup>10</sup>

Numerous states have followed the example of California and the Federal government, but not without criticism. Mr. Chandler speaks out in dissent of the practice. He states:

Some judges who make excellent use of probation consider that occasionally it is salutary for a person who is put on probation to impose a short jail sentence. This, as they express it, is to give the man a "jolt" and bring home to him that crime does not pay. They say that after he realizes this, he accepts probation cheerfully and cooperates in it. With all deference the advisability of such a policy seems very dubious. The contaminating effects of confinement and association with other offenders in even the best jails are likely to be so serious that if a man is a fit subject for probation, it would seem to be better to give him probation alone and not run the risk of even a short term in jail or prison.<sup>11</sup>

Those in opposition to "mixed" sentences contend that a person is eligible for probation or he is not; prison and probation are

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<sup>8</sup>Elmer Hubert Johnson, Crime, Correction and Society, rev. ed., (Homewood, Ill.: Dorsey Press, 1968), p. 466.

<sup>9</sup>Sidney I. Dwoskin, "Jail as a Condition for Probation." California Youth Authority Quarterly, Vol. 15, No. 2 (Summer 1962), pp. 10-17.

<sup>10</sup>Public Law 85-741, 85th Congress, 72 Stat. 834.

<sup>11</sup>Henry P. Chandler, "The Future of Federal Probation." Federal Probation 14 (June 1950), p. 44.

dichotomies and cannot and should not be mixed.<sup>12</sup> A spokesman points out:

Once having determined that a person can be trusted to remain in the community and can benefit most under community supervision, no appreciable benefits can be derived from committing to a short period of incarceration.<sup>13</sup>

Another argument against the "mixed" sentence is that the period of incarceration "contaminates" the individual and reduces any chance of rehabilitation. This argument suggests that any time spent in an institution is disruptive of normal therapeutic efforts which might be made in a more open setting.<sup>14</sup> In addition, short-term stays harden attitudes, expose the offender to more criminals, and make him resentful, feeling that he has served his "debt".<sup>15</sup>

The final argument against "mixed" sentences is more abstract and contends that to mix sentences is to act contra to the stated purpose and objectives of probation.<sup>16</sup> Probation is viewed as nonpunitive and any use

<sup>12</sup>William J. Campbell, Probation and Parole, Selected Readings (New York: John Wiley and Sons, Inc., 1960), p. 12.; Chandler, "The Future of Federal Probation.", p. 44. Report of the Committee on Probation with Special Reference to Juvenile Delinquency, Federal Probation 12 (March 1948), p. 6.

<sup>13</sup>Eugene N. Barkin, "Sentencing the Adult Offender." Federal Probation 26 (June 1962), p. 12.

<sup>14</sup>Chandler, "The Future of Federal Probation.", p. 44; Irving R. Kaufman, "Enlightened Sentences through Improved Technique." Federal Probation 26 (September 1962), p. 8.

<sup>15</sup>Richard A. Chappell, "Federal Probation Service: Its Growth and Progress." Federal Probation 11 (October 1947), p. 32. Scudder, "In Opposition to Probation with a Jail Sentence.", p. 12; Chandler, "The Future of Federal Probation.", p. 44.

<sup>16</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections, (Washington: Government Printing Office, 1967), pp. 34-35.

of prison makes the work of probation officers more complex and, in the long run, may defeat the purpose of community supervision.<sup>17</sup> The purpose of probation is to avoid incarceration, not to be a supplement to it.

The main argument for the practice of combining incarceration with probation is the "shock" or "jolt" the offender experiences in coming to the realization of the realities of prison life through imprisonment.<sup>18</sup> Incarceration prior to probation is seen to provide the authorities with a greater control over the individual and consequently greater protection for the society.<sup>19</sup>

Judge Hartshorne, a federal judge, concluded from his experience in sentencing that the practice of imposing short-term prison sentences should be applied only when probation is not applicable. Two conditions when "split" sentence should be used are 1) when probation is not sufficient on the merits of the case (i.e., the nature of the crime and societal reaction to it), and 2) when the individual has already demonstrated that he has violated a probation order.<sup>20</sup>

Research dealing with the "mixed" sentence and its effectiveness is scarce. In a study of short-term incarceration in Denmark, Christiansen and Bernsten concluded that short-term incarceration may be effective

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<sup>17</sup>Scudder, "In Opposition to Probation With a Jail Sentence." p. 12; Chappell, "Federal Probation Services: Its Growth and Progress." p. 31.

<sup>18</sup>Ira W. Jayne, "The Purpose of the Sentence." NPPA Journal, 2, (October 1956), p. 219; Kaufman, "Enlightened Sentences through Improved Technique." p. 8; Richard Hartshorne, "The Federal Split-Sentence Law." Federal Probation 23 (June 1959), p. 10.

<sup>19</sup>J. M. Master, "The Relation of Judicial Selection to Successful Probation." Federal Probation 12 (March 1948), p. 40.

<sup>20</sup>Hartshorne, "The 1958 Split-Sentence Law." p. 11.

as a sanction only under special circumstances for certain types of offenders when used as the first step in the process of resocialization.<sup>21</sup>

They also noted that the incidence of recidivism increased with the length of sentence.<sup>22</sup> Their final conclusion was in support of noninstitutional treatment when possible, since the individual can remain in the community, maintain contacts with the family, retain a job, and avoid the stigma of being institutionalized.<sup>23</sup>

A Polish study on the impact of a prison sanction indicated that the maximum effect of deprivation of liberty reached a peak at around seven months.<sup>24</sup> The perceived "painfulness" of imprisonment steadily increased up to seven months and dropped dramatically thereafter. The impact was strongest on the young first offender where the peak influence was noted to be one to two months for 81.9 per cent.<sup>25</sup> Rudnik concluded that short-term sentencing for punishment for the first offender is effective for six months, but under such conditions no rehabilitation appears to have been made.<sup>26</sup>

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<sup>21</sup>Karl O. Christiansen, "Non-institutional care of offenders in practice: The Danish experience." International Annals of Criminology, 10, (1971), p. 291.

<sup>22</sup>Karen Bernsten and Karl O. Christiansen, "A resocialization experiment with short-term offenders." Scandinavian Studies in Criminology, 1, (1965), p. 48.

<sup>23</sup>Christiansen, "Non-institutional care of offenders in practice: The Danish experience," p. 295.

<sup>24</sup>Mieczyslaw Rudnik, "Spoleczna efektywnosc kary pozbawienia wolnosci." Adam Podgorecki, Socjotechnika II, Warszawa: Ksiazka i Wiedza (1970), p. 370.

<sup>25</sup>Ibid., p. 377.

<sup>26</sup>Ibid., p. 391.

An evaluation of the Ohio experience with "shock" probation is still premature, but the Adult Parole Authority claims a 90 per cent "success" rate using the percentage of "shock" probationers recommitted to correctional institutions as the determining factor.<sup>27</sup> Those who absconded supervision while on probation have, however, not been included in the returning 10 per cent.<sup>28</sup>

In a study of the use and effectiveness of "shock" probation in Franklin County, Edward Bohlander compares those persons granted "shock" probation with those granted regular probation and with those incarcerated without the benefit of probation. No significant differences were found between those offenders granted regular probation and those granted "shock" probation, although a higher failure rate was noticed among those originally incarcerated and later released and placed on probation than among those offenders who did not experience a short period of confinement. He concludes that "shock" probation actually increases the likelihood of further criminal activity rather than reducing recidivism.<sup>29</sup>

Dr. Nancy Beran and Dr. Harry Allen recently released their findings on the administration of shock probation in Ohio. Their research

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<sup>27</sup>George Denton, "Shock Probation: A Proven Program of Early Release from Institutional Confinement." Columbus, Ohio: Ohio Adult Parole Authority, 1970 (Mimeo).

<sup>28</sup>A note of qualification of a statistical table entitled the Annual Institutional Commitment Rate and Commitment of "Shock" Probation Cases in Numbers and Percents, furnished by the Ohio Adult Parole Authority.

<sup>29</sup>Edward W. Bohlander, "Shock Probation: the use and effectiveness of an early release program as a sentencing alternative." (unpublished Ph.D. dissertation, University of Michigan, 1973)

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indicates the procedural requirements for release under "shock" probation were violated in over 41 per cent of the cases studied.<sup>30</sup>

In summary, from the research to date, there is no conclusive evidence to either support or reject this practice in sentencing.

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<sup>30</sup>Nancy J. Berán and Harry E. Allen, "Shock Probation: An Interim Report on the Ohio Experience." Columbus, Ohio: Ohio State University, Division of Public Administration, 1973.

## II. STATEMENT OF THE PROBLEM

### Ohio's "Shock" Probation Statutes

In July, 1965, the General Assembly of the State of Ohio passed a law providing for the early release of convicted felons from prison and returning them to their local community on probation.<sup>31</sup> All felons are eligible to make application for "shock" probation with the exception of those convicted on nonprobationary offenses.<sup>32</sup> It is important to note that this piece of legislation is not a first offender act, and it does not limit itself to felony cases but is available also to misdemeanants being confined in a jail or workhouse.<sup>33</sup>

Before continuing, it is necessary for the reader to have an understanding of the following terms:

**Felony** - An offense for which one can be sentenced to a correctional institution for more than one (1) year.

**Misdemeanor** - An offense which sets the maximum sentence at one (1) year. The sentence is usually served in a jail.

**"Shock" Probation** - A practice of combining imprisonment with probation. An established procedure has been defined regarding the application and hearing process.

**Suspended Sentence** - The termination of the sentence being served in a correctional institution by the sentencing judge and the granting of probation without application or hearing.

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<sup>31</sup>Ohio Revised Code Section 2947.061.

<sup>32</sup>Ohio Revised Code Section 2951.02.

<sup>33</sup>Ohio Revised Code Section 2947.061.

The terms "mixed" sentence and "split" sentence will be synonymous with "shock" probation when used hereafter.

The intention of the "shock" probation legislation is to combine the advantages of imprisonment with those of probation. The advantages according to the Ohio Adult Parole Authority are that it provides a way for the Courts to: (1) impress the offenders with the seriousness of their actions without a long prison sentence, (2) release offenders found by the institutions to be more amenable to community-based treatment than was realized by the courts at the time of sentencing, (3) arrive at a just compromise between punishment and leniency in appropriate cases, (4) provide community-based treatment for rehabilitable offenders while still observing their responsibilities for imposing deterrent sentences where public policy demands it, and (5) protect the briefly incarcerated offender against absorption into the "hard rock" inmate subculture.<sup>34</sup>

The procedural requirements for "shock" probation underwent amendment in 1969 with the passage of House Bill No. 686. See Appendix A. The provisions of Section 2947.061 of the Ohio Revised Code relating to "shock" probation have been prescribed by the legislature in mandatory words (1) that the period of time for filing a motion for "shock" probation begins not earlier than thirty days and expires not later than sixty days after the sentenced defendant is delivered to the assigned institution to begin serving sentence, (2) that the period of time for hearing the motion begins on the date of filing and expires sixty days

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<sup>34</sup>George Denton, "Shock Probation: A Proven Program of Early Release from Institutional Confinement," Columbus, Ohio: Ohio Adult Parole Authority, 1970. (Mimeo).



thereafter.<sup>35</sup> At the expiration of the ten day period for granting probation, the trial court loses its jurisdiction over the subject matter and the defendant and any attempt thereafter by the Court to suspend execution of sentence, grant probation, or order the defendant's release is wholly void and of no legal effect.<sup>36</sup>

A questionable interpretation of Statute 2947.061 contends that the Statute only requires the decision whether or not to grant "shock" probation be made within the specified time limit. Release usually immediately follows the decision granting probation, but the release of the offender under this interpretation of the Statute may be delayed for any amount of time before being transported back to the local community on probation. This interpretation may in part provide an explanation for the numerous cases released beyond the 130 day limit. Needless to say, there are many implications accompanying such a practice, i.e., a conflict in jurisdiction between the court and the correctional authorities during this period of delayed release. Theoretically, an offender could be eligible for parole before reaching the date of release on probation. For these reasons it is felt that this interpretation of the "shock" probation statute merits legal attention to clarify the intentions of the Statute.

#### Purpose of the Study

The incarceration of "shock" probationers in state correctional institutions incurs many economic costs, i.e., the basic costs of support, the costs involved in processing the offender at the time of entry into the prison system, inmate wages, release money, and conceivably, the

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<sup>35</sup>Dallman V. Court of Common Pleas 288 N. E. 2d 303 (1972).

<sup>36</sup>Ibid.

costs involved in the construction of a new correctional institution in order to accommodate the overpopulation of inmates. The overcrowded conditions may be attributable, at least in part, to the introduction of "shock" probationers to the prison system. The purpose of the study reported here is to estimate the total cost of the "shock" probation program in Ohio, and to examine and compare alternatives with the present practice.

### The Impact of "Shock" Probation on Correctional Institutions in Ohio

Ohio's prison population has been growing at an average of 130 per month since the start of the 1974 year. Bennett Cooper, former Director of the Department of Corrections, has expressed concern that if the prison population continues to rise at the current rate, the institutions will face a severe shortage of space by the middle of 1975.<sup>37</sup>

A possible explanation for such an increase is the availability of "shock" probation. The following figures illustrate the prolific growth in the use of "shock" probation.<sup>38</sup> In the past two years, over 11 per cent of the total inmate population has been released on "shock" probation. Obviously, it cannot be assumed that the entire 11 per cent would have been placed on regular probation if "shock" probation were not available, but it seems reasonable to assume that some of these offenders might have been given consideration for probation had "shock" probation not been an available alternative.

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<sup>37</sup>"Prison Rolls Climb, Cause Overcrowding." Youngstown Vindicator, 27 October 1974, p. D20.

<sup>38</sup>Figures furnished by the Ohio Adult Parole Authority.

TABLE 1

## A COMPARATIVE ANALYSIS OF CASES RECEIVING "SHOCK" PROBATION

Fiscal Year	"Shock" Probation Cases
1965-66 . . . . .	85
1967 . . . . .	183
1968 . . . . .	294
1969 . . . . .	480
1970 . . . . .	632
1971 . . . . .	907
1972 . . . . .	1,292
1973 . . . . .	1,132

The economics of imprisonment need examination to determine the feasibility of incarcerating "shock" probationers in state correctional institutions. The economic costs incurred by having "shock" probationers incarcerated in state institutions involve such costs as those associated with the processing of offenders through the reception, diagnostic evaluation, and orientation processes before entering the assigned institution. This process assists the institutions in determining which programs and activities can be of benefit to the offender during his or her stay. Due to the design of "shock" probation, many offenders granted probation will be released before completing the reception and orientation process. If not released during the period of initial processing, the offender will be released shortly thereafter. In either case, his release will come before he can become involved in the various activities and programs of the institution. It appears that the presence of "shock" probationers in the prison system causes unnecessary hardships and additional paperwork for the institutions and staff.

A careful analysis of the costs incurred in housing "shock" probationers in state correctional institutions will enable us to determine if alternatives need to be examined as a means for reducing costs and eliminating the dysfunctional aspects inherent in its current use while still maintaining the purported benefits of the practice.

### III. METHODOLOGY

One method of evaluating the economic impact of "shock" probation on the correctional system is to make an assessment of the direct cost of confining "shock" probationers in state correctional institutions in Ohio. An estimate of the total direct cost can be computed using the daily cost of confinement and the length of confinement in the assigned correctional institution. The total estimated direct cost is determined by multiplying the daily cost of imprisonment by the number of days "shock" probationers have been imprisoned. The estimated average daily cost of imprisoning an offender in a designated institution can be calculated by dividing the annual budget expenditures for that institution by the average daily inmate population for the same institution. This figure is then divided by 365 to reduce the figure to a daily cost.

The financial and statistical data used in this report to determine the per diem cost were taken from the 1974 Report of the Ohio Department of Rehabilitation and Correction which included data for the year 1973. Records were made available by the Adult Parole Authority to establish the identity of the "shock" probationers,\* their dates of entry and release, and the name of the correctional institution to which they were assigned. With this information, the length of confinement was computed. One day was added to the figure representing the difference in dates, to account for the days of entry and release. All seven adult

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\*The identity of the offender was known by classification number only.

correctional institutions housed "shock" probation during the year 1973. Therefore, all seven institutions are included in this study.

The population studied in this report was intended to include all offenders released on "shock" probation between the dates of January 1st, 1973 and December 31st, 1973, inclusive. However, the data on file did not agree in number with the reported total that received "shock" probation in 1973. There are many possible explanations for such a variance of figures, but time was not available to investigate all the possibilities, and the outcome would have had only a negligible effect on the data analysis. The population reported on in this study then includes only those offenders whose records were on file. All facts and figures furnished by the Ohio Department of Corrections and Rehabilitation are presumed to be accurate, valid and reliable.

#### IV. DATA ANALYSIS

The State of Ohio operates seven adult correctional institutions. The maximum security Ohio Penitentiary (OP) has been phased out of operation with the exception of the medical center located within the penitentiary. Replacing the Ohio Penitentiary is the new maximum security Southern Ohio Correctional Facility (SOCF) located near Lucasville. Classified as medium security institutions are the London Correctional Institution (LOCI), the Marion Correctional Institution (MCI), and the Chillicothe Correctional Institute (CCI). All male offenders over the age of 30, and those under 30 with a prior felony conviction, are processed and classified at the Chillicothe Reception Center (CRC), part of the Chillicothe Correctional Institute.<sup>39</sup> The final two male institutions, the Ohio State Reformatory (OSR) and the Lebanon Correctional Institution (LECI), are used specifically for young offenders ranging in age from 16 to 30 years of age. The Ohio State Reformatory for Women (ORW) remains the State's only institution for adult female offenders.

An understanding of the reception process is of utmost importance, since this process consumes a good part of the time a "shock" probationer spends in prison. During this time the information necessary for the records maintained by the institutions is furnished in part by the resident. Clothing and supplies are issued, followed by a visit to the medical facility for a complete physical and dental examination. After

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<sup>39</sup>Report of the Ohio Department of Rehabilitation and Correction,  
(May 1974), p. 16.

receiving a haircut, the resident is fingerprinted, photographed, interviewed by various departments, and given a battery of psychological tests. His attendance is required at lectures delivered by staff members representing their departments to become acquainted with the expectations, the established procedure, and the opportunities available in the institution. The resident is then classified and given a job assignment. The reception process ends when all these requirements have been met by the resident. A detailed description of the reception and orientation process at the Ohio State Reformatory can be found in Appendix B.

The data presented in Table 2 indicates that 32 persons were released on "shock" probation prior to the allotted time required for the reception and orientation process. (It can be assumed that persons released prior to either the 30th day or the 50th day did not complete the reception process.) Another 73 cases are questionable as to whether or not they completed the process. If so, they were released immediately thereafter. These two figures when combined total approximately 15 per cent of the population.

It is evident from the data that the frequency of the release of "shock" probationers peaks between 76 and 90 days. The categories, beginning with 46-60 and ending with 106-120 days, are rather small in variance and account for about 67 per cent of the population. Another 15 per cent of the population is represented in the categories beyond 135 days. It was not felt necessary to extend the categories beyond 180 days (or roughly the equivalent of six months) due to the sporadic nature of the data. It is clear that release does not immediately follow the decision to grant "shock" probation in these cases.



TABLE 2

FREQUENCY DISTRIBUTION OF THE LENGTH OF STAY  
OF "SHOCK" PROBATIONERS BY INSTITUTION\*

DAYS SERVED	Chillicothe Correctional Institute	Chillicothe Reception Center	Lebanon Correctional Institution	London Correctional Institution	Marion Correctional Institution	Ohio Penitentiary	Ohio Reformatory for Women	Ohio State Reformatory	Southern Ohio Correctional Facility	TOTALS
1-15	0	2	0	0	0	0	1	1	0	4
16-30	0	4	0	0	0	0	0	4	0	8
31-45	1	15	3	1	0	3	15	34	0	72
46-60	2	9	10	0	3	7	11	50	0	92
61-75	2	3	20	3	7	2	11	41	0	89
76-90	6	9	22	4	3	5	14	46	1	110
91-105	8	10	14	3	10	5	5	44	0	99
106-120	11	3	15	5	6	7	9	28	0	84
121-135	0	5	10	1	3	6	5	13	0	43
136-150	3	3	4	0	1	2	2	16	0	31
151-165	2	0	0	2	2	2	3	7	0	18
166-180	1	2	1	0	1	1	1	3	1	11
over 180	3	1	7	3	3	6	3	25	0	51
TOTALS	39	66	106	22	39	46	80	312	2	712

\*Approximately 30 days required for the reception process OSR, ORW, and LECI. Approximately 50 days required for the reception process for LOCI, OP, MCI, CCI, CRC, AND SOCF.

The formula used in arriving at the following cost figures will be restated here to provide a clear understanding as to how they were reached. The total estimated direct cost of "shock" probation was determined by multiplying the daily cost of imprisonment by the number of days "shock" probationers were imprisoned. The estimated average daily cost of imprisonment in a designated institution was calculated by dividing the annual budget expenditures for that institution by the average daily inmate population for the same institution. This figure was then divided by 365 to reduce the cost figure to a daily cost. The length of confinement was computed by noting the difference between the dates of entry and release. One day was added to account for the days of entry and release. The figures contained in Table 3 represent the per diem cost per resident, the total cost of housing "shock" probationers by institution, and the total cost of incarcerating "shock" probationers in state correctional institutions for the year 1973. The "shock" probation program in 1973 is therefore known to have cost the State of Ohio \$862,549.97, but this figure represents direct costs only.

There are many hidden costs which influence the economics of incarcerating "shock" probationers in state correctional institutions. The cost of transporting a prisoner to the appropriate correctional institution from the local city or county jail is not included in the given estimate. Neither are the costs for providing the means of transportation back to the local community for those financially unable to provide or have provided the necessary means.<sup>41</sup>

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<sup>41</sup>See Section VII of Administrative Policy F-006 in Appendix C.

TABLE 3

## A COMPARATIVE COST ANALYSIS OF "SHOCK" PROBATION

INSTITUTION	PER DIEM COST	"SHOCK" CASES	TOTAL
Chillicothe Correction Institute	\$ 15.60	39	\$ 67,875.44
Chillicothe Reception Center	15.60	66	79,138.44
Lebanon Correctional Institution	9.19	106	96,181.31
London Correctional Institution	10.63	22	27,107.46
Marion Correctional Institution	10.06	39	45,088.85
Ohio Penitentiary	15.08	46	92,620.94
Ohio Reformatory for Women	22.13	80	151,832.31
Ohio State Reformatory	9.40	312	295,658.22
Southern Ohio Correctional Facility	27.00	2	7,047.00
<b>TOTALS</b>		<b>712</b>	<b>\$862,549.97</b>

Throughout the reception process the residents are confined in maximum security quarters, since their potential danger is unknown at that time. The cost of maintaining a prisoner in maximum security is known to be greater than medium security or dormitory arrangements as can be evidenced by a comparison of the per diem costs between Chillicothe Correctional Institute (\$15.60) and the Southern Ohio Correctional Facility (\$27.00). This difference in cost is not reflected in the direct cost computed earlier.

Another indirect cost is the time and attention given the "shock" probationer by the various members of the staff. It is not believed that the cost is reflected in additional personnel but instead in the extra

burden placed upon the existing staff in the processing of the offender upon entry into the prison system and in the servicing of his individual needs afterwards.

At the time of release a resident is paid fifty dollars of the balance of his or her Earnings Account, whichever is greater.<sup>42</sup> It is doubtful that fifty dollars would have accumulated in the Earnings Account over such a short period of time when hourly wages are ten cents an hour for single inmates with no dependents and fourteen and one-half cents an hour for inmates with dependents.<sup>43</sup> Four cents per hour is set aside for release.<sup>44</sup> With a limitation of 200 working hours per month, the maximum amount that could be retained for release would be eight dollars per month. Due to their brief stay, it can be assumed that most of those released on "shock" probation are paid the fifty dollars at the time of release. In addition, every inmate may be given a complete outfit of clothing at the time of release if so desired by the inmate.<sup>45</sup>

A final indirect cost that must be recognized is the cost of constructing new correctional institutions or additions to the existing facilities in order to accommodate the overcrowded inmate population. The presence of "shock" probationers in the prison system and their strong representation in a few of the institutions could very well have such an undesirable effect.

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<sup>42</sup>Ibid.

<sup>43</sup>Sections I (B) and (C) of Administrative Policy F-006-Appendix C.

<sup>44</sup>Section II (B) of Administrative Policy F-006-Appendix C.

<sup>45</sup>Section VI of Administrative Policy F-006-Appendix C.

Only when these indirect costs are added to the estimated direct costs of "shock" probation will the true cost figure of "shock" probation be known. It has been established that the direct costs of "shock" probation are around \$862,549.97. Adding inmate travel expenses, inmate wages, release money, clothing expenses, and the costs associated with the opening of new correctional facilities to this figure, it is not beyond reason to estimate the total cost of the "shock" probation program to be near the million dollar mark.

A possible alternative that would eliminate most of the administrative busywork and reduce the economic costs would be the incarceration of "shock" probationers in local jails. The costs of confining an offender in a local jail-type facility are known to be less costly than imprisonment in a state correctional institution but, for the sake of comparison, the highest jail cost will be used to illustrate the difference. The highest per diem cost to maintain a prisoner in a jail-type institution in the State of Ohio is \$10.55, the current cost of maintaining federal prisoners.<sup>46</sup> This figure is slightly higher than the daily costs of the Ohio State Reformatory (\$9.40) and the Lebanon Correctional Institution (\$9.19), but it must be kept in mind that the costs of imprisonment decrease after a certain level of capacity has been reached. Needless to say, the inmate population of these institutions far outnumber any jail population. In comparison with the other correctional institutions, a jail lockup would be 5 dollars, 12 dollars, or in the case of Lucasville 17 dollars cheaper.

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<sup>46</sup>Figure obtained through correspondence with the Federal Bureau of Prisons.

In addition to the economic savings and the administrative relief offered by this alternative, the jail would add a few positive aspects to the "shock" probation program. To begin with, the offender would experience the effects of incarceration in association with other prisoners not in solitary confinement as is customary during the reception process. Also, the hardships encountered by the family in visiting the offender would be substantially reduced if confined to the local jail. A third advantage to the local confinement would be immediate access to the courts whenever needed.

An argument often raised when considering the transfer of "shock" probationers from a prison environment to a local jail questions the ability of the local jail to "shock" a person and motivate him or her to discontinue their criminal behavior, since in all likelihood the offender has already spent time in the local jail. To date, however, there is no documented evidence indicating the "shock" experience of imprisonment differs substantially from the "shock" experience of local incarceration. In fact, the jail is quite likely to be in more deplorable condition than the state institutions to which they are now sent so the argument is considered moot.

It was stated at the beginning of this report that "shock" probation was available to misdemeanants as well as felons, so the alternative being proposed is currently in practice but not as widespread or publicized as felony cases receiving "shock" probation. Should the decision be made to transfer felony cases to the local jail, there is little question that modifications would be required in the procedure. A possible outcome might bear a resemblance to the federal practice

which combines a jail sentence of less than six months with probation. The Federal Statute permitting local confinement prior to probation can be found in Appendix D.

Another possible alternative to the present practice would be the abolition of "shock" probation in favor of regular probation, or the use of "shock" parole should early release be desired. The only real difference between the two is who assumes responsibilities for supervision when the offender is returned to the community on probation. Under "shock" probation, the offender is returned to the community subject to the Court's supervision, whereas an offender released on "shock" parole is returned under the supervision of the Adult Parole Authority.

The provisions of "shock" parole permit an offender to be released from a state correctional institution anytime after serving six months, regardless of the minimum sentence, if the offender has not been declared ineligible by the offense committed. Section 2967.31 of the Ohio Revised Code grants authorization for "shock" parole and can be found in full context in Appendix E.

There is a critical need for more research on this sentencing policy due to the expressed interest of many states in "shock" probation. Suggested areas of research include the effect and the extent of use of "shock" probation in the plea bargaining process, the politics of "shock" probation, and a breakdown of the offenses committed by "shock" probationers.

An observation in closing may suggest the future of "shock" probation. One of the public's reactions to the high crime rate is a demand for mandatory incarceration of all offenders. The judiciary, reflecting the temper of the public, can be expected to sentence accordingly.

Undoubtedly, the end result will be an increase in the rate of commitments to the prison system, some being sent with the intention of being released in 60-90 days on "shock" probation.

Short-term sentences, characteristic of those served by "shock" probationers, may be used more often in the years to come. If so, it would be less costly to incarcerate "shock" probationers in local jails rather than imprisoning them in state correctional institutions. The sentences, if served in a local jail, would also be without many of the dysfunctional aspects inherent in the "shock" probation program as currently practiced.



## APPENDIX A

## "SHOCK" PROBATION

Section 2947.061. Subject to sections 2951.03 to 2951.09, inclusive, of the Revised Code, the trial court may, upon motion of the defendant made not earlier than thirty days nor later than sixty days after the defendant, having been sentenced, is delivered into the custody of the keeper of the institution in which he is to begin serving his sentence, or upon the court's own motion during the same thirty-day period, suspend the further execution of the sentence and place the defendant on probation upon such terms as the court determines, notwithstanding the expiration of the term of court during which such defendant was sentenced.

The court shall hear any such motion within sixty days after the filing date thereof and shall enter its ruling thereon within ten days thereafter.

The authority granted by this section shall be exercised by the judge who imposed such sentence, unless he is unable to act thereon and it appears that his inability may reasonably be expected to continue beyond the time limit for such action. In such case, a judge of such court or assigned thereto may dispose of a motion filed under this section, in accordance with an assignment of the presiding judge, or as prescribed by the rules or practices concerning responsibility for disposition of criminal matters.

## APPENDIX B

## OHIO STATE REFORMATORY

## RECEPTION AND ORIENTATION PROCESS

## A. RECEIVING AREA

The resident is initially brought into the Receiving Area by the sheriff, where the court commitment papers are dropped off with the receiving officer. The resident's name is verified with the commitment papers and the papers taken to the Record Office by the Sheriff. The resident's age is taken for the benefit of the Record Office. The resident is asked if he ever did time at OSR previously, and if he did, his old number is checked. If a resident is returned as a parole violator, or a suspended sentence, he keeps his original number. If he received a suspended sentence while at Lebanon Correctional Institution, he must be returned to that institution. If a resident did not receive a suspended sentence while at Lebanon, he begins the reception process.

When a resident begins the reception process, the following procedures are followed:

1. The resident fills out a mail and visiting list which should include only immediate family.
2. If multiple commitments are received from a particular county, the last names of the residents are arranged alphabetically and serial numbers are assigned.
3. The status of the resident is determined--white (W) or black (B).
4. Marital status of the resident is recorded--married (M), single (S), divorced (D).
5. Religion is declared--Protestant (P), Catholic (C), ETC. or no religion (NR).
6. The resident's personal property is taken and the disposition is recorded in the Resident Property Record (Form DWA). The original copy is kept in Receiving and the carbon copy is sent to the Mail and Visit Office.
7. Toilet Articles are distributed--razor, blades, toothbrush, toothpaste, and comb (paid for by the Prisoners' Aid Fund).

8. Articles which are not needed or permitted in the institution are mailed home; address labels are made out in Receiving and attached to the package; the package is mailed by the Mail Office and postage is charged to the resident.
9. Cash and certified checks are placed in the resident's commissary fund (receipts are made out for cash).
10. Shoes are fitted and given to the resident; three pairs of state socks are issued unless a resident has a few pairs of personal socks.
11. A laundry bag and duffel bag are issued, and the resident's last name and serial number are stamped on the laundry bag.
12. The resident undresses, is shaken down, and his clothes are taken from him. These articles of clothing may be sent home or, if the resident desires, may be left with the Receiving Officer to be destroyed or donated to a charitable organization. Coveralls are issued to the resident and he proceeds to the hospital, accompanied by an officer.

#### B. HOSPITAL

When the resident is received at the hospital, he checks in at the basement desk. He then is taken to the second floor where a medical history is recorded. Also, a tubercular skin test is administered and he is given a chest x-ray. Observations of additional physical problems are made and if there are any noted, complete x-rays are taken. Immunizations for polio, smallpox, diphtheria, and tetanus are given, and a serology is done for venereal disease. A full physical examination is performed by the doctor, and a complete dental examination is made by the dentists. Residents stay in the hospital receiving dorm (HRD) for approximately 24 hours. If a resident is received on a Friday, he remains in the HRD until the following Monday morning. The new resident is assigned to a cell by the Deputy's Office, and is taken from the hospital to the Quartermaster for a complete clothing issue.

#### C. QUARTERMASTER

At the Quartermaster (QM), the new resident is issued the following:

1. Two (2) blankets
2. Three (3) sheets
3. Two (2) pillow cases
4. Two (2) hand towels
5. One (1) belt
6. One (1) plastic glass
7. Two (2) light jackets
8. Three (3) pairs slacks
9. Three (3) shirts

Work shoes, long underwear, a heavy coat, and a hat are issued to a resident only if it is determined that the job assignment dictates the necessity of these articles. This issue does not affect the new resident until such time as he receives his initial job assignment. After the quartermaster issue is completed, identification is put on all articles.

#### D. SOCIAL SERVICE

When the resident is taken to Social Service, he is interviewed by a resident clerk typist. An Admission Summary Sheet is filled out and is forwarded to the Record Office. A second initial interview sheet is filled out, and it remains in the resident's file. First letters and forms are sent out which include:

1. First letter to family
2. Family questionnaire (enclosed with first letter)
3. First letter to wife
4. Wife questionnaire (enclosed with first letter to wife)
5. Form letter requesting marriage verification (if applicable)
6. Form letter requesting divorce verification (if applicable)
7. Dependency affidavit (if necessary)
8. Education verification
9. Employment verification

#### E. LEGAL SERVICES

The resident receives aid from the Legal Services Department if he is not represented by an attorney at the time of reception. This legal aid consists of filing notice of appeals and filing motions for probation under Revised Code Section 2947.061, or Shock Probation. The Legal Services Department also checks parole hearing dates and sentences to make sure they are correct.

#### F. BARBER SHOP

The resident is taken to the Barber Shop where he receives a haircut.

#### G. IDENTIFICATION DEPARTMENT

The resident is interviewed by a resident clerk and vital information is recorded on numerous cards and forms. This information is sent to a number of institutional departments and to London (B.C.I.) and the F.B.I. The resident is fingerprinted and mugshots are taken. There are approximately 34 mugshots taken for each resident and the negative is sent to London. Finally, a cost bill is delivered by the transporting sheriff or deputy sheriff to be processed through the identification department. The cost bill is sent directly to the State Auditor, after being computed and certified by the identification officer.

#### H. PSYCHOLOGICAL SERVICES

The resident is taken to Psychological Services, where he is given a battery of tests by a designated staff member. These tests normally

involve three half-day sessions. The tests given and the approximate completion times are as follows:

1. Bennet Mechanical Comprehension Test (Thirty minutes)
2. Minnesota Paper Form Board (Thirty minutes)
3. Revised Beta Test (Thirty minutes)
4. Stanford Achievement Test (Four sections administered)
  - Section 1 - Word Meaning (Thirty minutes)
  - Section 2 - Paragraph Meaning (Thirty minutes)
  - Section 3 - Arithmetic Applications (Thirty minutes)
  - Section 4 - Arithmetic Computation (Thirty minutes)
5. Incomplete Sentence Test (Thirty minutes)
6. Minnesota Multiphasic Personality Inventory (2 hours)

If the resident scores above 9.0 grade level, the Scholastic-College Aptitude Test is administered. The Revised Beta Test and the Minnesota Multiphasic Personality Inventory are presently being scored by computer in Columbus, Ohio.

#### I. ORIENTATION LECTURES

The resident attends lectures delivered by staff members from various departments. These lectures normally occur during the second full week of the reception process, and the departments represented are as follows:

Deputy's Office	Social Services
Commissary	Psychological Services
Mail and Visiting Office	Narcotics Anonymous
School (Academic & Vocational)	Alcoholics Anonymous
Protestant Chaplain	Treatment Associate
Catholic Chaplain	

#### J. SOCIAL SERVICES

The resident is interviewed by a social worker and a full, initial interview is completed. This interview involves compiling a complete social history of pertinent data which may or may not have been verified. Also, the visiting list is checked for accuracy. Impressions are written concerning the sociological make-up of the resident.

#### K. PSYCHOLOGICAL SERVICE

The resident is interviewed by a psychologist and a report is made, which contains psychometric results and psychological impressions.

#### L. CLASSIFICATION COMMITTEE

The resident is interviewed by the classification committee pursuant to a job assignment. The initial assignment is based on the resident's qualifications, his needs, and available openings. Job assignments are also based on institutional needs.

## APPENDIX C

ADMINISTRATIVE POLICY F-006  
SUBJECT: INMATE COMPENSATION

## SECTION I. RATE OF EARNINGS

## A. MAXIMUM CREDITS

No inmate shall be credited with earnings for labor in excess of 200 hours per month. For the purpose of this policy, labor is generally defined as the physical and mental willingness to perform a job assignment or program participation on the part of an inmate. Inmates in disciplinary confinement should not be credited with earnings during that period.

## B. INMATES WITH DEPENDENTS

Except those inmates who are sentenced for non-support, inmates with dependents who are legal residents of the State of Ohio and who are unable to support themselves, shall be credited with earnings at the rate of 14½¢ per hour.

## C. SINGLE INMATES OR INMATES WHO HAVE NO DEPENDENTS RESIDING IN THE STATE OF OHIO

Employed inmates who are single or who do not have dependents who are legal residents of the State of Ohio, shall be credited with earnings at the rate of ten cents (10¢) per hour.

## SECTION II. DISTRIBUTION OF EARNINGS

## B. RELEASE DISTRIBUTION

Earnings of each employed inmate at the rate of four cents (4¢) per hour shall be retained and placed to his credit and paid to him upon his parole or release.

## C. DISTRIBUTION OF PERSONAL USE MONEY

Earnings of employed inmates shall be retained at the rate of six cents (6¢) an hour and shall be placed in an account against which he may purchase merchandise which is kept for sale at the institution; provided, however, that the Managing Officer of each institution, at his discretion, may authorize an inmate to purchase other articles from his personal account. Any balance remaining in the inmate's personal account at the time of his release shall be paid to such inmate at the time of his release.

## SECTION VI. CLOTHING

Every inmate may be given a complete outfit of clothing at the time of his parole or final release if so desired by the inmate.

## SECTION VIII. DISTRIBUTION AND MINIMUM RELEASE FUND

At the time of an inmate's release, he (she) shall be paid fifty dollars (\$50) or the balance of his Earnings Account, whichever is greater. An inmate who is financially unable to provide, or have provided his transportation to the place to which he is paroled out of funds other than his minimum release fund, may at the discretion of the Managing Officer, be allowed in addition, the cost of transportation to the place to which he is paroled at the most reasonable cost available.

## APPENDIX D

## PUBLIC LAW 85-741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Title 18 United States Code, section 3651, is amended by adding a paragraph after the first paragraph of that section reading as follows:

"Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, if the maximum punishment provided for such offense is more than six months, any court having jurisdiction to try offenses against the United States, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may impose a sentence in excess of six months and provide that the defendant be confined in a jail-type institution or a treatment institution for a period not exceeding six months and that the execution of the remainder of the sentence be suspended and the defendant placed on probation for such period and upon such terms and conditions as the court deems best."

Approved August 23, 1958.



## APPENDIX E

## SHOCK PAROLE

Notwithstanding any other provision for determining parole eligibility, a prisoner confined in a state penal or reformatory institution may be released on parole at any time after serving six months in the custody of the department of mental hygiene and correction, when all the following apply:

- (A) The offense for which the prisoner was sentenced was an offense other than aggravated murder or murder.
- (B) The prisoner has not previously been convicted of any felony for which, pursuant to sentence, he was confined for thirty days or more in a penal or reformatory institution in this state or in a similar institution in any other state of the United States.
- (C) The prisoner is not a dangerous offender as defined in Section 2929.01 of the Revised Code.
- (D) The prisoner does not need further confinement in a penal or reformatory institution for his correction or rehabilitation.
- (E) The history, character, condition, and attitudes of the prisoner indicate that he is likely to respond affirmatively to early release on parole, and is unlikely to commit another offense.

\*Effective March 1st, 1975, drug pushers, rapists, and armed robbers will no longer be eligible for "shock" parole.

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