

OHIO PAROLE AND PROBATION EFFECTIVENESS

PAROLE AND PROBATION PRIOR TO THE ADVENT OF THE ADULT PAROLE AUTHORITY

Ohio was the first state to enact a comprehensive sentencing law in 1884. However, the first parole was not granted until July 4, 1885 when seven prisoners were released. In 1886, 162 men were paroled; in 1887, 113 were paroled and in 1888, 122 were paroled. Unfortunately, no record of paroles granted was made from 1889 to 1913. By 1922, however, seven Ohio field officers were supervising 2,982 parolees and had caseloads of 426.

In 1921, Ohio passed the Norwood Law. This law repealed Ohio's 1913 indeterminate sentence statute. Judges were authorized to impose minimum sentences between the minimums and maximums fixed by law. As a result of the Norwood Law, Ohio's prison population rose from 3,447 in 1921 to 9,384 in 1931. This was Ohio's highest prison population to that time. This increase came about because prisoners were required to serve the longer minimums set by judges before a parole hearing could be granted.

In 1923, there were 4,389 parole hearings and 2,370 paroles were granted. In 1924, paroles granted dropped 39 percent to 1,456. This drop is attributable to the Norwood Law entirely.

Despite the fact that parolees continued to do well in the community, parole rates decreased. The Public Welfare Annual Report for 1925 reported that between 1913 and 1925, 10,243 prisoners had been paroled and 8,346 made good. Later, in a 1927 report, the Ohio Welfare Department stated that if no paroles had been granted between 1924 and 1927, Ohio would have required five more prisons. The Department also boasted that parole violations averaged only 13.3 percent from 1885 to June 30, 1926.

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Until 1930, Ohio's eleven parole officers supervised average caseloads of 400. On August 11, 1930, the state was divided into thirteen districts and four new parole officers were hired including two black officers. With fifteen officers, the average caseload dropped to 202. By 1931, there were over 4,300 people on parole. In spite of an increased parole violation rate of 18.75 percent, at least 60 percent of the parolees remained employed.

In 1931, the Norwood Law was repealed. Immediately, the number of parole hearings zoomed. The Ohio Parole Board held twice as many hearings in three years following the repeal of the law as the Ohio Board of Clemency did under the Norwood Law in the previous six years.

In 1931, the Division of Probation and Parole had twenty-four male officers and two females. These officers covered twenty districts. The parole violation rate in 1935 was 8.4 percent and 75 percent of the parolees were employed. In May, 1939, the Ohio Bureau of Probation and Parole, headed by William J. Mackey, came into being, superseding the Ohio Board of Parole. Mr. Mackey pleaded in vain for a fifty caseload standard for each officer and requested a staff of eighty-six to supervise 4,300 parolees. This would have meant sixty more officers. Meanwhile, caseloads were 200 and parole officers starting salaries were \$1,800 per year or \$.87 per hour.

In July of 1948, two psychopathic parolees from the Ohio State Reformatory (Daniels and West) went on a killing spree leaving seven people dead. The public uproar following this incident caused long-range plans to be made to beef up parole supervision. Caseloads were to be reduced to seventy-five; institutional parole officers were to be hired to prepare inmates for parole; district parole offices were to be opened in Canton, Columbus and Toledo; the number of parole supervisors were to be increased; training sessions were to be increased; and special training was to be conducted by the noted criminologist Walter C. Reckless of the Ohio State University.

By 1953, parole officers numbered forty-five. Average caseloads were reduced to ninety-eight. Three institutional parole officers were now employed, one each at the Ohio Penitentiary, London Prison Farm, and the Ohio Reformatory for Women. In 1955, there were fifty-five officers and seven supervisors. In spite of a record prison population of over 11,000 by 1958, there were also 5,300 parolees under supervision. Sixty officers were supervising caseloads of nearly ninety.

In 1957, William L. Jackson of the Pennsylvania Board of Parole surveyed parole officers salaries, caseloads and duties. He found the average salaries for officers ranged from \$3,976 to \$4,776. Ohio paid between \$3,960 and \$4,800. Caseloads ranged from a high in South Carolina of 313 to 50 in Wisconsin, Kentucky and Delaware.

In March of 1965, the Ohio Legislature abolished the Bureau of Probation and Parole and established the Adult Parole Authority. The new Adult Parole Authority consisted of a blend of sound organizational changes and application of management principles, particularly management by objectives.

Michael Bradshaw, staff writer for The Toledo Blade (1965) in his article about the new Authority stated:

In enacting a law to create an Adult Parole Authority -- to take the place of the Pardon and Parole Commission and the Bureau of Probation and Parole -- the Ohio Legislature made the most sweeping changes in the State's penal system that have taken place since, one might say figuratively, medieval times.

In its ten years of existence, the Adult Parole Authority chalked up a singular record of innovative accomplishments; some of these results are described in the pages that follow.

## RECIDIVISM IN OHIO

### I. INTRODUCTION

On any given day in the United States, there are 200,000 inmates locked up in 113 maximum security institutions, 111 medium security institutions, and 104 minimum security institutions. This excludes 23,000 federal prisoners in forty-eight institutions throughout the United States.<sup>1</sup> Prison populations vary in the states from 312 in Vermont to 25,000 in California.

In addition to state prisoners, there are at least 160,000 others in 4,037 municipal and county jails throughout the country. These are people awaiting trial or those serving sentences for misdemeanors. We also have 57,239 juveniles detained in 732 juvenile facilities.<sup>2</sup>

Ohio's penal population consists of 11,900 felons (April 1, 1976), housed in eight different institutions ranging from 478 at the Ohio Reformatory for Women to 2,543 at the Ohio State Reformatory. This gives Ohio an imprisonment rate of about 111 per 100,000. In North Carolina, the rate is 238 per 100,000; in Florida it is 167 per 100,000; in New York, 85 per 100,000; and in North Dakota, 27 per 100,000.<sup>3</sup>

The percent of paroles granted in each fiscal year has dropped considerably since 1972. In 1973, 4,140 paroles were granted. In 1974, the Parole Board considered 5,832 inmates for parole and only 50.9 percent or 2,967 were granted parole (excluding shock parolees). In 1975, only 48.6 percent (3,025) of 6,223 inmates heard were paroled (excluding shock parolees). Thus, the chances of a prisoner being paroled are about one out of two.

The cost of crime and corrections is enormous. Local spending has multiplied seven times since 1964. Total spending -- federal, state, and local

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<sup>1</sup> Law Enforcement Assistance Administration Prison Census Report, 1970.

<sup>2</sup> Ibid.

<sup>3</sup> "United States Incarceration and Commitment Rates", National Clearing House for Criminal Justice Planning and Architecture, 1976.

-- for police, courts, prosecutors, and prisons -- has shot up from \$3.5 billion in 1960 to \$14.6 billion this year. The police (federal, state, and local) spent \$8.6 billion; the courts spent \$2.8 billion; and the penal system spent \$3.2 billion.<sup>4</sup> The high cost of law enforcement, of adjudication, and of imprisonment partially explains why we have fewer people in penitentiaries in the United States today than we had in 1960.

The cost of keeping a man in prison in Ohio is at least \$5,000 per year excluding capital costs. Since most prisoners released on parole have served an average of two years, the cost to taxpayers is over \$10,000. Welfare for prisoners' families boosts costs still higher. Parole costs are only \$500 per man.

## II. THE EFFECT OF CORRECTIONS IN OHIO

In March of 1965, the Ohio Penal population peaked at 12,018.<sup>5</sup> Since then, the population declined steadily until the fall of 1973 when it reached a low of 7,700 (Today it is back up to 11,900). This radical decline, exceeding 35 percent, is attributable to a number of factors, among which are the following:

- 1) A new policy of dealing with technical parole violators. Instead of returning a man on parole to prison for such reasons as excessive drinking, inability to hold a job, or general anti-sociability, we work with each individual to keep him in the community as long as possible so long as he doesn't break the law. As a result, the number of technical parole violators returned dropped from 992 in 1965 to a low of 41 in 1973. At the same time, the number of offenders under supervision

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<sup>4</sup> "The Losing Battle Against Crime in America," U. S. News & World Report, December 16, 1974, p. 30.

<sup>5</sup> Official records of the Department of Rehabilitation and Correction Classification Bureau.

decreased from 10,051 in 1965 to 9,780 in 1973. Today we supervise an end-of-the-month average parolee population of 5,700.

2) The increasing use of Shock Probation. Shock Probation became effective in January of 1966. Since then, over 6,000 offenders have been released under the law. So far, only about 17 percent had to be returned to prison.

3) An increase use of probation. In 1965, 35.4 percent of the 8,675 persons convicted of crimes in Ohio were sent to prison. By 1973, as a result of Ohio state probation programs, this rate had dropped to 22 percent. In 1965, Ohio state probation officers had no probationers under supervision; today there are over 3,000.

4) Shock Parole. Shock Parole became effective in January of 1974. The law permits the Parole Board to release non-dangerous first offenders after they have served at least six months. So far, up to August 1, 1975, 1,034 have been released and less than five percent have had to be returned to prison.

Success or failure in corrections is hard to determine. First, it is difficult to evaluate the effectiveness of a correctional program. One leading criminological researcher analyzed 231 programs and found little or no effect on recidivism.<sup>6</sup> Secondly, recidivism can be defined in several ways. It can mean that:

- 1) A man committed a felony while on parole.
- 2) He committed a misdemeanor while on parole.
- 3) He violated terms of his parole.

One researcher found recidivism in the federal system to be 33 percent

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<sup>6</sup> Robert Martinson, writing in Criminal Justice Newsletter of November 18, 1974, published by NCCD.

over five years.<sup>7</sup> The FBI and some state agencies declare blandly that three out of four men released from prison recidivate; however, this recidivism is never defined properly and has never been substantiated.

Ohio, like most states, lacks the highly refined Offender Information System required to give precise information. Nevertheless, we do know that throughout the state on any given day, we have at least 20,000 people on probation and another 5,700 on parole. Of the 3,000 probationers supervised by state officers (the 17,000 others are supervised by various common pleas courts throughout the state), only 6 percent are sent to prison for probation revocation or for new crimes.

Last year in the United States, the various states paroled about 45,000 offenders. Only 3,025 of these came from Ohio prisons, and Ohio parolees are closely supervised. The results of parole supervision are shown in the chart below.

OFFENDER POPULATIONS

<u>FISCAL YEAR</u>	<u>PRISON POPULATION</u>	<u>NUMBER PAROLEES</u>	<u>NUMBER STATE PROBATIONERS<sup>+</sup></u>	<u>ANNUALLY* RECOMMISSIONED</u>	<u>TECHNICAL* PAROLE VIOLATORS</u>	<u>TOTAL*</u>
1965	11,819	8,508	---	316	563	879
1966	11,472	8,367	---	464	287	594
1967	10,814	8,327	288	379	377	622
1968	10,425	8,484	575	401	566	967
1969	10,234	8,013	983	379	430	809
1970	9,730	8,530	1,293	331	396	727
1971	9,332	8,751	1,940	404	402	806
1972	9,192	9,173	3,089	381	194	575
1973	8,524	9,780	4,873	391	41	432
1974	7,963	8,916	6,065	572	102	674
1975	9,538	8,459	6,862	521	130	651

+ This is the number supervised during the year; average daily probation caseload is 3,000.

\* Data taken from Ohio Adult Parole Authority Annual Reports, 1965-1975.

<sup>7</sup> D. Glaser, The Effectiveness of a Prison and Parole System, p. 16.

In Ohio the cost of keeping a man in prison for one year is \$5,000.00. The average time served by Ohio prisoners is two years. Thus, Ohio taxpayers have to pay a great deal to keep a man, as well as for trying him. Capital costs are also high -- \$25,000 per cell. In Florida, for example, with about the same prison population as Ohio's, increased crime rates and court commitments have sorely taxed the correctional system. Florida's 11,500 inmates are housed in facilities designed for 9,000. Some \$59,000,000 worth of new institutions are either in planning or construction stage. By 1980, it is estimated that a quarter of a billion dollars worth of new facilities will be required.<sup>8</sup>

The Uniform Parole Reporting System in Davis, California gathers information about all parolees throughout the United States. Their latest research over a three-year period shows that the vast majority of parolees succeed. According to their figures and definition of success, success across the country is being experienced by 81 percent of all parolees.<sup>9</sup> In Ohio the success rate (one year follow-up) is 92 percent.<sup>10</sup> National and Ohio success rates, after three year follow-up, (by offense) as reported by UPR show that nationally,

83% of those convicted of Homicide are succeeding on parole  
65% of those convicted of Armed or Unarmed Robbery are succeeding on parole  
72% of those convicted of Aggravated Assault are succeeding on parole  
74% of those convicted of Rape are succeeding on parole  
65% of those convicted of Burglary are succeeding on parole  
59% of those convicted of Forgery are succeeding on parole  
73% of those convicted of Drug Offenses are succeeding on parole

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<sup>8</sup> Criminal Justice Newsletter, Volume 6, No. 3, February 3, 1975, published by National Council on Crime and Delinquency.

<sup>9</sup> Uniform Parole Reports, Table 1, part 1, "A Three-year Follow-up", September, 1975.

<sup>10</sup> Ohio Adult Parole Authority, 1975 Annual Report.



For Offenses, success rate calculations by offense include:

- 60% of those convicted of Armed or Unarmed Robbery are succeeding on parole
- 76% of those convicted of Aggravated Assault are succeeding on parole
- 70% of those convicted of Burglary are succeeding on parole
- 65% of those convicted of Forgery are succeeding on parole
- 89% of those convicted of Drug Offenses are succeeding on parole

OTHER: Ohio murderers and rapists show an extraordinarily high success rate due to small sample size and are excluded.

By and large, released offenders work, support their families, and stay out of trouble.

Parole success is determined by the number of parolees who complete parole and are given final release certificates. Failures consist of paroled offenders who are returned to prison for either committing new crimes or for parole violation. While the number of parole violators declined rapidly over the years, offenders sent back to prison on new charges remained fairly stable.

Another way to illustrate recidivism is to show the number of parolees who are returned to prison, compared to the total number supervised during the year. Our fiscal annual reports show the following rates:

	<u>NUMBER SUPERVISED</u>	<u>NUMBER RETURNED PV. OR NEW CRIME**</u>	<u>PERCENT FAILURE*</u>
1965	8,508	879	10.3
1966	8,367	594	7.0
1967	8,327	662	7.5
1968	8,484	967	11.4
1969	8,013	809	10.0
1970	8,530	727	8.5
1971	8,751	806	9.2
1972	9,173	575	6.3
1973	9,780	432	4.4
1974	8,916	671	7.6
1975	8,459	651	7.7

\* Absconders Excluded

\*\* Data taken from Ohio Adult Parole Authority Annual Reports, 1965-1975.

THE OHIO SHOCK PAROLE LAW

In October of 1965, the Ohio Legislature enacted a unique Shock Probation law. Judges were authorized to release convicted felons after 130 days or less in the belief that limited exposure to prison is enough to deter future criminal activity.

This law (Ohio Revised Code, 2947.06.1) made any prisoner eligible for early release provided he had not committed murder or rape or certain other non-probationable crimes.

This fiscal year judges released 698 people through Shock Probation. Since January of 1966, 6,782 convicted criminals have been sent to prison and been released by judges under Shock Probation. So far, only 17 percent of this group (1,153) have reverted to crime or have been returned to prison for probation violation.

The remarkable success of Shock Probation has prompted the Legislature to enact Shock Parole. Section 2967.31 of the Ohio Revised Code specifies that Shock Parole may be granted to a prisoner any time after he has served six months provided that:

- 1) The offense for which he was sentenced is not Aggravated Murder or Murder;
- 2) The prisoner is not a second offender;
- 3) The prisoner is not a dangerous offender or one who has serious drug violations;
- 4) The prisoner does not appear to need further confinement as part of his correction or rehabilitation;
- 5) The prisoner gives evidence that he is not likely to commit another offense and that he will respond affirmatively to early release on parole.

Shock Parole, in contrast to Shock Probation, is administered by the Division of Parole and Community Services instead of by judges.

Shock Parole became effective in January of 1974 and the first prisoner was released under the program in March, 1975. Since then, and up to August 1, 1975, 1,034 offenders have been released.

There were 691 offenders granted shock parole in 1974, the first year of Section 2967.31's implementation. From January, 1975, through July, 1975, an additional 343 offenders were granted shock parole.

During the first year of shock parole's operation, 35 percent of the 1,975 cases decided were granted an early release. During the first half of 1975, slightly less than 19 percent (N=343) of the 1,828 cases considered for shock parole have been released. This reduction in the percentage of cases receiving shock parole appears to be the result of a number of factors including the reversal of the McKee decision by the Ohio Supreme Court, the unfavorable press coverage of shock parole due in part to the release of Carlos Aleman, and the APA's new guidelines for eligibility for shock parole consideration.

Three rather distinct phases are apparent in the granting of shock parole. During the first two months in which shock parole was implemented approximately 50 percent of the cases were granted. From June through December of 1974, the percentage released monthly was approximately 30 percent of the cases considered.

This decline in the percentage of cases granted shock parole indicates a more cautious and conservative approach on the part of the parole board. Undoubtedly, some of the individuals being denied early release this year

would have received more favorable consideration if their case had been heard in the past.

Particularly of interest to the institution is the number of inmates denied shock parole. While the percentage of those denied has increased 10 percent, from approximately 70 to 80 percent this year, the number denied has increased substantially from a low 127 to a high of 294.

While the percentage of cases granted an early release has declined since March of 1974, the number granted shock parole has remained fairly stable. Therefore, a lower percentage of inmates are being released on shock parole each month but the actual number of inmates released per month is about the same now as two years ago. The reason for this is that more shock parole cases are being decided. For example, during the first two months in which shock parole was utilized, only 261 decisions were made compared to 718 during June and July of 1975. This reflects the enormous additional workload on the parole board and those providing ancilliary support.

According to exhaustive research of Shock Parole by the Ohio State University's Program for the Study of Crime and Delinquency, the typical shock parole offender released has spent an average of twenty-one (21) months incarcerated before release. Nevertheless, because of Shock Parole, thousands of years of incarceration have been "saved." The average offender released was "spared" thirty-two (32) additional months of incarceration. Analysis shows that so far, only 14 percent (107) of the releasees have been arrested; however, only thirty (30) arrests were for felonies.

Ohio is the only state in the nation with Shock Parole. The Ohio State University will provide on-going research to determine whether this is indeed the equitable and defensible alternative to imprisonment it appears to be.



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