

**A PLAN TO IMPLEMENT USER FEES WITHIN
THE FRANKLIN COUNTY, MUNICIPAL COURT,
DEPARTMENT OF PROBATION SERVICES:
RECOMMENDATIONS TO THE FRANKLIN
COUNTY MUNICIPAL COURT,
COLUMBUS, OHIO**

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**U.S. Department of Justice
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Kevin P. Clark

Dedicated to my parents
George and Mary Clark
and
to the memory of my father-in-law,
Louis W. Jacquemin

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Preface

The original purpose of this paper was the completion of a Masters Degree project for Central Michigan University. As such, it is an academic research paper and despite some revision, it will retain much of that character. The goal of the project was to devise a proposal which would persuade the Executive/Administrative branch of the Franklin County Municipal Court to adopt a Probation User Fee program. Such a program would be an essential component in the Court's continuing efforts to meet the demands placed upon it. It would also allow the Court to substantively enhance its probation supervision programs.

Many jurisdictions in other states have implemented user fee programs successfully. At the heart of successful implementation of these programs in Ohio are a few indispensable factors. First and foremost, enabling legislation must be passed by the state legislature. Second, probation departments must design credible proposals which will be well-received by probation department staff and court personnel, including court administrators. Among other factors which affect successful implementation, proposals such as this one must have the backing and support of the judges of the court for which the plan is designed. Judicial support should extend beyond the concept of user fees, to a willingness to employ a user fee program as a consistent sentencing sanction. The judges, especially, should be encouraged to view a user fee program as a valuable supervision instrument.

Pending the passage of H.B. 406 in the Ohio 120th General Assembly, which provides the enabling legislation for probation user fees, it has been the goal of this author

to propose to the Chief Probation Officer, Court Administration, Administrative Judge, and the Judicial Body the implementation of user fees in the Franklin County Municipal Court Department of Probation Services. The development of the proposal relied upon the author's knowledge -- of the topic, the environment, the internal workings of the court system, and a consideration of the results of the survey of the judges and the probation department supervisors and officers.

An important point about the proposal is that from the outset, the goal was inspired by a genuine desire for the enhancement of probation supervision, including a providing means by which the defendant is given a vested interest in his or her own probation. While the increased revenues provided by user fee programs are a positive aspect, those revenues are by no means the only focus of the proposal. In fact, as the paper later points out, the true test of the success of user fee programs will not be based solely on the amount of money collected by a jurisdiction or by individual officers. Instead, greater attention will have to be paid to collection ratios, monthly sanction compliance rates, and other aspects of probation supervision improvements. In the jurisdiction for which this project was prepared, the user fee program will be the only constant sanction across all probation cases, provided the program is adopted as it has been proposed.

A few words about the format of this book are in order. As seen in the Table of Contents, a brief introduction the topic is provided in Chapter I. Chapter II is a review of the literature which has already appeared on the subject of Probation User Fees/Court Sanctions. In the course of designing the proposal for the Fanklin County Municipal Court, a survey was developed and conducted, involving personnel in the Probation Department and the judges of the Court. The content and results of the survey, as well as a rationale for the particular questions, is found in Chapter III. Chapter IV provides an

analysis of the data gathered in the survey and attempts to draw conclusions based on these data. Chapter V, modified from the original Masters Thesis, is a sample proposal to implement probation user fees. (Note: a part of the original Chapter V served as an executive summary of the proposal and is available as an individual document.) Chapter VI summarizes the proposal and makes some fairly broad recommendations. It also contains suggestions for future research which could contribute to the literature and knowledge in this field.

CHAPTER I

INTRODUCTION

Issue Statement

Probation is a sentencing option available to judges in criminal and traffic cases. All or part of a jail sentence may be suspended on the condition that the defendant comply with certain probation related orders. A typical description of probation services is provided in the mission statement of the Franklin County Municipal Court Department of Probation Services:

"The mission of the Franklin County Municipal Court Department of Probation Services is to provide quality services for the Court, for the community and for the Correctional Client, and to attract and retain employees dedicated to the performance of their duties in a highly professional and moral fashion. (Departmental Policy Manual, Franklin County Municipal Court Department of Probation Services, 1986)"

In view of the well known fact that jails are over-crowded, many convicted defendants who would otherwise be incarcerated are now being sentenced to probation. In addition, changing public attitudes toward such crimes as OMVI (Operation of a Motor Vehicle under the Influence of alcohol or drugs), other drug-related offenses, and domestic violence call on the criminal justice system to deal with these offenders in such a way that their behavior might be reasonably expected to be modified for the better. Lengthy periods of incarceration are costly and often-times do little to treat the problem which contributed to the illegal behavior.

Sentencing more people to probation, however, has created probation "over-crowding" in ways not foreseen a few years ago. The results of this problem include

increased strain on an already burdened probation system, increased demand on ever-decreasing resources, and the need to arrive at new ideas about probation supervision, as well as the necessity of developing new resources for that probation supervision. One idea which has gained immense popularity is the concept of probation user fees. As Baird, Hollien and Bakke (1986) state in their seminal work on the subject:

"The practice of assessing user fees for probation service has expanded rapidly in recent years as many jurisdictions sought to develop alternative funding strategies in a time of increasing budget constraints...Recently, a growing number of agency directors have come to view fees as a viable source of revenue and method for establishing some degree of financial self-sufficiency for their department. In some instances, revenues from fees have been specifically targeted to specialized programs designed to increase the supervision of offenders and thus enhance community safety. The relative absence of other funding sources for the programs as well as scarcity of funds for general operations have thrust fees into a more favorable light among administrators. Many now view fees simply as one of several sanctions that can be imposed by the justice system." (p. 1)

Up to this point, the sensible political decision has been to do more with less in response to the public perception of government waste. However, in reality, probation department budgets have been well operated and managed. When budgets are cut, the reality is that the community gets less with less. Where there is a public priority to provide funding for curtailing criminal activity, the majority of these funds are earmarked for the front end of the criminal justice system in law enforcement. The tail end, corrections and the penal system, is left with little means of support for addressing offenders, once convicted and sentenced.

In response to this problem, the concept of probation user fees has been developed. The defendant convicted and sentenced to probation is actually the recipient of a number

of services designed to provide rehabilitation and to prevent recidivism. The prevailing mood of public opinion has been to require people convicted of crimes to bear more and more of the responsibility for their actions. As Judges of the Hamilton County, Ohio, Court of Appeals wrote in a decision in April of 1993:

"The underlying policy which relates to the trial court's condition of probation...suggests that the scope of probation and its uses, perhaps, should be even broader. The current trend is an appeal by government officials and the public alike for trial judges to employ innovative sentences in light of the cost of incarceration and the crisis of overcrowded jails and prisons. [State v. McLean (1993), 87 Ohio App.3d 392]"

(It is worth noting that the Judges of the Appeals Court wrote this decision on April 28, 1993; just two weeks after the prison uprising at Southern Ohio Correctional Facility in Lucasville, Ohio.) In light of the crises described by the Hamilton County Court of Appeals, therefore, many jurisdictions have developed programs which require convicted defendants to pay a "user fee" to either partially or fully recoup the costs associated with their probation supervision, as well as the costs connected with administering such a program. Presently in the United States, jurisdictions in 28 states charge fees which range generally from \$10 to \$180 per month (Parent, 1990).

Historically, the notion of a fee for correctional costs is not new. One hundred and fifty years ago, the state of Michigan charged jailed prisoners for the cost of their medical care (Sasfy, 1980). In the past sixty-five years, the idea has developed throughout the country. The states of Michigan and Colorado undertook to impose fees for probation services as long as fifty years ago. Since that time, numerous other states have joined in assessing such fees. The revenues generated by the assessment of user fees are used in a variety of ways, including developing specific intensive supervision programs, increasing

the numbers of probation officers and support staff in a probation department, improving technological equipment and support for use in a department's activity, training programs for probation staff, and numerous other enhancements to supervision of probationers.

While over half the states have the necessary legislation to enable probation departments to collect probation user fees, Ohio is not yet among them. However, a bill recently passed by the Ohio House of Representatives would provide the necessary legislative authority to collect user fees. That bill, Amended Substitute House Bill 406, is under consideration in the Judiciary Committee of the Ohio Senate and may yet be reported out of committee to the full Senate before the end of the present General Assembly of the Legislature. The present status of the bill is the closest it has ever come to passage in the General Assembly. Favorable committee consideration in the Senate would almost guarantee passage of the bill by the full Senate. While the State Senate may amend the bill somewhat, it is unlikely that any significant differences from the bill passed by the House will result.

Objective

Pending the successful passage of House Bill 406 by the full General Assembly, it was the task of the author, via this project, and at the request of the Chief Probation Officer of the Franklin County Municipal Court, to research, design, and prepare a user fee program proposal for the Court. If approved by the Administrative Judge and the Probation Committee of the Court (consisting of four judges) this proposal will be forwarded for review by the entire judicial branch of the Municipal Court with a view toward its implementation.

This task is the scope of the present paper. The following chapters will review the existing literature on the subject of probation user fees, as well as literature about the topics surrounding implementation and collection of fees in other jurisdictions. The paper will examine the issue as it relates to the Franklin County Municipal Court; and discuss the measures which were necessary to design such a proposal and to present it successfully. A significant part of the discussion centers on a survey of the judges, probation supervisors and probation officers in the Court. The purpose of the survey was to determine the level of understanding and the degree of support of those surveyed so that the proposal would successfully anticipate most of the problems which might be encountered. The discussion of those problems includes an analysis of the concerns of those surveyed, especially with respect to the fees and the disposition of revenues generated by the fees. Chapter Four presents an analysis of all the data which was collected. Chapter Five presents the proposal developed for the Court. Chapter Six presents the conclusions and recommendations for implementation of the proposal, as well as suggestions for future research. Attached as appendices are several documents critical to this study, including the survey instrument, a summary of the survey results, and documents pertinent to the legislation currently pending in the Ohio General Assembly.

It has become obvious to the management team of the Franklin County Municipal Court Department of Probation Services that something must be done to respond to probation case loads which are continually rising. Because of the increase in the volume of cases, less can be done with each case. Probation Officers experience burnout more rapidly, as their work is made less meaningful by the increasing demand for them to be little more than case managers and by having to do less effective probation work. This is

not helpful to the clients. Nor does it help the community's efforts to address offender behavior and create an atmosphere in which that behavior can be modified.

Another factor which has an impact on the effectiveness of service delivery by the Department of Probation Services is dwindling financial resources. Budgets for probation departments have not risen at a rate equal to the rate of increase in the demand for probation services.

The policy makers of this Court and community can be shown the pros and cons of user fees, as well as the success which other jurisdictions have met in implementing such fees. They can also learn how fee revenues have been used to supplement, and not supplant the services of those jurisdictions. With this knowledge they will be able to make future decisions objectively, having learned from the experience of others.

The goal of the project was to develop a proposal to implement a user fee program in the Franklin County Municipal Court pending the passage of House Bill 406. In an era of limited resources and personnel, correctional administrators must have vision and the ability to convey to those who control the purse strings the importance of the task at hand. In addition, correctional programs, which can be initiated by government or private grants or which can rely on funding from outside resources, can do nothing less than convey a message to all parties concerned that management is trying to do the best job that it can without continually taxing the local funding source.

Evidence from counties where probation fees exist demonstrates that the public is getting more service for each tax dollar. Such evidence was examined in the course of this project. If Franklin County can have a similar experience, then the public should be more satisfied with the probation system.

Decision Criteria

The decision criteria of this project included consideration of the political environment and varying philosophical views of the 14 judges who make up the executive branch of the court. Another important criterion was the data obtained from the study of the published results of user fee implementation in numerous jurisdictions in the 28 other states that employ user fees. This criterion was considered important largely because there is no need to reinvent the wheel. Another important criterion was the extent of the author's own knowledge of the enabling legislation and his knowledge of the steps that will need to be taken along the way to obtain the implementation of user fees. The author's experience provided extensive knowledge of the common boundaries (the Municipal Court, the County Auditor's Office, the City Council, and the Clerk of Courts, for example) involved in bringing about the implementation of such a proposal.

Methodology

The research instrument for the project was a survey of the Franklin County Municipal Court Judges, the probation officers of the Franklin County Municipal Court Department of Probation Services and the supervisors (excluding the author) in the same Department of Probation Services.

The first step in conducting a survey of the fourteen judges who make up the executive branch of the court was to seek permission from the appropriate authorities along the chain of command in the structural organization of the Franklin County Municipal Court. To do this the author, together with the Chief Probation Officer, approached the

Court Administrator to review the survey and the concept. Upon approval by the Court Administrator, the Chief and the author approached the Administrative Judge. Upon receiving the Administrative Judge's approval, the surveys were distributed, with an accompanying cover letter, to the judges.

Surveying the probation officers and the supervisors in the Probation Department required a much simpler set of steps. Permission to conduct the survey was obtained from the Chief Probation Officer. Once that was accomplished, the probation officers and supervisors were surveyed individually in a very controlled environment. It was not anticipated that the same level control over the survey of the judiciary would be possible (The instrument was identical to that employed with the judges with the exception of the color of the paper used. Judges received surveys on white paper; the supervisors received surveys on yellow paper; and the probation officers received surveys on blue paper). Instead of sending a letter to the probation officers and department supervisors, they were read a statement introducing them to the concept and the survey. The last paragraph of the letter was deleted when the statement was read to the probation officers and supervisors. One other difference between the survey of probation personnel and the survey of the judges was that the probation personnel were aware that their answers were known by the interviewer. The judges were not necessarily aware that the interviewer was aware of their individual answers.

Once the survey was completed, the results were tabulated and studied. They served to help develop the proposal to implement the user fee program in the Franklin County Municipal Court. The survey, its results, and the proposal are outlined in Chapters III, IV and V of this project.

Time Frame

Permission to conduct the survey in the Franklin County Municipal Court was obtained in late October, 1993. The survey was designed at the same time, and was distributed and conducted in November and December of 1993. Analysis of the responses began immediately upon completion of the survey, in December of 1993, and was completed in January of 1994. The proposal was written in February and March of 1994.

CHAPTER II

THE LITERATURE REVIEW

Much of the preliminary review of literature was obtained from the U.S. Department of Justice's National Institute of Corrections (NIC). The Institute's expanded library had quite a generous amount of information regarding the topic of probation fees.

The available literature on this topic can be divided into a number of different sub-topics, all of which are concerned with various aspects of the implementation of user fees. These sub-topics include a history of user fees, the need to implement user fees, the benefits and disadvantages of user fee implementation, constitutional/legal and public policy issues relative to user fees, the impact and political ramifications of user fee implementation, the disposition of fee-generated revenues (e.g., general fund versus special fund utilization), strategies for implementation, administrative issues and problems of implementation, and the general effect of implementing a system of user fees on probationers and on probation department personnel.

History

The idea of imposing fees to generate revenue is gaining popularity, and with over half the states utilizing this practice, it is not a new idea. In June of 1990, an article entitled Recovering Correctional Costs Through Offender Fees, published by the National Institute of Justice, stated that "Michigan enacted the first correctional fee law in 1846, authorizing counties to charge sentenced jail inmates for the cost of medical care." It was finally in

1929 that Michigan enacted into law the payment of fees as a condition of probation. This development was highlighted by Sasfy (1980).

Need

Harlow and Nelson, of the University of Southern California's School of Public Administration, cite the following in a 1982 NIC publication, Management Strategies for Probation in an Era of Limits:

"Probation departments are maximally affected by the squeeze on public revenues for several reasons. They often are loosely linked to the political and executive powers-that-be in state or local government. Traditionally, they have had no informed and active public constituency. Their goals are vague, and their accomplishments difficult to measure. In some cases they are overextended, having expanded into areas of unfilled need when resources were plentiful. As public revenues begin to shrink (or at least stop growing at the same rate), these weaknesses are magnified by the shift in public opinion toward harsher penalties for convicted offenders. In this setting probation agencies have difficulty both in establishing a clear need for the functions they perform and in proving that they perform them well."

Other articles in the literature, including Sasfy (1980); Nelson, Segal and Harlow (1984); Parent (1990); and Parent and Finn (1992), establish a clear need for probation departments to obtain additional sources of revenue to continue and supplement their activity. They also demonstrate a need to find viable alternatives to incarceration based on the ever-increasing number of cases being tried in the nation's courts and on the ever-increasing costs associated with imprisoning those convicted of crimes.

Public opinion, growing more and more tired of footing the bill for members of society who go astray, is another factor determining need for user fee implementation according to Williams (1987). Baird, Hollien and Bakke (1987) point to growing taxpayer concern over the expenditure of public monies as another example of the support of public

opinion for requiring that offenders pay for the expense of their trial and subsequent probationary costs. (See also Baird, Hollien and Bakke [1986] and Mullaney [1988] for additional reference to public demand for alternatives to taxpayers paying for criminal costs.)

Benefits and Disadvantages

Parent (1990) provides pros and cons for the utilization of offender fees by a correctional system. However, it is made very clear to the reader in the overview of the article and in documentation throughout the article that "...While correctional fees can generate substantial revenue, efficient collection policies are essential to program success." The article states that its purpose is two-fold. The first purpose is "...to inform policy debates by drawing on the professional growing experience - both positive and negative - with correctional fees." The second purpose is to help jurisdictions now collecting correctional fees to improve their policies and procedures, incorporating those collection methods which have proven most efficient and effective.

Nelson, Segal & Harlow (1984) identified collection of probation supervision fees, as permitted under California law, as one method of coping with resource constraints in probation departments. Although the implementation of supervision fees was unsuccessful in the California county studied, due exclusively to the opposition of the judges in the county, the authors clearly believe fee collection to be of value in resolving problems arising from resource constraints.

Constitutional/Legal and Public Policy Issues

The sections of the Ohio Revised Code which deal with Probation and related issues are ORC 2929.51 and ORC 2951.02. Nowhere within the Ohio Revised Code is there a section that provides *enabling legislation* for user fees. In 1989-90, the 118th General Assembly introduced HB 149 to permit County Probation Departments to collect a user fee of \$10.00 per month. This bill died in the House Judiciary Committee during that session and never became law. The bill has subsequently been reintroduced as HB 406, which has passed the House of Representatives and is now awaiting disposition in the State Senate.

Baird, Holien and Bakke (1986) state that requiring offenders to pay for some portion of the cost of their probation supervision is good public policy and is strongly supported by public opinion. They also point out, in the same article, that the reality of user fees has come and that no legal barriers to probation user fees exist. There is, however, some difference of opinion on this point as a review of records of several court proceedings have shown:

Bearden v. Georgia.

The United States Supreme Court found, in Bearden v. Georgia, 461 U.S. 660 (1983), that revocation of probation, because a defendant was unable to pay a fine and restitution (as conditions of probation), constituted a violation of equal protection under law guarantees. The Justices writing for the majority wrote, at line 672, "If the probationer could not pay despite sufficient bona fide efforts to acquire the resources to do so, the court must consider alternative measures of punishment other than imprisonment. Only if alternative measures are not adequate to meet the State's interest in punishment and

deterrence may the court imprison a probationer who has not made sufficient bona fide efforts to pay."

The relationship of this case to user fees is that offenders who do not meet the terms of their probation can legitimately be imprisoned for the failure to pay user fees, provided they have not made good faith efforts to do so. House Bill 406, however, requires that some additional violations must occur before bringing the probationer's non-compliance to the Court. Alternatives for offenders who have legitimate reasons for an inability to pay can include community service in lieu of incarceration as provided for by Sub. House Bill 406.

Fuller v. Oregon.

In a related decision, the United States Supreme Court, in Fuller v. Oregon 417 U.S. 40 (1974), held that a defendant's inability to pay fees and expenses of attorneys and investigators provided by the Court, because of the indigency of the defendant (through no fault of his own) at the time of conviction, was not to be taken into account in determining eligibility for probation. The Court also held that, "subsequent ability to pay is a condition necessary for initial imposition of the obligation to make repayment as a condition of probation, but is not itself a condition for granting probation, or even a factor to be considered in determining whether probation should be granted." (Fuller v. Oregon, 417 U.S. 40 [1974]) But the Court upheld Oregon statutes in the case which required a probationer, who later became solvent, to repay expenses and fees when such repayment no longer constituted a hardship.

This case would appear to establish that alternatives to user fees (such as community service) or deferments of fees can be legitimately imposed by a court in cases where a defendant is indigent.

Federal Court Decisions in Support of Similar Statutes.

The Federal Criminal Law System has a component which is somewhat similar to the mandatory assessment required by this revised bill. Federal law requires that a sentencing court impose on an offender a \$50 assessment for each felony count conviction (18 USC, Sec. 3013). Courts are required to impose this assessment even on defendants who are indigent. Federal courts have routinely sustained the constitutionality of this and other similar mandatory assessments, even as applied to indigent defendants (U.S. v. Nguyen, 916 F 2nd, 1016; 5th Circ.; U.S. v. Reising, 867 F 2nd, 1255, 10th Circ.; U.S. v. Rivera-Velez, 839 F 2nd, 8, 1st Circ. See also, U.S. v. Jungels, 910, F 2nd, 1501, 7th Circ. [Mandatory Imposition of Costs Against Indigent Under 26 USC, Sec. 7201, is constitutional]). The Federal courts have distinguished between a court's imposition of a monetary assessment on an indigent defendant and the state's attempt to enforce that assessment against the indigent. "The mere existence, during indigency, of an outstanding penal liability does not violate a defendant's rights. Constitutional considerations will come into play, 'only if the government seeks to enforce collection of the assessment at a time when [the defendant is] unable, through no fault of his own, to comply.'" (U.S. v. Rivera-Velez, 839 F 2nd, 8, 1st Circ.; U.S. v. Reising, 867 F 2nd, 1255, 1259-60, 10th Circ.)

Ohio v. McLean

In a 1993 decision, the Hamilton County Court of Appeals made its own contribution to the question of whether or not some types of fees could legitimately be imposed as a condition of probation. In this case, (State v. McLean, (1993), 87 Ohio App.3d 392) the Court ruled that a lower court decision to require a defendant to repay court-appointed attorneys' fees as a condition of probation did not violate the Sixth Amendment to the United States Constitution. The Court further found that revocation of probation for non-payment of such fees was effectively limited by the operation of the law. This decision obviously relates to any question of whether or not failure to pay probation user fees (imposed as a condition of probation) could result in probation revocation proceedings.

As an added aspect, in the appeal ruling, the Hamilton County Court of Appeals found that an order including imposition of fees as a condition of probation did not, in this case, exceed the scope of the statutory authority of courts to impose probation conditions. Other cases, similar in nature and in findings, support the type of sanction affirmed by the Hamilton County Court of Appeals. They include Iowa v. Rogers, 251 N.W.2d 239 and Ohio v. Jones (1990), 49 Ohio St.3d 51.

Impact and Political Ramifications

In states where probation fees have been implemented, some remarkable results have been obtained. An NIJ study of probation user fee programs in Texas and Oregon (Finn and Parent [1992]) showed that in 1990, while the State of Texas spent more than \$106 million to supervise probationers, they also collected an astounding \$57 million in user fees. Fees were collected from nearly 90 percent of all misdemeanor offenders on

probation and from nearly 65 percent of all felony offenders on probation. In the State of Oregon, one county probation department actually took over and automated a fee system which had been handled by the clerk of court. In addition to alleviating a heavy burden on the office of the clerk, the department increased receipts from \$12,000 to \$140,000 in a single year.

In 1990, seventeen states surveyed by NIC were able to collect \$83,498,650 out of a total overall budget combined of \$353,000,000. The State of Texas alone collected over 50% of their budget, or \$45,600,000, in one year. Florida collected an estimated 34% of its budget, or \$15,600,000. Alabama collected nearly 30% of its budget, or an estimated \$2,700,000. (See Parent [1990]; National Council for Crime and Delinquency [1986]; and Baird, Holien & Bakke [1986].)

Nelson, Segal and Harlow (1984) identified collection of supervision fees as a political task. They studied the attempts of a California county probation department to deal with resource constraints and budget shortages. One method attempted by the probation department was the implementation of supervision fees as permitted under California law. However, the probation department met with strong opposition from the judges in the county. The judges argued that implementation of fees would involve probation officers in civil law matters; an area where they did not belong. Thus, implementing supervision fees, and other methods of dealing with resource constraints, for that matter, is as much as a political problem as an administrative one. Persuading judges of the effectiveness and desirability of fees becomes a paramount task.

Disposition of Fees

In 1987, the National Institute of Corrections issued the results of a study which showed that fees collected comprised an amount sometimes ranging to 60% of agency budgets. At that time, most of the agencies surveyed were considering raising fees in the hopes of generating additional revenues. In most cases considered in this study, the revenues generated by the collection of user fees were not tied to any specific program, but were available to be applied to general operations. The same report showed that when agencies had direct and discretionary access to the revenues generated by the collection of user fees, collections tended to increase. While this trend was evident in agencies of all sizes, it was particularly evident in large agencies. This fact highlights the need to allow departments access to the revenues for discretionary programs as an incentive for aggressive and effective collections.

An NIJ study published in 1990 (Parent, 1990) established a direct link between allowing probation departments broad discretion in deciding how revenues from user fees should be spent and significant increases in the collection rate and amount of money collected. The State of Texas offered local probation departments the chance to keep most of the revenues they collected for use within the departments. In addition, legislators allowed the departments to decide how the money was spent. The NIJ study found that these policies clearly improved the rate of collection and the amount of money collected. Conversely, the study showed that counties where probation departments did not retain control of revenues collected from user fees did not perform as well in collections and revenues generated.

Strategies for Implementation and Administrative Issues and Problems

With respect to the implementation of user fees, Wheeler, Rudolph and Hissong (1989), and others, identify one area of concern as the determination of a probationer's ability to pay. The authority for that determination must reside somewhere within the court or probation system. Who determines whether fees are imposed or whether community service is imposed in lieu of fees, is a strong determining factor in whether or not user fees can be successfully implemented. If a decision to impose community service in lieu of fees is feasible, the question becomes one of what is required to do so legally. If more court time is involved, the work of Nelson, Segal and Harlow (1984) would seem to indicate that courts would not be favorably inclined toward implementation. However, if an informal system of assessment of probationers' abilities to pay is utilized, the work of Wheeler, Rudolph and Hissong (1989) strongly suggests that implementation can be successful. However, Wheeler, Rudolph and Hissong make it clear that issues relative to the effect on probationers, particularly minority or poor probationers, need to be addressed.

General Effects on Probationers and On Probation Department Personnel

The work cited above, by Wheeler, Rudolph and Hissong (1989), discusses the concern that there might be an adverse effect on minority and poor probationers caused by the implementation of user fees. In their article, Wheeler, Rudolph and Hissong review the implementation of user fees in Harris County, Texas. Their findings seemed to suggest that there was an informal system of screening probationers with respect to ability to pay user fees. Among minority probationers, a significantly lower total of fees was imposed than among white, non-minority probationers. But this system, far from being uniform, seemed to result in more or less effective discrimination against poor, non-minority

probationers, based on seemingly arbitrary or random systems of imposing fees and economic sanctions upon probationers.

Wheeler, Rudolph and Hissong also seemed to conclude that increasing the number of sanctions imposed on probationers was correlatively linked to the respective success or failure rate of probationers. For example, probationers with a history of instability in employment would be more likely to fail on probation if they were to be assigned additional economic sanctions to help cover the cost of the administration of justice.

Nevertheless, Wheeler et al., were generally supportive of the notion of implementing user fees within certain parameters. To eliminate abuses which might spring from the implementation of user fees, they suggested that objective financial screening and classification systems be employed in the assessment of fees. In addition to the screening and classification systems, they suggested that community service, as an alternative to fees, together with programs assisting probationers with employment searches, and utilization of high technology methods of compliance facilitation be introduced.

Summary of Literature Review

The review of available literature indicated that many states and jurisdictions have implemented and are maintaining the concept of probation fees. It also outlined many of the pros and cons of such a condition of probation, for both the defendants and the probation officers and their departments. But central to the point of this proposal are the ideas related to implementing probation user fees in the Franklin County Municipal Court Department of Probation Services. Specifically, the literature review highlighted many of the problems other departments have encountered as they tried to implement their own

programs. The problems the other departments dealt with will serve as warning guides in the development of an implementation proposal in Franklin County.

Another inference which is clearly drawn from this literature review is that the degree of success of a user fee program is directly related to how the user fee program is implemented, ordered, managed and perceived by the judges and the probation officers, as well as whether or not there is well-crafted and supportive enabling legislation. The perception of the judges and the probation officers is really most vital to the success of such a program. The level of education about probation user fees will be critical to whether or not such fees are eventually implemented.

In general, a review of the literature shows that there is a genuine need for and usefulness associated with the implementation of probation user fee programs. As demonstrated by the success of programs in other jurisdictions, in addition to the results achieved in related areas, there is clear reason to conclude that such a program could be successfully implemented and employed in Franklin County, Ohio. The supportive nature of the literature will be an important part of the proposal which is eventually developed and will be especially helpful in educating judges and probation officers about the concept of user fees.

CHAPTER III

THE ISSUE AND THE SURVEY INSTRUMENT

The Issue

The Environment

The locale for this study was the Franklin County, Ohio, Municipal Court Department of Probation Services. Located in and around the City of Columbus, Ohio, Franklin County has a population of 961,437 according to the 1990 Census. The Franklin County Municipal Court, itself, is city-funded and has county-wide jurisdiction. It serves the City of Columbus and approximately 15 smaller municipalities, as well as large areas of unincorporated townships. The probation department serves the fourteen Judges of the Franklin County Municipal Court by supervising the probation of those who have been convicted of criminal and traffic misdemeanor charges.

Administratively, the department is made up of five units: the Investigation Unit, the Supervision Unit, the Special Programs Unit, the Community Service/Restitution Unit, and the Support Staff Unit. When fully staffed, the department employs 46 people. The department is administered by the Chief Probation Officer, who is assisted by the Deputy Chief Probation Officer. The Chief Probation Officer is principally concerned with departmental planning, community relations, responsiveness to the Court and to outside agencies dealing with probation issues. The Deputy Chief Probation Officer is mainly concerned with daily operations of the department, and the internal workings of and interactions between the different units. Below the Chief Probation Officer and the

Deputy Chief are five Supervisors, each overseeing the operations of one of the five previously mentioned units.

Factors influencing the environment

Of the five units in the Department of Probation Services, two are concerned with the supervision of probationers. They are the Supervision Unit, consisting of sixteen probation officers, and the Special Programs Unit, consisting of five officers. The Special Programs Unit is an intensive probation supervision unit, specializing in the areas of alcohol and drug abuse, and domestic violence and has a limited caseload size. The Supervision Unit oversees a wide range of probationers. The caseload of the Supervision Unit is diverse, in terms of types of crimes committed, and in terms of conditions of probation which must be monitored. Unlike the Special Programs Unit, which limits the size of its caseload, the Supervision Unit has no ceiling to its caseload and the influx of new referrals varies widely and is difficult to forecast. There is no significant seasonality or pattern to the referrals made by the Court.

The period of the past five years (1988 to 1993) has witnessed an increase in the number of probation referrals by a figure in excess of 10%. In addition to the issues raised by the increase in probation referrals, another factor influencing the environment of the department is the type of supervision now being required by the judges. Eight of the fourteen judges presently on the Court have taken their seats on the bench since 1988. These new judges each bring to the court an enthusiasm and an individualistic approach to sentencing. This means that each judge is more concerned with imposing a sentence in each case which is tailored to the demands of that case and the perceived needs of the

defendant. Thus, the demands placed on the Supervision Unit of the Department of Probation Services have diversified to include such things as making certain probationers obtain their GED, obtain a valid driver's license, attend defensive driving schools, take part in anti-theft programs, perform community service, make restitution to the victim in the case, and attend counselling for the personal issues which played a part in the probationer's involvement with the legal system. This is a considerable difference from years past, when probation supervision did not involve such an intense variety of terms and conditions for probation.

Another factor influencing the environment is the laws which have been passed influencing sentencing mandates for those who are convicted on charges of operating a motor vehicle under the influence of alcohol. For example, the legislature enacted Senate Bill 258 in July 1990, revising the OMVI law (ORC 4511.19) which increased the volume of OMVI cases to the Municipal Court as well as making probation mandatory with specific conditions of counselling and treatment.

The Problem

Increasing Caseloads

In the past, probation served as a quality sentencing alternative to incarceration. Not only was this sentencing alternative less costly to the community, but the caseload ratio of probation officers to clients was smaller. In those circumstances, probation provided an atmosphere of quality supervision which allowed much attention to be focused on the

probationers and their behavior. This motivated the probationers to change their behavior (and thus prevented recidivism). In recent years, however, the demand for probation supervision has far outstripped the resources of probation departments and community budgets. The result of this, in the cases of many convicted defendants, is that probation now is more of a minor inconvenience stemming from a criminal conviction than a sentencing tool which evaluates, directs, and monitors an individual's growth so as to prevent recidivism.

Probation officer caseloads continue to grow larger and larger. In the current situation, there is no indication that this problem will level off or improve in the foreseeable future. Instead, the problem will probably become worse, especially in view of the growing criminal trend and the concurrent political response of putting more and more law enforcement officers on the streets to deal with the increasing criminal activity. The result of these trends is the entry of more and more defendants into the criminal justice system. This will inevitably result in more and more referrals of cases to be supervised by probation officers. This is especially true in light of the persistent problem of jail overcrowding and in view of the public perception that it is unacceptable for a court to do nothing to punish or correct a defendant's unlawful behavior.

As a result of higher caseloads and the consequent strain on the ratio of probation officers to clients, the quantity and quality of probation supervision is being continually compromised and handicapped. This happens because resources which would increase the number of probation officers needed to supervise increased numbers of probationers simply are not available to many jurisdictions including the Franklin County Municipal Court Department of Probation Services.

Table I illustrates the considerable increase in the demand on the services of the Franklin County Municipal Court Department of Probation Services, as an example of the trends discussed above. Over the last seven years, the lowest number of cases received by the department was 5,309 in 1988, while the highest was 7,759 cases in 1992. Overall the trend has been toward a general increase in the number of cases from 5,881 in 1987 to 7,477 cases in 1993 (Franklin County Municipal Court, 1987, '88, '89, '90, '91, '92, & '93). The data presented in Table I produced no significant seasonal aspect of probation referrals, which indicates, for the purposes of this study, that the trend is a continual increase in the number of cases being referred for probation supervision.

These increases in probation referrals are consistent with national trends, as evidenced by a recent article in Business Week Magazine (Mandel, Magnusson, Ellis, DeGeorge, Alexander, et al.). According to the article, the number of violent crimes (murder, rape, robbery, and aggravated assault) committed in this country annually rose from about 1.3 million in 1982 to nearly 2 million crimes committed in 1992. The article cites a growing belief among economists that "expected punishment" has decreased to the point where, "Today, the expected punishment for committing a serious crime is only about 11 days -- half what it was in the 1950s." (Mandel, Magnusson, Ellis, DeGeorge, Alexander, et al.).

NEW PROBATION CASES RECEIVED - 7 YEAR STUDY 87-93

YEAR	JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL	AVERAGE
1987	538	490	657	611	468	455	483	452	501	454	373	399	5881	490.08
1988	503	423	484	438	425	441	435	485	436	421	396	422	5309	442.42
1989	632	428	522	404	519	469	382	460	462	489	436	376	5579	464.92
1990	522	422	585	563	608	539	523	584	477	560	573	444	6400	533.33
1991	599	531	553	598	540	438	456	580	508	481	496	436	6216	518.00
1992	623	472	766	629	642	674	697	694	650	719	560	633	7759	646.58
1993	688	574	630	770	619	598	612	610	649	612	576	539	7477	623.08
TOTAL	4105	3340	4197	4013	3821	3614	3588	3865	3683	3736	3410	3249		

Revenue Issues

The Department of Probation Services enjoys a very positive relationship with its funding source, the Columbus City Council. But, as is common everywhere, the department has been affected by budget constraints placed on the Council and on the Municipal Court. While the department has not actually experienced any cuts, there have not been many significant increases in the departmental allocation which would offset the increase in the number and type of cases being referred to the department. The relative standstill in resources, combined in tension with the increasing demand on the department's programs and facilities, has forced the department into a reactive stance and minimized the ability of the department to maintain a proactive posture, given its people-oriented mission. The department has always done everything possible to respond positively to these challenges.

Nevertheless, it is increasingly clear that additional revenue for the department, derived from alternative sources, must be found. While there may be several alternative methods of increasing revenues (grants are one example), the focus of this paper will be on the issues surrounding the implementation of a user fee program for the Franklin County Municipal Court. Such a program could enhance the services and programs offered by the Department to the Court, to the community, and to the clients of the Department.

The Service Problem

Mandel, Magnusson, et al. (1993), make a clear connection between criminal activity and certain types of needs which exist in society. Their connection points out that many offenders commit crimes related to their needs. Part of the role of probation

supervision has become the provision of programs which address those needs. Programs of this sort can include specialized supervision programs with limited caseloads for alcohol and drug abuse, domestic violence, drunk driving, theft offenders, special probation conditions (obtaining a high school equivalency diploma or a valid driver's license), and sex offenders. The increase in the demands upon probation departments and the increase in revenues for probation departments make it ever more difficult to sustain programs of this sort.

Recidivism

Recidivism, for the purposes of this paper, should be considered as an instance in which an individual who has been convicted of a crime subsequently goes out and commits another crime. A more narrow definition might be that the offender commits the same crime again or another similar crime. However, since so much of current crime seems to be alcohol and drug related, which establishes a common link between crimes, it is acceptable to use the first definition, which is that the convicted individual commits another offense. To view recidivism in this way is to take a more holistic philosophical approach to addressing the needs of the defendant and the community.

Glaser and Gordon (1990), determined that simply fining or sentencing a convicted offender to probation, without applying other penalties usually resulted in a much higher rate of recidivism than those instances where probation and a fiscal penalty were imposed simultaneously, or where a sentence including a fiscal penalty, probation and jail time was imposed.

In view of the fact that probation was never meant to be punitive, but rather to be corrective, the recent trends mentioned above have begun to interfere with probation's

corrective abilities, with the result that probation becomes more punitive in nature and not much of a punishment at that. Thus, sentencing alternatives which make probationers see their probation as something other than an inconvenience and which enhance its corrective aspects need to be found. The goal of probation supervision is to provide the probationer with an opportunity for rehabilitation and to prevent the probationer from returning to criminal activity.

The Solution

One of the recommendations made by Mandel, Magnusson, et al. (1993) for removing the incentive to criminal behavior is to improve the criminal process in order to make apprehension and conviction more likely. They suggest an increase in spending in these areas by one-third, or \$15 billion. They also add that \$5 billion (an increase of 20%) should be spent on prisons and jails. From a probation perspective, they also recommend that convicted criminals on probation be tested regularly for drug use, which would have the effect of reducing the number of repeat offenders.

Though there may be many possible solutions to the problem outlined above, the central issue, even for the recommendations of Mandel, Magnusson, et al., is still one of finance. How do jurisdictions come up with the money to implement these recommendations?

This paper is directed toward looking at probation user fees as part of the solution to the issues surrounding probation and probation supervision. Probation user fees are defined as a monthly assessment, beginning at the time of sentencing and lasting the duration of the offender's probation, which are designed to help offset probation

supervision costs. User fees have the advantage of enabling probation departments to draw revenues from alternative sources (mainly the user) while continuing or enhancing their supervisory activity.

This idea is not new. It originally began in Michigan in the 19th century when prisoners were made to bear the cost of their own medical treatment. Through the years the idea has grown, and by the middle of this century was fairly widespread. Table II indicates those states which, as of 1990, had legislation which permitted the levy of user fees on probationers.

1. Alabama	15. Nebraska
2. Arizona	16. Nevada
3. Arkansas	17. New Hampshire
4. California	18. North Carolina
5. Colorado	19. Oklahoma
6. Florida	20. Oregon
7. Idaho	21. South Carolina
8. Illinois	22. South Dakota
9. Indiana	23. Texas
10. Louisiana	24. Utah
11. Massachusetts	25. Vermont
12. Minnesota	26. Virgin Islands
13. Mississippi	27. Washington
14. Missouri	28. Wisconsin

Table II

In the State of Ohio, there is legislation currently pending before the General Assembly which will, if passed, enable jurisdictions within the State of Ohio to collect a user fee from the individuals they supervise on probation or parole. Subject to the passage of the legislation, a proposal must be developed to present to the executive branch of the

Municipal Court (the Judges) to implement a program of user fees in the Franklin County Municipal Court.

There is a considerable amount of diversity and complexity among the judges who make up Franklin County Municipal Court. There are also many ways in which the judges differ with respect to their sentencing philosophies. In view of this, it would be very shortsighted to prepare a proposal to implement user fees in the Court without obtaining a thorough understanding of what the Judges know about user fees. It is also critical to obtain an awareness of the Judges' perceptions and attitudes about user fees.

The diversity, complexity and philosophical differences would make it very difficult to predict, independently, what the Judges would do with a proposal to implement user fees. Therefore, a survey was prepared to ascertain the following information: 1.) the Judges' current perceptions of user fees; 2.) the current level of the Judges' supportiveness in light of their current perceptions; 3.) the Judges' concerns about user fees; 4.) the Judges' ideas about what the amount of the user fees should be; 5.) the Judges' ideas about how much community service should be performed by indigent offenders in lieu of a user fee; and 6.) the ways in which the Judges would like the user fees to be used to enhance the services of the Probation Department.

Because the implementation of user fees would impact various parts of the Court in other ways, such as training probation officers in the implementation of user fees and teaching them to deal effectively with their clients on this issue, it was important to determine how much education of probation officers and managers was needed prior to implementation. This was done by administering the same survey to the probation officers and managers.

The Survey Instrument

An Overview

In order to determine the general level of knowledge about user fees among the Franklin County Municipal Court Judges and staff of the Department of Probation Services, the Judges, probation officers and probation supervisors were surveyed. The survey was conducted from October to December 1993. Response rate among the Judges was 100%. and among the probation supervisors (excluding the author) 100%, and among the probation officers 96%.

The survey instrument consisted of seven questions designed to measure levels of knowledge and supportiveness, as well as concerns and potential fee amounts or, in the alternative, the number of hours of community service probationers should perform to fulfill a monthly obligation. One of the questions was designed to determine how the participants believed the revenues should be spent. An additional question invited the participants to make general comments on the subject of user fees. The comments were solicited in order to improve the proposal which would eventually result from this study.

Question One.

Question One on the survey utilized a Lickert scale in which participants were asked to indicate the level of their agreement or disagreement with eight concept questions relative to user fees. The scale for indicating the level of agreement ran from 1 to 5, where 1 represented strong agreement; 2 represented agreement; 3 represented neutrality; 4 represented disagreement; and 5 represented strong disagreement. Figure I below illustrates Question One:

I. Please pick a number from the scale to show how much you agree or disagree with each statement and jot it in the space to the left of the item.

Scale

1=Strongly agree

2=Agree

3=Neutral

4=Disagree

5=Strongly Disagree

- _____ User fees help with recidivism.
- _____ User fees alleviate probation overcrowding.
- _____ User fees assist in effective supervision of the correctional client.
- _____ 20% or less of all probation referrals are indigent.
- _____ User fees will overload court dockets with hearings.
- _____ User fees will make the Probation Officer become a collections agent.
- _____ User fees will not provide a sufficient increase in revenues to bring positive internal change about.
- _____ Fewer than 20 states have implemented user fees.

Figure I

The concept questions contained in Question One were designed to measure the level of knowledge which participants possessed about user fees. The eight concept questions broke down into three true statements (the first three) and five false statements (the remaining statements).

The first concept question deals with the issue of recidivism among probationers. Studies have shown (e.g., Glaser & Gordon, 1990) that when an individual has a monthly commitment of performance to a supervising agency, the likelihood of committing another offense is lowered. The concept question seeks to determine whether or not participants are aware of the function of user fees.

The second concept question addresses the issue of how user fees alleviate what is known as probation overcrowding. When sufficient user fee revenues are generated, and those user fees are applied to the employment of new probation officers, the ratio of officers to clients has been shown to drop (e.g., Finn and Parent, 1992).

The third concept question concerns the ways in which user fees assist in the effective supervision of probationers. When probationers are brought into the system, financial data is acquired which allows probation officers to know more about the clients. Throughout the duration of probation, when the client's fiscal situation changes, or if a client becomes delinquent in his or her monthly commitment, communication between the probation officer and the client is increased, which automatically enhances the quality of supervision.

The fourth concept question asks the participant to indicate a level of knowledge about indigent probation referrals. Because of the impact of user fees on indigent probationers, this question takes on special importance. In fact, based on the numbers of defendants represented by public defenders in the Court, the number of probation referrals of indigent individuals will be approximately 30% of all new probation cases received (Franklin County Public Defender, 1993; Clark, 1994). The level of knowledge among participants with regard to this issue is an important tool in establishing how much emphasis should be placed on the use of community service, and the staff required to facilitate such service, as an alternative to the user fee.

The fifth question seeks to determine whether or not participants believe that the implementation of user fees will overload court dockets with hearings. In accordance with the legislation now before the Ohio General Assembly, upon which this proposal is dependent, it will not be permissible to bring a probationer back before the Court simply for failure to pay the user fee. Other probation violations must occur before a probationer can be sent back to Court. At that time, it is acceptable to communicate the probationer's non-compliance with the user fee order.

The sixth concept question measures knowledge about what level of involvement will be required from probation officers if user fees are implemented; that is, will probation officers become collections agents? However, the level of successful collection of user fees will not be linked to probation officer performance in Ohio, as it has been in some states.

The seventh concept question measures participant knowledge about the level of change which is brought about in a probation department after the successful implementation of user fees. Numerous works (e.g., Finn and Parent, 1992; Baird, Holien & Bakke, 1986; and others) have shown that tremendous improvement takes place in probation programs where user fees have been implemented. As Baird, Holien & Bakke state:

"...fees have indisputably enhanced probation services and made community sanctions a more viable alternative to incarceration. In other areas of the country, fees have been used effectively to maintain at least a minimal level of service when traditional funding sources have reduced their support of probation." (page 36)

The eighth concept question seeks to measure the level of awareness with respect to how widespread the practice of probation user fees has become. In fact, 28 states have user fee programs (Parent, 1990).

Question Two

Question Two sought to measure the level of supportiveness or non-supportiveness expressed by survey participants. The range of the question, again based on a Likert scale, was from strongly supportive to strongly unsupportive. For the purposes of this study, neutrality, the middle of five choices, was viewed as non-supportiveness. Figure II illustrates Question Two of the survey:

II. Based on what you know about user fees, how much are you inclined to support their implementation in the Franklin County Municipal Court? (check only one)

- ☐ Strongly supportive
- ☐ Supportive
- ☐ Neutral
- ☐ Unsupportive
- ☐ Strongly unsupportive

Figure II

The information gained from responses to Question Two will be useful, in the light of the answers to Question One, in determining how much of a judge's opposition to or support of user fees is based on actual knowledge about user fees. It will also serve as an indicator of how much education will be needed for Judges and probation staff as a foundation for a proposal to implement user fees in the Franklin Municipal Court Department of Probation Services.

Question Three

In an effort to gauge the levels and variety of concerns which Judges and probation department administrators and officers have about the potential implementation of user fees, Question Three attempted to identify what concerns the survey participants have. Question Three was designed to further explore the link between level of knowledge and supportiveness, but exploring areas of possible concern which are linked to the questions which measured knowledge in Question One.

First the question seeks to know whether the participants have any concerns at all. If the participant's answer is affirmative, the question targets several general concerns derived from study of literature about the issue and from recorded experience of other

jurisdictions which have already implemented user fees. In addition, participants were given the opportunity to specify concerns which the survey might not have identified. Figure III illustrates the question and the list of possible concerns which participants might have about user fees.

III. Do you have concerns about the implementation of user fees within your court?

_____ yes, if yes check all concerns that apply.

_____ no, skip to question IV.

	<i>possible concerns</i>
_____ political ramifications	_____ managing of revenues
_____ docket overload	_____ decrease in quality of supervision by
_____ constitutionality of user fees	the probation officer
_____ disposition of revenues	_____ relative impact of user fees
_____ burden on the defendant	_____ other, specify: _____

Figure III

The list of concerns allows the participants to select from broad categories, broken into three general areas: judicial concerns, administrative concerns, and probation supervision concerns. The judicial concerns would include the political ramifications, docket overload, constitutionality, and defendant burden. The administrative concerns would include revenue disposition, management of revenues, quality of probation supervision (adverse impact on supervision quality), and the relative impact of user fees. The probation supervision concerns would include defendant burden, adverse impact on supervision quality, and the relative impact of user fees.

The links between the areas of possible concern and the questions which measure level of knowledge included:

Concern About
 Docket Overload
 Constitutionality
 Revenue Disposition
 Defendant Burden
 Managing Revenues
 Adverse Impact
 Relative Impact

was tied to

Level of Knowledge In Question One
 fifth question
 eighth question
 seventh question
 fourth question
 seventh question
 third and sixth questions
 seventh question

Questions Four and Five

Questions Four and Five are linked because they both deal with participants' opinions about what the amount of the monthly user fee should be. Question Four is designed to prompt the participants to begin thinking about potential ranges for the amount of a user fee with the parameters set by House Bill 406. The bill intends to set a maximum allowable user fee at \$50.00 per month. The amount of the class width in this question is \$4.99, which was chosen because it seemed to be an appropriate amount for distinguishing between the classes.

Question Five is designed to allow the survey participants to be specific with respect to the amount of the user fee, and will be utilized to obtain the minimum, maximum, mean, median and mid-range figures cited in the survey results (see Appendix C). Figure IV illustrates Questions Four and Five from the survey.

- IV. If the Franklin County Municipal Court implements monthly user fees, approximately how much should the user fee be? (check one)
- | | | | |
|---|---|---|---|
| <input type="checkbox"/> \$ -0- to \$4.99 | <input type="checkbox"/> \$15.00 to \$19.99 | <input type="checkbox"/> \$30.00 to \$34.99 | <input type="checkbox"/> \$45.00 to \$49.99 |
| <input type="checkbox"/> \$5.00 to \$9.99 | <input type="checkbox"/> \$20.00 to \$24.99 | <input type="checkbox"/> \$35.00 to \$39.99 | <input type="checkbox"/> \$50.00 |
| <input type="checkbox"/> \$10.00 to \$14.99 | <input type="checkbox"/> \$25.00 to \$29.99 | <input type="checkbox"/> \$40.00 to \$44.99 | |
- V. Specifically how much do you believe the monthly user fee should be? \$ _____

Figure IV

Question Six

House Bill 406 provides for an alternative to the imposition of a user fee in the event that the defendant is determined to be indigent. That alternative is that the defendant shall perform community service in lieu of paying the user fee. Question Six, therefore, seeks to determine how much community service survey participants believe should be performed by indigent defendants. The class widths are divided into eight hour segments, based on the length of a work day. Figure V illustrates Question Six.

VI. If a probationer is determined to be indigent, how many hours of supervised community service should they perform per month in lieu of paying a user fee and in addition to any community service hours ordered as part of a sentence?

_____ 0- to 8 hours	_____ 25 to 32 hours
_____ 9 to 16 hours	_____ 33 to 40 hours
_____ 17 to 24 hours	_____ other (Specify) _____

Figure V

Question Seven

Question Seven is a multiple choice question which seeks to accomplish two things. The first is an attempt to obtain an awareness of the common perceptions of the Judges and probation staff about areas that could be enhanced within the probation department. The other is to stimulate the participants' thinking about the possibilities user fees might have for the Probation Department.

House Bill 406 provides for several ways in which the money derived from probation can be spent by a supervising agency to enhance its services and activities. Those various spending options are identified in the question and include an opportunity for survey participants to identify other possible spending directions. Question Seven is illustrated in Figure VI below.

VII. In what ways should user fees revenues be spent to enhance your probation department? (check all that apply)

- ☐ Improve technological support.
- ☐ Special programs to increase supervision.
- ☐ Increase number of probation officers.
- ☐ Increase number of support staff personnel.
- ☐ Provide training opportunities for the probation staff.
- ☐ Special recruitment and retention programs.
- ☐ Departmental discretion.
- ☐ Other, please specify. _____
- _____
- _____

Figure VI

Question Eight

Question Eight provides participants with an opportunity and space to write additional comments if they choose to do so. The responses to this question will assist in the preparation of the proposal when it is designed. Question Eight is illustrated in Figure VII below.

VIII. If you have any additional comments on the subject of user fees, they will be welcomed as I prepare a proposal on this topic. Thank you again for your participation.

comments

Figure VII

CHAPTER IV

ANALYSIS OF THE DATA

The Survey Data

The responses to the survey are divided into three categories in accordance with the type of respondent in each case. The following examination of the responses follows the same format. A complete table of the responses to the survey may be found following Appendix C. The Coding Master for the survey (divided into two parts: the Judges in one and the probation officers and Management Team in the other) is found behind Appendix D.

Question One.

To summarize, Question One was designed to measure the level of knowledge survey respondents possessed about user fees. The concepts measured included knowledge about recidivism, probation overcrowding, effective probation supervision, probation referrals in cases of indigency, docket overload, the role of the probation officer in the collection of fees, relative impact of revenues from user fees, and knowledge about how widespread the practice of user fee collection is.

Judges' scores ranged from a low of 0% to a high of 50%. The mean score for the 14 judges was 18%. The Chief Probation Officer, the Deputy Chief Probation Officer and the Supervisors who make up the Management Team (M.T.) scored between a low 38%

and high score of 63% with a mean of 50%. The Probation Officers' scores ranged from 0% to 50% with a mean score of 29%.

Question Two

The data obtained from responses to Question One will shed light on the information gained from Question Two by serving as an indicator of how much education will be needed for Judges and probation staff as a foundation for a proposal to implement user fees in the Franklin Municipal Court Department of Probation Services.

In response to Question Two, Judges indicated a 64% level of supportiveness of the concept. The 36% remaining indicated their neutrality in contrast to opposition. The level of support of the Management Team was 100%. Among probation officers, 48% were supportive of the concept, while 52% were either neutral or unsupportive. When the probation officer respondents were divided into two groups (i.e., those with more than two years of service and those with less than two years of service) the more senior probation officers indicated a 77% level of support, and the officers with less than two years of experience communicated 17% support rate, but an 83% rate of neutrality or unsupportiveness.

Question Three

Question Three sought to measure the possible concerns respondents may have about the implementation of user fees. The list allowed the participants to select from broad categories, generally centered around three areas: judicial, administrative, and probation supervision concerns. The judicial concerns included the political ramifications, docket overload, constitutionality, and defendant burden. The administrative concerns

included revenue disposition, management of revenues, quality of probation supervision (adverse impact on supervision quality), and the relative impact of user fees. The probation supervision concerns included defendant burden, adverse impact on supervision quality, and the relative impact of user fees.

Responses to Question Three emerged in the following manner:

<u>Concern</u>	<u>Judges</u>	<u>Managers</u>	<u>Probation Officers</u>
<i>Political</i>	0%	0%	16%
<i>Docket Overload</i>	14%	17%	28%
<i>Constitutionality</i>	21%	0%	20%
<i>Revenue Disposition</i>	21%	50%	44%
<i>Defendant Burden</i>	79%	33%	44%
<i>Managing Revenues</i>	57%	33%	56%
<i>Adverse Impact</i>	7%	17%	24%
<i>Relative Impact</i>	50%	17%	36%

Questions Four and Five

As indicated in Chapter Three, Questions Four and Five are purposely linked to each other. Question Four was designed to prompt the participants to begin thinking about potential ranges for the amount of a user fee. Question Five allowed the survey participants to specify an amount for the user fee.

Of the Judges responding to Questions Four and Five, only seven specified a discrete user fee amount. Of those seven, the lowest amount suggested was \$5.00 and the maximum was \$50.00. The mean was \$16.43, the mid-range was \$27.50 and the median was \$10.00. Of the remaining Judges, most indicated their belief that a graduated scale

should be used to determine the amount of any user fee. One Judge wrote in response that the fee should be reflective of a percentage of the system cost.

Among the probation officers and members of the Management Team, all participants responded by providing discrete numbers, due to the greater amount of control within the survey environment. Among the supervisors, the minimum amount was \$5.00 and the maximum was \$25.00. The mean was \$10.83, the mid-range was \$15.00, and the median was, again, \$10.00. The probation officers' minimum amount was \$0.00 and the maximum was \$50.00. The mean was \$11.72, the mid-range was \$25.00 and, once again, the median was \$10.00.

Question Six

Question Six seeks to determine how much community service work survey participants believe should be performed by indigent defendants who are not able to pay a probation fee.

When asked about community service hours in lieu of user fees, five of the Judges (36%) thought the appropriate amount should be between 0 and 8 hours. Three Judges (21%) felt the amount of community service performed should be between 9 and 16 hours. One Judge (7%) felt indigent defendants should serve between 33 and 40 hours of community service if they could not pay a user fee. Four of the Judges (28%) felt the decision should be based on criteria other than number of hours served. Two of the Judges believed the decision should be based on an hourly rate. One judge did not answer this question.

Four of the members of the Management Team (67%) felt that the number of hours of community service should be between 0 and 8. The other two Management

Team members (33%) felt that the amount of community service should be between 33 and 40 hours. Probation officers responded in the following manner: Nine (36%) believed the amount of community service should be between 0 and 8 hours; three (12%) selected a figure between 9 and 16 hours; four (16%) chose a number between 17 and 24 hours; 1 (4%) believed the amount served should be between 25 and 32 hours; and two (8%) believed the amount should be between 33 and 40 hours. Five probation officers (20%) felt the amount of time worked in community service in lieu of fees should be assigned on the basis of other criteria. Three felt the figure should be linked to the minimum wage. One believed it should be decided on a case-by-case basis. One respondent was not certain how the assignment of community service hours should be made.

Question Seven

Question Seven sought to accomplish two things. First, the question sought to identify areas that could be enhanced within the probation department. Second was an attempt to stimulate participants' thinking about the possibilities user fee revenues might have for the Probation Department.

Responses to Question Seven were broken down in the following manner:

<u>Use of Revenues</u>	<u>Judges</u>	<u>Managers</u>	<u>Probation Officers</u>
<i>Technical Support</i>	57%	100%	80%
<i>Special Programs</i>	57%	33%	52%
<i>Increase Number of PO's</i>	64%	83%	44%
<i>Increase Support Staff</i>	57%	100%	48%
<i>Staff Training</i>	50%	50%	64%
<i>Recruitment/Retention</i>	29%	50%	44%
<i>Department Discretion</i>	36%	67%	40%
<i>Other</i>	14%	50%	40%

Among those respondents who suggested uses for the revenues in the "other" category some of the suggestions included paying for special programs, increased audio-visual media resources; improved record storage and retrieval; setting aside funds for treatment of indigent probationers, and other probation supervision enhancements. Several probation officers indicated their belief that revenues should be used to increase probation officer salaries.

Question Eight

Question Eight provided participants with an opportunity and space to write additional comments to assist the author in the eventual design of the proposal.

Four of the Judges responded with specific comments in this question. One Judge wrote, "I would be more receptive to an across-the-board community service requirement and a one-time fee assessed per a sliding scale."

Another Judge wrote, "My main concern is whether or not the duties to handle and process fee collection would overwhelm the department and compete unfairly with other responsibilities."

One Judge was very concerned about the user fee's impact on OMVI (Operating a Motor Vehicle under the Influence of alcohol or drugs) offenders. The Judge wrote, "One of my chief concerns is that user fees will overburden the OMVI offender, esp. [sic] those that pay for treatment. My support for user fees is much [sic] greater if we exclude OMVI offenders from the payment requirement."

The last Judge wrote, "If the court system were to implement such a plan, the monies should be used to help staff work more effectively and efficiently w/our [sic]

probationers. Additional technological support and additional training and education of staff should be primary benefits sought from the user fee plan."

Among the members of the Management Team of the Department, the comments were generally favorable. One manager wrote, "...it seems to me that anything of value, that's important, costs money. I think it only fair and a part of rehabilitation that user fees be granted and placed on probationers and for pre-sentence investigations. In most cases the probationer will feel that cost added to probation is more important and seek to complete the probation period or comply with a pre-sentence investigation." Another said that the project would be "...intensely valuable to the court, the department and the defendant."

Many probation officers responding to Question Eight indicated that they would want more information about user fees. Probation officers showed a great deal of reflection in responding to the question, as in the case of the officer who wrote the following, "If this department does accept the responsibility of user fees, I believe they should be kept to a minimum. Most of our clients are not indigent but are usually not making over \$20,000. Of course, there are exceptions. Because our department is very treatment orientated [sic] I believe this could be another hardship for most clients. Although for some it may be a recidivism tool. I believe currently just being placed on probation and fulfilling court requirements is enough. My point is for most clients this would be a burden. The question is, does the court want to make probation stricter with more consequences for a conviction [sic]. First analyze this issue. The hardship for the probation officer is being treatment orientated [sic] and at the same time enforce with limited funds from the client."

Another officer was equally reflective, and wrote, "User fees could provide a pool of money for ongoing staff training which is not presently provided. This should enhance officer performance and client services. User fees could also allow more specialization or intense supervision for high volume criminal supervision."

Analysis of the Data

Conclusions from Question One

Individual responses to Question One from each participant in the survey can be found after Appendix D. Based on the scores (from individual participants, as well as collectively) it is clear that a considerable amount of education must be a part of submitting a proposal to implement user fees.

Specific areas of education, as tied to the survey questions, will have to include all the issues identified in the survey. Respondents are clearly unaware that user fees have been demonstrated to help reduce recidivism. Likewise they seem not to know that revenues from user fees, if employed to provide additional probation officers, can actually help to reduce probation overcrowding. In a related concern, respondents did not know that user fees can aid in effective client supervision. Respondents were not well-informed about issues related to the number of indigent clients served by the department, as based on information supplied about public defender in the Municipal Court.

Relative to administrative issues, the respondents did not know what impact user fee implementation would have on court dockets, functions of the probation officer, or the amount of income which could be generated. Several respondents seemed to be concerned that implementing user fees would result in overcrowded dockets, and in diverting

probation officers from their traditional roles. With respect to the last question (whether or not user fee implementation would bring about change), probation officers and Management Team members showed a marked and singular belief that user fees could result in positive internal change. Judicial respondents were not so optimistic. Obviously, the judges will need to be shown the ways in which user fees have brought about positive internal change in other jurisdictions. Tied to that is the need to design the proposal and the program in such a way that positive change does occur.

The question which resulted in the most surprising responses was the final question in Question One. Extremely few respondents (1 judge, 1 Management Team member, and no probation officers) knew how many states have now implemented user fees. That 28 states have done so thus far should be a clear and adequate response to concerns about constitutionality, feasibility, acceptability, and success of user fees.

The results obtained from Question One strongly demonstrate the need for an effective and persuasive approach to the education of the Judges, Probation Management Team members, and probation officers about user fees. To omit an education component would clearly diminish the chances for smooth and completely successful implementation. It would not be enough to have the support of those surveyed. It is necessary to have their support based on well-informed decision making so that as the program grows and develops over its rough spots, the Judges and Probation Department personnel will have the patience to stand by their original commitment to the idea.

Conclusions from Question Two

Question Two measured the level of support among respondents for the concept of user fees. It was important to try to gauge the level of support and to compare that

information with the results gained from Question One, which measured the level of knowledge respondents possessed. The goal was to determine what, if any, lack of support for user fees was governed by an inadequate amount of knowledge. The data obtained, after being reviewed, shed light on how much of a role education would have to play in a successful proposal presentation.

Among the groups surveyed, the level of support generally rose or fell in tandem with the level of knowledge possessed. The group with the highest score for level of knowledge (the Management Team) also had a high level of support for the idea. Among other Probation Department staff, this trend continued. However, the Judge respondents had a rather high level of support for the idea, but also turned in the lowest score for level of knowledge. No explanation for this anomaly was readily apparent.

Conclusions from Question Three

The data obtained from Question One will also help to inform the evaluation of the data obtained from Question Three. Generally, Question Three indicates that a high level of concern was tied to a low score on the level of knowledge. It was important to identify those areas about which the respondents had concerns, since those concerns would have to be factored into any preparation for an educational part of the proposal.

Across the groups surveyed, a low level of knowledge seemed to serve as an indicator of a high level of concern on the part of the respondents. For example, the Judges' level of knowledge was 18% and the number of judges who were concerned was 79% of those surveyed. A comparison of that information with other results in this category revealed a trend. For example, in comparison to the Judges' results, the Management Team had a level of knowledge of 50%. The number of managers having

concerns about the imposition of user fees was 50%. Among probation officers, generally, the level of knowledge was 29%, where the number of officers with concerns was 84%.

Question Three was designed to examine in greater depth the link between the level of knowledge and supportiveness for user fees. This was accomplished by exploring the areas of possible concern as they are linked to the questions which measured knowledge in Question One. The linkages between the areas of concern and the questions which measured level of knowledge included the following:

<u>Concern About</u>	was tied to	<u>Level of Knowledge In Question One</u>
Docket Overload		fifth question
Constitutionality		eighth question
Revenue Disposition		seventh question
Defendant Burden		fourth question
Managing Revenues		seventh question
Adverse Impact		third and sixth questions
Relative Impact		seventh question

One thing made very clear by examining the data from Question Three was that education and knowledge help to alleviate concerns expressed by the respondents. This is true because generally the data tended to suggest that a higher level of knowledge meant a lower level of concern. This was very instructive in terms of thinking about the educational approach of the proposal and in thinking about the subsequent application of a user fee program in the department.

Conclusions from Questions Four and Five

Based on the results obtained from Questions Four and Five of the survey, and utilizing the median amount specified by all the respondents, the normal user fee would be

\$10.00 per month. Because some respondents (judges) indicated their belief that a graduated scale should be employed, the median figure of \$10.00 per month was chosen as high end of the user fee range. Other amounts, on a graduated scale, were selected and include \$7.50, and \$5.00.

Conclusions from Question Six

The results obtained from respondents' answers to Question Six indicated that one eight hour day per month seemed to be the most reasonable and popular amount of community service work to be performed in lieu of paying a user fee if the probationer is indigent. The disparity between the amount of the monthly user fee and the amount of community service work performed each month exists because of a belief that more probationers, regardless of financial status, will opt to pay the smaller monthly user fee instead of performing eight hours of community service per month.

Conclusions from Question Seven

The areas from which the respondents were asked to indicate how they felt the revenues from user fees should be spent included technological support, special programs, an increase in the number of probation officers, an increase in the number of support staff, training for staff, recruitment and retention of staff, and departmental discretionary spending. Among the Judges, there was no one particular favorite. Sixty-four percent of the judges selected an increase in the number of probation officers. Second, 57% of the judges chose technological support, special programs, and an increase in the number of support staff as the areas where user fee revenues should be spent. Fifty percent favored training for staff.

As reflected in their answers to Question Seven, the Judges' perceptions of the Probation Department's strengths and weaknesses seem to indicate that they do not especially believe that the Probation Department is in serious need of improvement in any specific area. In spite of that, their responses do tend to indicate that a general improvement should be pursued, with special emphasis on the hiring of additional probation officers and support staff, as well as improvements in technology and staff training. They also clearly have an interest in the development of additional special programs to assist in the supervisory activity of the department.

Among the members of the Management Team, 100% of the respondents felt that the revenues should be spent on improvement of technological support or on an increased number of support staff. Just behind that, 83% also felt that additional probation officers were needed. It is hardly surprising that the Management Team indicated a 67% level of support for department discretion in the expenditure of the revenues.

The conclusion to be reached from this is that the Management Team believes that while staff is needed to meet the demand placed on the department, the more critical need is for the tools with which the staff must do the job. This is further supported by the relatively high level of support which technological support received from the Judges, and also from the probation officers (80% - their highest response rate). It is equally clear that the Management Team members place a high priority on obtaining additional probation officers and support staff, an opinion they evidently share with the Judges.

The probation officers, at 80%, gave their highest level of support to improved technological support, as indicated above. The area which was the second highest level of interest among the probation officers was the idea of improved training for staff in the Probation Department. This is especially interesting, since this category was ranked

somewhat lower by the other groups of respondents. The third most supported area of interest among probation officers was special programs, at 52%. In this they agree to some extent with the judges, who also rated this category somewhat highly.

Two categories which did not fare well uniformly were departmental discretionary spending of revenues, and recruitment and retention of staff. A third area, training for staff, did not fare well among the Judges and the Management Team, but was supported by 64% of the probation officers. This information may be helpful in developing an incentive for encouraging officers to address this issue as a condition of probation, that is, motivation to perform is provided by the reward of additional training for staff.

Conclusions from Question Eight

In responding to Question Eight, the individuals surveyed (except probation officers with less than two years experience) were generally supportive of the concept. This is encouraging in relation to the development of a proposal. However, some specific concerns needing to be addressed within the scope of the proposal surfaced in the answers to this question. Specifically, those concerns seemed to center around the need for more education about user fees for judges, Management Team members and especially probation officers. In addition, those respondents who did make comments in Question Eight indicated a broad support for using revenues from user fees for training for staff, and as a correctional tool.

It seems clear, then, that the information from Question Eight, as related to the proposal, supported the need for education about user fees, as well as the need to specify how the money will be used and in what ways the fees will help as a correctional tool.

Chapter Summary

The survey results indicate that there is a significant amount of support, within the Franklin County Municipal Court, for the implementation of a user fee program, pending the passage of the enabling legislation by the Ohio General Assembly. Equally across all groups of respondents, one thing became quite clear. Where respondents had a high level of concern with regard to a particular aspect of user fee programs, they also had a corresponding low level of knowledge about that aspect. This leads to the conclusion that education will be vital to the success of proposal and the implementation of the program.

Although there was a wide range of divergence across respondent groups with respect to what the amount of user fees should be, the median amount was constant at \$10.00 per month. However, since a significant number of the Judges, as well some other respondents, indicated their support for a graduated scale of fees and not for one set fee, it would seem that the proposal ought to offer a range of fees, with \$10.00 per month as a maximum. In cases where community service work will be performed in lieu of a monthly user fee payment, the survey respondents clearly expressed their support for a level of community service work not to exceed eight hours per month.

With respect to ways in which revenues generated from user fees should be spent, the category of increased technological support was most heavily selected by respondents. Also receiving heavy support among most respondents were the categories of increasing the number of support staff and probation officers. Not as heavily supported across all groups, but significantly supported in any case, were the categories of training for staff and special programs.

These conclusions, based on the information obtained from the survey, will be an effective tool in the design of the proposal, in order that the proposal will meet with maximum possible success. This extends not only to the approval of the proposal, but also, and more important, to the implementation and application of the proposal in the future.

CHAPTER V

THE PROPOSAL AND JUDICIAL SUMMARY

Overview

This chapter will discuss how to implement probation user fees within the Franklin County Municipal Court Department of Probation Services. It will examine the development and presentation of the proposal to implement probation user fees. The proposal will include guidelines covering virtually every aspect of implementation. It will also provide suggestions for probation supervision procedural enhancements designed to improve the efficiency and effectiveness of the program and the department.

Content of the Proposal

The proposal will encompass three principal subject areas. These subjects are 1) those things which must be done prior to implementation of a user fee program in order put the user fee mechanism in place; 2) administrative concerns which must be addressed by the judges and the managers in the Probation Department; and 3) monetary issues, which consist of the collection, disbursement, and revenue projections for the Franklin County Municipal Court Department of Probation Services.

This chapter will take the shape of the proposal as it is to be presented to the judges of the Franklin County Municipal Court pending the successful passage of House Bill 406 by the Ohio General Assembly. This will ensure that the reader receives a complete view of the proposal as it will be presented.

The proposal will consist of an extensive document detailing all the issues described in the paragraphs above. In addition, the proposal will contain a brief summary of the

larger document. The summary will be presented to the judges as an overview. The overview will provide the judges with all the necessary data and information in a compact and readable format. This should enable the judges to reach an informed decision while at the same time avoiding the consumption of an excessive amount of their valuable time.

In spite of the provision of an executive summary for the judges, the vast majority of this proposal is written using terminology and procedural references which are specific to the Franklin County Municipal Court Department of Probation Services. In view of this, it is apparent that some detailed knowledge of the working environment of the Department of Probation Services is necessary to understand fully the terms being used. Those for whom this proposal is ultimately prepared have that understanding and are familiar with the environment in the Court and in the Department of Probation Services. Nevertheless, those who read this paper and are not familiar with the terminology and practices of the Court will be able to benefit from the majority of the information and concepts contained in this paper.

The results of the survey detailed in previous chapters serve as the guide for informing the content of the proposal. Because of this, education about probation user fees and user fee programs will be a foundation for the proposal. Education of those involved with probation user fees will be provided in writing in the proposal, orally through formal presentations, and individually through interaction with judges, Management Team members, and probation officers.

**A PLAN TO IMPLEMENT USER FEES WITHIN
THE FRANKLIN COUNTY MUNICIPAL COURT,
DEPARTMENT OF PROBATION SERVICES:
RECOMMENDATIONS TO THE FRANKLIN
COUNTY MUNICIPAL COURT**

**by
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Probation Department Supervisor
Franklin County Municipal Court
Department of Probation Services
Columbus, Ohio**

1994

This proposal to implement user fees in the Franklin County Municipal Court Department of Probation Services is designed based on the following:

1. Enabling legislation which permits such a condition of probation.
2. Research on the topic of user fees and court sanctions.
3. Results of the survey in which the judges, probation Management Team members, and probation officers took part during the last quarter of 1993.
4. Knowledge about the Court, the Probation Department, correctional supervision, and the macro-environment which impacts the Court.

Utilizing the above mentioned sources to prepare such a program for the Franklin County Municipal Court, a user fee program has been designed to provide the following at little or no significant addition of workload to court dockets:

1. Enhanced supervision and increased accountability for defendants.
2. Greater meaning given to the Judgment Entry of Probation.
3. Enhanced revenue for the Franklin County Municipal Court Department of Probation Services.
4. Decreased recidivism.
5. Help probation officers to motivate clients, learn more about their clients, and to generally enhance the client/officer relationship.

Prior to the implementation of a user fee program, several foundational concepts should be reviewed to allow a program of this magnitude to begin and grow with the least amount of difficulty.

The proposal will consist of several components to assist in understanding user fees and how they would be implemented within the Franklin County Municipal Court Department of Probation Services. The first component will take the form of an outline to review the items below, as well as charts and forms to guide the development of a user fee program:

- I. What is required to be in place prior to implementation of user fees.
- II. Education of the judges and the probation staff required to help insure the success of this program. This is determined as a result of the level of knowledge as well as the concerns that were expressed in the survey results.
- III. Once the user fee program is approved, but prior to its implementation, there are still several other fundamental tasks that will need to be performed so that the program may be efficient and effective.
- IV. The method of collection of user fees.
- V. Revenue projections.

A flow chart is also included, as the second component, to assist in understanding the chronological order in which the user fee program implementation would occur.

The third component will appear in the format of question and answer to further assist understanding of the user fee program.

The concluding section of this proposal will consist of a brief version of the proposal in the form of an Executive Summary, highlighting the program, to inform the judges. The entire proposal as well as the entire project (the research, the survey results, and the analysis of the survey) will also be available to them.

USER FEE PROPOSAL

COMPONENT ONE

User Fee Outline

- I. What is required to be in place prior to the implementation of user fees:**
 - A. The City of Columbus Information Center must prepare a computer program to implement user fees. This program should be versatile enough to do the following:**
 - 1. This program must allow input for data entry by either the Probation Department and/or the Clerk of Courts Office.**
 - 2. This program must reflect compliance either by the payment of the user fee or by the entry of compliance with supervised community service hours.**
 - 3. This program will also need to generate non-compliance notices on the monthly anniversary date on which probation would expire.**
 - 4. The program should also be modifiable so that if the defendant is on order-in status or, if requested by the probation officer, the case may be removed from the user fee condition so that non-relevant paper work is not generated.**
 - 5. The program should maintain statistical data including collection ratios as applied to various criteria identifying client groups.**

The following three pages give examples of the type of statistics which should be collected, as well as examples of reports which might be produced on a monthly basis to relate collection ratios for the department as well as for individual probation officers.

INFORMATION CENTER STATISTICS

- A. # OF CLIENTS ELIGIBLE TO PAY THE USER FEE
- B. # OF CLIENTS SET UP TO PAY THE USER FEE
- C. # OF CLIENTS PO'S HAVE WAIVED
- D. # OF CLIENTS WILLFULLY NON-COMPLIED
- E. # OF CLIENTS PAYING \$10.00
- F. # OF CLIENTS PAYING \$ 7.50
- G. # OF CLIENTS PAYING \$ 5.00
- H. # OF CLIENTS DOING S.C.S.
- I. # OF CLIENTS IN COMPLIANCE
- J. # OF CLIENTS IN NON-COMPLIANCE
- K. AMOUNT COLLECTED

USER FEE COLLECTION RATIOS:

B/A

OF CLIENTS SET UP TO PAY THE USER FEE / # OF CLIENTS ELIGIBLE TO PAY THE USER FEE

I/B

OF CLIENTS IN COMPLIANCE / # OF CLIENTS SET UP TO PAY THE USER FEE

K/I

AMOUNT COLLECTED / # OF CLIENTS IN COMPLIANCE

(K/I) x B

(AMOUNT COLLECTED / # OF CLIENTS IN COMPLIANCE) x # OF CLIENTS SET UP TO PAY THE USER FEE

C/A

OF CLIENTS PO'S HAVE WAIVED / # OF CLIENTS ELIGIBLE TO PAY THE USER FEE

D/A

OF CLIENTS WILLFULLY NON-COMPLIED / # OF CLIENTS ELIGIBLE TO PAY THE USER FEE

H/A

OF CLIENTS DOING S.C.S. / # OF CLIENTS ELIGIBLE TO PAY THE USER FEE

VARIOUS RELATIONSHIPS BETWEEN THE USER FEE STATISTICS

$$(E+F+G+H) = I+J$$

OF CLIENTS PAYING \$10.00 }

+ # OF CLIENTS PAYING \$ 7.50 }

+ # OF CLIENTS PAYING \$ 5.00 }

+ # OF CLIENTS DOING S.C.S }

=

OF CLIENTS IN COMPLIANCE

+ # OF CLIENTS IN NON-COMPLIANCE

$$A = (B+C+D+H)$$

OF CLIENTS ELIGIBLE TO PAY THE USER FEE: - # OF CLIENTS SET UP TO PAY THE USER FEE

+ # OF CLIENTS PO'S HAVE WAIVED

+ # OF CLIENTS WILLFULLY NON-COMPLIED

+ # OF CLIENTS DOING S.C.S

$$B = (E+F+G)$$

OF CLIENTS SET UP TO PAY THE USER FEE =

OF CLIENTS PAYING \$10.00

+ # OF CLIENTS PAYING \$ 7.50

+ # OF CLIENTS PAYING \$ 5.00

= # OF CLIENTS IN COMPLIANCE

+ # OF CLIENTS IN NON-

COMPLIANCE

An example of the information center printout for the entire department as well as each probation officer follows.

SAMPLE OF INFORMATION CENTER STATISTICAL REPORT GENERATED MONTHLY

MUNICIPAL COURT PROBATION USER-FEE COMPLETION STATISTICS - SUPERVISION UNIT

RPT ID: _____
DATE: __/__/__ TIME: __:__

ENTIRE DEPARTMENT:

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTAL</u>
A. # OF CLIENTS ELIGIBLE TO PAY THE USER FEE													
B. # OF CLIENTS SET UP TO PAY THE USER FEE													
C. # OF CLIENTS PO'S HAVE WAIVED													
D. # OF CLIENTS WILLFULLY NON-COMPLIED													
E. # OF CLIENTS PAYING \$10.00													
F. # OF CLIENTS PAYING \$ 7.50													
G. # OF CLIENTS PAYING \$ 5.00													
H. # OF CLIENTS DOING S.C.S													
I. # OF CLIENTS IN COMPLIANCE													
J. # OF CLIENTS IN NON-COMPLIANCE													
K. AMOUNT COLLECTED													\$

USER FEE COLLECTION RATIOS:

B/A.....
I/B.....
K/I.....\$
(K/I) x B.....\$
C/A.....
D/A.....
H/A.....

SAMPLE OF INFORMATION CENTER STATISTICAL REPORT GENERATED MONTHLY

MUNICIPAL COURT PROBATION USER-FEE COMPLETION STATISTICS - SUPERVISION UNIT

RPT ID: _____
DATE: __/__/__ TIME: __:__:__

PROBATION OFFICER: _____

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTAL</u>
A. # OF CLIENTS ELIGIBLE TO PAY THE USER FEE ...													
B. # OF CLIENTS SET UP TO PAY THE USER FEE													
C. # OF CLIENTS PO'S HAVE WAIVED													
D. # OF CLIENTS WILLFULLY NON-COMPLIED													
E. # OF CLIENTS PAYING \$10.00													
F. # OF CLIENTS PAYING \$ 7.50													
G. # OF CLIENTS PAYING \$ 5.00													
H. # OF CLIENTS DOING S.C.S													
I. # OF CLIENTS IN COMPLIANCE													
J. # OF CLIENTS IN NON-COMPLIANCE													
K. AMOUNT COLLECTED													\$

79

USER FEE COLLECTION RATIOS:

B/A.....

I/B.....

K/I.....\$

(K/I) x B.....\$

C/A.....

D/A.....

H/A.....

- II. Education of the judges and the probation staff is required to help ensure the success of this program. This is determined by ascertaining the level of knowledge as well as the concerns which were expressed in the survey.
- A. The method of educating the judges and probation staff may take on numerous dimensions.
1. By providing them with a copy of the research project which encompasses the user fee proposal.
 2. By providing an oral presentation at a judges' meeting as well as at a probation officers' meeting.
 3. By speaking individually to various judges and probation officers.
- B. The topics of education between the judges and the probation officers vary.
1. The judges' education will review the topics of:
 - a. Decrease in recidivism.
 - b. Revenue projections which prove favorable enough to offset any inconvenience that may be caused by the implementation of user fees.
 - c. Managing the revenues
 - d. Plans for the revenues which will increase staff and services and provide other enhancements for the Department of Probation Services.
 - e. The concept of a monthly sanction enhances the supervision of a correctional client. A non-compliance in this area can reflect problems occurring that may be important for the court to review.
 - f. The benefit of addressing the issues of employment among the clients who are ordered on probation. That if a client can't pay this fee due to lack of employment, the probation officer will be reviewing this condition so as to learn why the client isn't working.
 - g. How the implementation of user fees will not adversely impact the judges' dockets with probation revocation hearings when a defendant fails to comply with the monthly sanction.
 - h. A review of what can motivate a client to pay a user fee without the threat of jail.
 - i. Distinguishing the difference between the probation officers becoming collection agents and the probation officers use of the fee program as a means of supervision which will help them to learn more about and to motivate their clients. The focus of this program is not on one's ability to collect these fees; that will be the Clerk's function. The focus is on motivating the client to comply with this and every condition of probation by providing positive motivation to do so.

- j. How this program, using a graduated scale, and the probation officer's ability to request modification of the recommended amount, may enhance the relationship the probation officer has with the client.
- k. Informing judges that this is not a new concept in the field of corrections, but that twenty-eight other states already are utilizing fees. Also that the collection of user fees have proven quite successful in numerous jurisdictions.
- l. What might be most important are the two things that have made user fee programs successful. One is clearly the enabling legislation that permits a user fee program, as well as the strength the legislation gave to collect this fee and how this fee may be disbursed. The other, and what will be hopefully of equal, if not greater value, is how an organization, i.e., the court (judges and the probation officers) supports the concept by embracing it and communicating a united front to defendants that are entrusted to the Probation Department.
It is here that this program will either succeed or fail. Automatically, 100% of the defendants placed on probation will receive the user fee as a condition of their probation. It is only through the probation officer that this fee is either modified, changed to community service, or waived because of the client's willful non-compliance, or for good cause.
- m. The clients who will be impacted by the user fee program.
 - 1. Those sentenced to probation on or after the date of implementation of user fees.
 - 2. Those probationers who are continued on probation from revocation hearings on or after the date of the implementation of user fees.
- 2. In addition to areas mentioned above, the probation officers' educational review will include the following:
 - a. Without authority in the enabling legislation providing for the loss of liberty for defendants who fail to comply with the user fee program, how are probation officers to provide incentives or motivate defendants to pay the user fee?
 - 1. The probation officers can communicate to clients that if they remain in compliance with all conditions of the probation including the user fee condition, some yet to be developed criteria for early termination of probation may be applicable; i.e.,

that through their probation officer a recommendation would be forwarded to the court to terminate probation early.

2. For the clients who don't meet the criteria for early termination, the probation officer still has the "carrot" of allowing the defendant to report less frequently or not at all, other than to satisfy the user fee condition.

The terminology of "non-reporting probation" will need to be abolished and replaced with Classes of Probation. For example. Class I Probation is what everyone who is sentenced to probation receives. It would only be after the client had met with their probation officer and there was an understanding of the terms and conditions of probation that the client would be transferred internally within the department to Class II Probation. Class II Probation would be the equivalent of non-reporting probation. However, it would enhance the relationship between the probation officer and the client. It would also assist in the ensuring greater success in revenue collection to enhance the Probation Department operations.

3. Development of criteria that keep a defendant on Class I supervision, such as that the user fee and all other conditions are not current or satisfied.
4. For the resistant client who is acting out in a passive-aggressive way toward their probation officer and the condition of probation, the "Willful Non-Compliance" form is available as part of the Monthly Obligation Modification Form which is discussed later in this outline. If the client does indeed sign this form it will serve as an instrument which can be used at a probation revocation hearing if the client violates probation in another way. Even though the court can't revoke probation solely on the user fee condition, it may review this condition and utilize this information to allow for a greater informed decision at a revocation hearing and as tool to measure the defendant's attitude toward supervision. The defendant would be displaying an unwillingness to comply with probation. Thus, greater supervision would be needed for this client.

An example of the "Willful Non-Compliance" form is provided on the following page.

MONTHLY OBLIGATION MODIFICATION FORM

NAME _____ CASE #M _____
Last First Middle

P.O. Initials: _____ First / Next Payment Due: _____

MONTHLY OBLIGATION:

\$10.00 _____ \$7.50 _____ \$5.00 _____ 8 hrs of S.C.S. _____ N/C _____ OTHER _____
(If other than \$10.00, please justify in work sheet.)

MONTHLY OBLIGATION MODIFICATION FORM WILLFUL NON-COMPLIANCE

NAME _____ CASE #M _____
Last First Middle

P.O. Initials: _____ First / Next Payment Was Due: _____

I understand this monthly obligation to pay a probation "user fee" is a condition of my probation, and I am willfully not complying with this condition. I fully understand that this violation along with any other violation of my probation could result in a Probation Revocation Hearing, at which time the suspended days in jail for my probation could be enforced.

I am not complying with this condition for the following reason(s):

Probationer's Signature _____ Date _____

Witness _____

Original P.O.'s File
First Copy SCSP
Second Copy Defendant (only if defendant signed non-compliance statement)

- b. The incentives for the probation officers to address this condition.
 - 1. As with all conditions of probation, the job of the probation officer is to actively address all conditions of probation that are court ordered with their clients.
 - 2. That a goal of management, with the revenues from fees, is to lower case loads by increasing staff, both with probation officers and support staff. The idea is to bring the probation officer to client ratio closer.
 - 3. If collection ratio targets are met, then probation officers receive funding for training and/or equipment. The date and amount of the target should be determined early in the development of the user fee program. The incentive target should be obtainable and the date not so far off that the officers lose sight of it.

This incentive is included as a result of the user fee survey results indicating that the officers believed the revenues should be spent on training.
 - 4. Provided the revenues meet projections, technological enhancements to the department should be made, specifically the furnishing of the probation officers' offices with computer terminals that are capable of data retrieval and word processing.
 - 5. Incorporating quality work circles of probation officers to determine how the funding for probation officers' training should be spent when goals are met.
 - 6. Incorporating the user fee statistics in the probation officers' work performance appraisal, utilizing the statistics as compared to the mean of the department.
- c. The clients who will be impacted by the user fee program.
 - 1. Those sentenced to probation on or after the date of implementation of user fees.
 - 2. Those probationers who are continued on probation from revocation hearings on or after the date of the implementation of user fees.
- d. Varying from the standard \$10.00 user fee.
 - 1. Use the figure of 150% of the poverty guideline. This will be more liberal than the Public Defender's Office, which is using 125% to determine client acceptability.
 - 2. Key issues for determining variation are income and family size against the 150% figure from poverty guidelines. (Those guidelines, as developed by the U.S. Department of Health and Human Services, are listed below.)

3. Use the User Fee Modification Form.

U. S. Department of Health and Human Services
Washington, D.C.

Annual Update of Poverty Guidelines for 1994

(Income per Year)

<u>Size of Family Unit</u>	<u>100%</u>	<u>150%</u>
1	\$ 7,360	\$11,040
2	\$ 9,840	\$14,760
3	\$12,320	\$18,480
4	\$14,800	\$22,200
5	\$17,280	\$25,920
6	\$19,760	\$29,640
7	\$22,240	\$33,360
8	\$24,720	\$37,080

For every person after eight (8) add \$2480.00 then multiply by 1.5. These poverty guidelines are for all states in the United States (except Alaska, Hawaii, and the District of Columbia.)

The probation officer only needs to look at the defendant's total income and number of dependents against the 150% column. The other monthly expenses data obtained in the Defendant's Financial Condition form are not applicable toward modifying the user fee to \$5.00.

III. Once the user fee program is approved, but prior to implementation, there are still several other fundamental tasks that will need to be performed so that the program may be efficient and effective.

A. After the date to implement user fees has been projected by the Information Center, the "Notice of User Fees" which will normally be given out at the time of a probation intake, will be made available to all probation officers. They will give this to their clients in their current reporting case load so as to serve as a motivator to them to avoid risking a probation revocation hearing.

An example of the Notice is below:

NOTICE

Effective January 1, 1995, in accordance with legislation enacted by the Ohio General Assembly, the Franklin County Municipal Court, Department of Probation Services implemented a monthly probation user fee.

This monthly obligation is applicable to all persons under the supervision of the Franklin County Municipal Court, Department of Probation Services who either:

1. Are placed on probation on, or after January 1, 1995.
2. As a result of a Probation Revocation Hearing on, or after January 1, 1995, are continued on probation.

This fee is to be paid monthly on the second (2nd) floor of the Franklin County Municipal Court Building at the Franklin County Court Clerk's Office, 375 South High Street, Columbus, Ohio, 43215. The Clerk's Office is open twenty-four (24) hours a day.

Your fee is \$10.00 per month. Failure to comply with this monthly obligation will be viewed as a violation of your probation. This violation along with any other violation of your probation could result in a Probation Revocation Hearing, at which time the suspended days in jail for your probation could be enforced.

**This example is based on the User Fee Program being approved for start-up effective January 1, 1995.*

- B. Certain policies and practices would have to be enhanced or altered.
1. The entry of non-reporting probation from the bench would have to cease.
 2. That probation officers would see every client assigned to them within the first thirty (30) days of the probation period.
 3. Criteria for early termination from probation would be developed.
 4. A probation worksheet would be filled out on every client by the probation officers and, if needed, the financial condition addendum form (to modify the standard user fee amount or provide for community service) would be completed. The goal is that in only a minimal number of cases the fee would be totally waived.

An example of the "Defendant's Monthly Financial Condition (Worksheet Addendum) is located on the following page.

5. A policy requiring that this fee be paid simultaneously with any other fines or financial sanctions would have to be developed.
- C. Set up a special account with the City of Columbus Auditor's Office so that the money collected by the Clerk's office may be forwarded to this account. A monthly report would be generated to the probation department stating the income from the past month as well as the balance in the account. This would be done so that a Pro Forma Statement could be gathered in order to develop an Income Statement for the following quarters or year. This account should be set up like the current indigent Driver Alcohol Treatment Fund that was established as a result of the amended OMVI law of 1990.
- D. The Management Team as well as the Court Administrator must look into the following to ensure the proper intra-structure of the probation department is in place:
1. The chain for the Chief Probation Officer to obtain the monies to disburse on departmental enhancements.
 - a. Chief Probation Officer → the Court Administrator → the Administrative Judge - The Administrative Judge has the option to review the request of the Chief with the judges that make up the Probation Committee.
 2. As provided in the enabling legislation, 2% of the revenues collected should go the Clerk of Courts Office to assist in offsetting the cost of work generated by the program for their office.

It is the recommendation of this proposal to abide by 2% up to the fourth quarter that user fees are being collected. If, at that time, the projected revenues have been obtained, the Clerk of Courts

WORK SHEET ADDENDUM: DEFENDANT'S MONTHLY FINANCIAL CONDITION

NAME _____ CASE #/M _____

Last First Middle

DATE _____

INCOME: Defendant's Primary Source..... \$ _____
 Defendant's Secondary Source..... \$ _____
 Other..... \$ _____
***Total Income..... \$ _____ \$ _____**

EXPENSES: Mortgage / Rent..... \$ _____
 Utilities:
 Gas..... \$ _____
 Electric..... \$ _____
 Water..... \$ _____
 Phone....(call-waiting?)..... \$ _____
 Cable TV..... \$ _____
 Other..... \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 Food / Personals..... \$ _____
 Insurance..... \$ _____
 Auto Loan..... \$ _____
 Credit Cards..... \$ _____
 Child Support..... \$ _____
 Court Fine on this Case..... \$ _____
 Restitution Owed on this Case..... \$ _____
 Counseling Costs..... \$ _____
 Other Court Judgments..... \$ _____
 Other:..... \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
Total Expenses..... \$ _____ \$ _____

BALANCE:..... \$ _____ \$ _____

*Number of Dependents? _____

Check all that have been verified:

- _____ Last year's Tax Returns
- _____ Number of Dependents
- _____ Income
- _____ Other kinds of income. (interest earned, dividends, etc.)
- _____ Pay stub from employer
- _____ Number of hours worked
- _____ Copy of defendant's lease / mortgage payment book
- _____ Copy of utilities and other receipts to verify above information.
- _____ Documentation of SSI, GP, and or ADC

maintain this form in the work sheet

Office's share should be either the 2% or the cost of a deputy clerk's salary and benefits (whichever is the greater amount). The cost of a deputy clerk would be approximately \$35,000.00.

It is believed that doing this only enhances the relationship the court shares with the Clerk of Courts Office. Also, since the Clerk of Courts Office receives and processes these fees twenty-four hours a day, the cost of a clerk is still very reasonable, considering the alternatives.

3. Change the two part-time positions in the Restitution and Community Service Units to full-time positions. This needs to be done because these staff members will have the increased workload of providing the data entry for user fee modifications, as well as the processing of the community service workers on a daily basis. The approximate cost to bring these two positions to full-time is a total of \$17,000.00.
4. The Chief Probation Officer selects an obtainable target of collection as an incentive for the probation officers. Meeting the target quickly would be a positive reinforcement to staff to deal with the additional condition of probation.
5. Fund the Information Center to create a user fee computer program as described in Section I.A.1-5 above. The approximate development cost of this program would be no more than \$20,000 and might be considerably less.
6. Establish the in-house supervised community service program so that clients who choose to work eight hours as opposed to paying the user fee may report any day that the court is open to fulfill their monthly obligation.

IV. The method of collection of user fees: As stated above, the collection of the user fee will be provided through the Franklin County Clerk of Courts Office. There were three possible methods of collection reviewed for this proposal. The three methods included having the Probation Department collect this fee; having the Clerk's office collect this fee; having private companies, with the assistance of AT&T, collect this fee via the use of phone reporting and having the defendant pay the user fee in their phone bill.

- A. Collection through the Probation Department is not a viable method of collection when cost is considered. There would be the need for additional staff, equipment, supplies, enhanced floor security, lack of space available within the department, limited hours of operation as compared to the Clerk of Courts Office, as well as a limited way to receive the user fee (no cash or credit cards). There would also be issues of bookkeeping and the projected volume of clients paying the user fee, as well as the amounts of monies

coming in such that the user fee program would have to fund a cashier, a bookkeeper, and a support staff person. The cost outweighs any possible benefit of in-house collection.

- B. An alternative method is collection through a private company that utilizes the assistance of AT&T and their own software to monitor reporting defendants on probation and to collect a fee through the clients' phone bill. A simplified explanation of this concept is that the client uses his/her phone and dials a 900 number. At that time the call is recorded and various information is sought by question and reported as either recorded answers or touch-tone answers. Then the fee appears on the client's phone bill. If the client doesn't phone in as directed the company generates a report of the non-compliance to the Probation Department. Also the company, after taking out their percent or portion of the fee, will forward a check directly to the department as well as any modifications that were reported to them by the client.

In that the philosophy and the motivation for implementing a user fee program goes beyond just collecting revenues, and given that the reasonable amount that this user fee program is recommending, there are less costly ways to collect this fee. In addition, the location of the Courthouse in this metropolitan area is not unreachable, especially in view of the excellent mass transit system and the hours of availability, and therefore, it is not unreasonable to expect the client to pay the fee in person or by mail.

- C. Collection of user fees through the Clerk of Courts Office: The clerk has unlimited hours to receive payments (Open 24 hours a day, 7 days a week), and their ability to take cash and credit cards as well as cashier's checks and money orders makes this a positive choice. Also the issue of public trust is a factor that weighs heavily in their direction. The Clerk's office has the public trust to collect such sanctions as user fees. To deprive them of the opportunity to perform the task they are commissioned and trusted to do would diminish their value to the court and to the community.

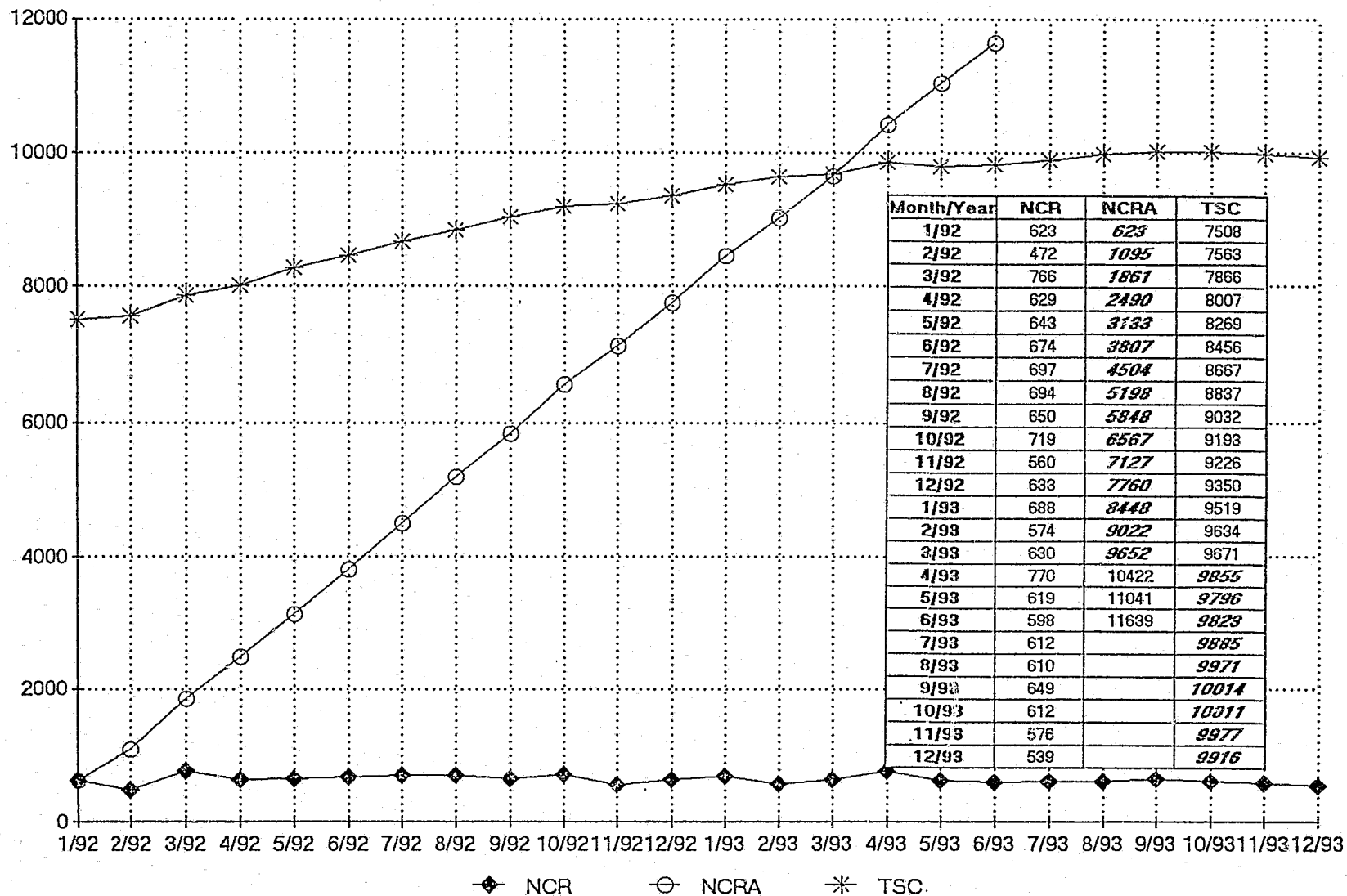
- V. Revenue Projections: After review of the 1992 and 1993 statistics from the Probation Department of New Cases Received (NCR), New Cases Received Accumulated (NCRA), and Total Supervised Cases (TSC), it is anticipated that it will take fifteen (15) months for a user fee program to get up to a maximum income per month. (It should be noted that the TSC figure is comprised of currently active and non-reporting probation cases and does not include cases which are on order-in status.) This is illustrated by a graph in the next component.

A. Given that the recommended standard user fee should be \$10.00 per month and that 30% of the clients that are on probation qualify for the public defender, the following revenue projections are made:

1. At a 50% compliance rate and with 10,000 TSC, (70% who pay are paying \$10.00 and the remaining 30% are paying \$5.00] the annual income could amount to \$510,000 or \$42,500 per month. This would take fifteen months to achieve given current probation referral volume.
2. There will also be an undeterminable amount of free labor from which the court or the City of Columbus will benefit as a result of those who opt for community service hours over a monetary monthly commitment.
3. The projection of revenues is difficult because of the fact that the probation officers have some discretion in varying from the \$10.00 standard user fee.

Charts outlining the rate of acceleration toward full implementation of user fees, as well as projections of revenues follow on the next three pages.

PROJECTION OF TIME REQUIRED FOR FULL IMPLEMENTATION



NCR; NEW CASES RECEIVED, NCRA; NEW CASES RECEIVED ACCUMULATIVE, TSC; TOTAL SUPERVISION CASES.

MONTHLY REVENUE PROJECTIONS WITH A FIXED FEE USING 1992 AND 1993 PROBATION STATS

Month/Year	N.C.R.	N.C.R.A.	T.S.C.	P.U.F.C.
1/92	623	623	7508	623
2/92	472	1095	7563	1095
3/92	766	1861	7866	1861
4/92	629	2490	8007	2490
5/92	643	3133	8269	3133
6/92	674	3807	8456	3807
7/92	697	4504	8667	4504
8/92	694	5198	8837	5198
9/92	650	5848	9032	5848
10/92	719	6567	9193	6567
11/92	560	7127	9226	7127
12/92	633	7760	9350	7760
1/93	688	8448	9519	8448
2/93	574	9022	9634	9022
3/93	630	9652	9671	9652
4/93	770	10422	9855	9855
5/93	619	11041	9796	9796
6/93	598	11639	9823	9823
7/93	612	12251	9885	9885
8/93	610	12861	9971	9971
9/93	649	13510	10014	10014
10/93	612	14122	10011	10011
11/93	576	14698	9977	9977
12/93	539	15237	9916	9916

*POTENTIAL USER FEE CASES (PUFC).

MONTHLY REVENUE PROJECTIONS WITH A FIXED FEE USING 1992 AND 1993 PROBATION STATS

P.U.F.C.	PUFC / 2	50%x\$2.00	50%x\$5.00	50%x\$7.50	50%x\$10.00	50%x\$22.18	50% x \$40.00	x\$50.00
623	311.5	\$623.00	\$1,557.50	\$2,336.25	\$3,115.00	\$6,909.07	\$12,460.00	\$15,575.00
1095	547.5	\$1,095.00	\$2,737.50	\$4,106.25	\$5,475.00	\$12,143.55	\$21,900.00	\$27,375.00
1861	930.5	\$1,861.00	\$4,652.50	\$6,978.75	\$9,305.00	\$20,638.49	\$37,220.00	\$46,525.00
2490	1245	\$2,490.00	\$6,225.00	\$9,337.50	\$12,450.00	\$27,614.10	\$49,800.00	\$62,250.00
3133	1566.5	\$3,133.00	\$7,832.50	\$11,748.75	\$15,665.00	\$34,744.97	\$62,660.00	\$78,325.00
3807	1903.5	\$3,807.00	\$9,517.50	\$14,276.25	\$19,035.00	\$42,219.63	\$76,140.00	\$95,175.00
4504	2252	\$4,504.00	\$11,260.00	\$16,890.00	\$22,520.00	\$49,949.36	\$90,080.00	\$112,600.00
5198	2599	\$5,198.00	\$12,995.00	\$19,492.50	\$25,990.00	\$57,645.82	\$103,960.00	\$129,950.00
5848	2924	\$5,848.00	\$14,620.00	\$21,930.00	\$29,240.00	\$64,854.32	\$116,960.00	\$146,200.00
6567	3283.5	\$6,567.00	\$16,417.50	\$24,626.25	\$32,835.00	\$72,828.03	\$131,340.00	\$164,175.00
7127	3563.5	\$7,127.00	\$17,817.50	\$26,726.25	\$35,635.00	\$79,038.43	\$142,540.00	\$178,175.00
7760	3880	\$7,760.00	\$19,400.00	\$29,100.00	\$38,800.00	\$86,058.40	\$155,200.00	\$194,000.00
8448	4224	\$8,448.00	\$21,120.00	\$31,680.00	\$42,240.00	\$93,688.32	\$168,960.00	\$211,200.00
9022	4511	\$9,022.00	\$22,555.00	\$33,832.50	\$45,110.00	\$100,053.98	\$180,440.00	\$225,550.00
9652	4826	\$9,652.00	\$24,130.00	\$36,195.00	\$48,260.00	\$107,040.68	\$193,040.00	\$241,300.00
9855	4927.5	\$9,855.00	\$24,637.50	\$36,956.25	\$49,275.00	\$109,291.95	\$197,100.00	\$246,375.00
9796	4898	\$9,796.00	\$24,490.00	\$36,735.00	\$48,980.00	\$108,637.64	\$195,920.00	\$244,900.00
9823	4911.5	\$9,823.00	\$24,557.50	\$36,836.25	\$49,115.00	\$108,937.07	\$196,460.00	\$245,575.00
9885	4942.5	\$9,885.00	\$24,712.50	\$37,068.75	\$49,425.00	\$109,624.65	\$197,700.00	\$247,125.00
9971	4985.5	\$9,971.00	\$24,927.50	\$37,391.25	\$49,855.00	\$110,578.39	\$199,420.00	\$249,275.00
10014	5007	\$10,014.00	\$25,035.00	\$37,552.50	\$50,070.00	\$111,055.26	\$200,280.00	\$250,350.00
10011	5005.5	\$10,011.00	\$25,027.50	\$37,541.25	\$50,055.00	\$111,021.99	\$200,220.00	\$250,275.00
9977	4988.5	\$9,977.00	\$24,942.50	\$37,413.75	\$49,885.00	\$110,644.93	\$199,540.00	\$249,425.00
9916	4958	\$9,916.00	\$24,790.00	\$37,185.00	\$49,580.00	\$109,968.44	\$198,320.00	\$247,900.00

*POTENTIAL USER FEE CASES (PUFC).

USER FEE PROPOSAL

COMPONENT TWO

To assist in understanding the implementation a flow chart that reflects the different ways user fees would work in our court is provided below.

USER FEE FLOW CHART

The user fee is imposed when a defendant is placed on probation. There will not be any mitigation required to determine what the fee should be or if there should even be a user fee imposed at the time of sentencing. It is a condition of probation just as the conditions listed on the P.O. 112 form, the Rules and Instructions of Probation.



During the probation intake process, the defendant will receive the "Notice of User Fees." This notice instructs the defendant about the condition of paying the user fee to the Clerk's office. It will give the location of the Clerk's office as well as reinforce the requirement to pay this \$10.00 fee monthly.

At the same time as the intake data entry, the user fee information is simultaneously being entered into the User Fee Data Base Program. Thus, when the defendant goes to the Clerk's office to pay the monthly user fee, the program will reflect the fee being \$10.00.

Also, when the defendant goes to order-in status, the user fee is taken out the data base and is not counted. A case on order-in status is not included in the Total Supervised Cases statistics.



The defendant is to contact his/her probation officer one (1) week from the intake date. At that time the probation officer is to schedule the first office visit with the defendant within the first thirty (30) days of the defendant's probation.





During the first office visit, the probation user fee should be reviewed as should all the conditions of probation. The probation officer should clarify any question the defendant may have regarding the user fee. The position the officer should take is that the user fee is \$10.00 a month. The officer should avoid giving the client ideas that it could be altered from that amount. If the defendant communicates that it is not possible to comply with this fee, the probation officer will need to assess the validity of this type of claim. The financial condition addendum form will need to be filled out with the proper documentation to be included and maintained in the probation file. The probation officer may use his or her discretion to alter the \$10.00 user fee with the aid of the United States Department of Health and Human Services Poverty Guide Lines that are assessed annually. If the defendant qualifies, the fee may be reduced to \$5.00 per month. For good cause, the probation officer may alter the fee to \$7.50. This may be used to enhance the defendant's relationship with the probation officer, or may be used as a reward to the defendant, or may be used on cases where a defendant's income does not qualify for \$5.00 but whose income is marginal.

It will always be preferred to have the client pay the user fee rather than perform community service hours, but if need be, this option would be better than the defendant signing the willful non-compliance form or not complying with his/her monthly condition.

It is necessary at this point, if there is any deviation from the \$10.00, that the probation officer fill out the user fee modification form and submit it to the appropriate staff to input the data so as to update the program for either the Clerk of Courts Office or the Supervised Community Service Unit.



Upon receiving a user fee modification form, the appropriate data will be entered into the data bank. This will advise the Franklin County Clerk of Courts Office so that the appropriate amount is expected from the defendant.

If a defendant has chosen to perform community service hours, that too will need to be entered into the data bank. Upon the defendant's compliance with his/her monthly community service requirement, data entry will reflect that the defendant is in compliance with his/her monthly user fee.

As the Clerk of Courts Office is open 24 hours a day, 7 days a week, for the convenience of the public, to pay court sanctions, and user fees being one of those sanctions, the Community Service Unit will alter the current practice of scheduling a client at some future date, and instead will allow the clients to report any working day of the Probation Department at 7:00 a.m. to work for eight (8) hours that very same day. There will still be a requirement that the client pay a one-time workers' compensation/administrative fee which will, however, be good for the duration of the probation.





Non- Compliance Notices to Probation Officers:

Once a client has fallen two (2) months behind on his/her obligation to either pay a user fee or perform community service hours, a notice of non-compliance will be generated and forwarded to the supervising probation officer.

At that time the probation officer will need to reestablish contact with the client to review the matter. The expedience and method of addressing this condition will send a strong message to the client as well as the community network of which they are a part and which shares their perception of the various aspects of the legal system.

The non-compliance notices will be generated each month on the anniversary date of the client's expiration of probation. This will continue until the program is updated to indicate either that the defendant has paid the balance owed, or that the current balance is waived, or that a willful non-compliance form has been signed by the defendant.

USER FEE PROPOSAL

COMPONENT THREE

In this section are some common questions asked about user fee programs. The answers will follow.

- Q. What are probation user fees?
- Q. How does a user fee assist in reducing recidivism?
- Q. How long have user fee programs been utilized?
- Q. Won't this fee create an additional burden on the defendant who already may have numerous court sanctions ordered?
- Q. This sounds like a good idea. Why haven't we done this before?
- Q. How will user fees improve what we're doing already?
- Q. Won't this turn probation officers into collections agents?
- Q. This has been tried in other jurisdictions. Does it really make a difference?
- Q. Won't this make more work for us?
- Q. Won't imposing user fees as a condition of probation increase the number of probation revocation hearings?
- Q. Without the threat of jail for violating this condition of probation, where is the power to motivate the correctional client to comply with paying a monthly user fee?
- Q. If this could be seen as a non-enforceable condition of probation, why should the probation officers take even the few minutes required per hour to address a condition of user fees?

Q. What are probation user fees?

Sentencing more people to probation has created probation "over-crowding" in ways not foreseen a few years ago. The results of this problem include increased strain on an already burdened probation system, increased demand on ever-decreasing resources, and the need to arrive at new ideas about probation supervision, as well as the necessity of developing new resources for probation supervision. One idea which has gained immense popularity is the concept of probation user fees.

The defendant convicted and sentenced to probation is actually the recipient of a number of services designed to provide rehabilitation and to prevent recidivism. User fee programs require people convicted of crimes to pay a "user fee" to either partially or fully recoup the costs associated with their probation supervision, as well as the costs connected with administering such a program. Presently in the United States jurisdictions in 28 states charge fees which range generally from \$10 to \$180 per month (Parent, 1990).

Q. How does a user fee assist in reducing recidivism?

Studies have shown (e.g., Glaser & Gordon, 1990) that when an individual has a monthly commitment of performance to a supervising agency, the likelihood of committing another offense is lowered. Even if the monthly contact is nothing more than a payment, this reminder of such a contact keeps the current relationship the defendant has with the court alive and in the forefront of his or her mind, thus making the defendant less likely to act out in a behavior that would violate probation. It is the reverse of the expression "out of sight - out of mind".

Q. How long have user fee programs been utilized?

Historically, the notion of a fee for correctional costs is not new. One hundred and fifty years ago, the state of Michigan charged jailed prisoners for the cost of their medical care (Sasfy, 1980). In the past sixty-five years, the idea has developed throughout the country. The states of Michigan and Colorado undertook to impose fees for probation services as long as fifty years ago. Since that time numerous other states have joined in assessing such fees. The revenues generated by the assessment of user fees are used in a variety of ways, including developing specific intensive supervision programs, increasing

the numbers of probation officers and support staff in a probation department, improving technological equipment and support for use in a department's activity, training programs for probation staff, and numerous other enhancements for supervision of probationers.

Q. Won't this fee create an additional burden on the defendant who already may have numerous court sanctions ordered?

Because of the impact of user fees on indigent probationers, this question takes on special importance. In fact, based on the numbers of defendants represented by public defenders in the Court, the number of probation referrals of indigent individuals will be approximately 30% of all new probation cases received (Franklin County Public Defender, 1993; Clark, 1994). This data is important as a tool in establishing how much emphasis should be placed on the use of community service, and the staff required to facilitate such service, as an alternative to the user fee.

The fact that approximately 30% of clients referred to probation qualify for a public defender does not rule out the defendant's ability to comply with a reasonable sanction each month. There is a significant difference between a retainer for private counsel and a moderate monthly user fee. In addition, the criteria for obtaining a reduced user fee is 150% of the poverty guidelines. The Office of the Public Defender, it should be noted, currently uses 125% of the poverty guideline as the amount which determines eligibility for their services (Ohio Revised Code, Section 120.03 [B]).

Further in the issue of concern of burden to a defendant, there is clearly a trend in the therapeutic community that a client should pay something, if even a small portion of their treatment, so they are vested in the goals of counseling. A parallel also can be drawn for user fees, so that the defendant will be more likely vested in their own supervision.

That is, a correlation exists between their behavior and the consequences of which they are reminded by the user fee.

Q. This sounds like a good idea. Why haven't we done this before?

While over half the states have the necessary legislation to enable probation departments to collect probation user fees, Ohio was not among them until recently. The Ohio General Assembly has just enacted House Bill 406, which provides the enabling legislation necessary to allow probation departments and other corrections supervision agencies to collect user fees.

Q. How will user fees improve what we're doing already?

Researchers in Los Angeles in 1990 determined that simply fining or sentencing a convicted offender to probation, without applying other penalties usually resulted in a much higher rate of recidivism than those instances where probation and a fiscal penalty were imposed simultaneously, or where a sentence including a fiscal penalty, probation and jail time was imposed. In view of the fact that probation was never meant to be punitive, but rather to be corrective, the trends mentioned by those researchers have begun to interfere with probation's corrective abilities. This has resulted in a situation in which probation becomes more punitive in nature, and not much of a punishment at that.

So sentencing alternatives which make probationers see their probation as something other than an inconvenience and which enhance its corrective aspects need to be found. User fees are just such a sentencing alternative. In several jurisdictions where fee programs have been implemented, there has been a demonstrated decrease in recidivism linked to user fees. In addition, user fee programs have helped to alleviate probation over-

crowding when fee revenues have been applied to increasing the number of probation staff. Because user fees provide for increased contact with probationers, they also serve to improve supervision, especially when a probationer is in non-compliance. Such non-compliance with this type of condition of probation can serve as a warning indicator that the individual may have other issues of concern to the Court and which may need to be addressed.

Q. Won't this turn probation officers into collections agents?

No! Clearly, the probation officer has a position of authority from which to supervise an individual who was placed on probation in lieu of days in jail. With this position of authority comes a position of power. The power of the probation officer should not be coercive in nature, but should be based on persuading and rewarding the probationer who complies with the terms of probation. There is no reason for our user fee program to do anything but enhance the relationship between the probation officer and the client. The program designed for this department will enable probation officers to reward clients who are in compliance with the user fee order by allowing the defendant to report less frequently, by requesting early termination on behalf of the client, or providing options other than the standard user fee amount.

Q. This has been tried in other jurisdictions. Does it really make a difference?

Yes! In states where probation fees have been implemented, some remarkable results have been obtained. An NIJ study of probation user fee programs in Texas and Oregon showed that in 1990, while the State of Texas spent more than \$106 million to supervise probationers, they also collected an astounding \$57 million in user fees. Fees

were collected from nearly 90 percent of all misdemeanor offenders on probation and from nearly 65 percent of all felony offenders on probation. In the State of Oregon, one county probation department actually took over and automated a fee system which had been handled by the clerk of court. In addition to alleviating a heavy burden on the office of the clerk, the department increased receipts from \$12,000 to \$140,000 in a single year.

In 1990, seventeen states surveyed by NIC were able to collect \$83,498,650 out of a total overall budget combined of \$353,000,000. The State of Texas alone collected over 50% of their budget, or \$45,600,000, in one year. Florida collected an estimated 34% of its budget, or \$15,600,000. Alabama collected nearly 30% of its budget, or an estimated \$2,700,000.

Q. Won't this make more work for us?

A little bit. But the advantages of this type of program far outweigh the disadvantage of a little more work. A user fee program will allow a probation officer to know more about his or her client. This is so because it serves as an additional supervision tool, at the cost of just a few additional minutes of paperwork and client contact per visit. In time, the probation officer to client ratio will move in a favorable direction. But in the short-term, it has the advantage that user fee revenues will produce money for additional training for staff, as well as increased technical and support staff.

Q. Won't imposing user fees as a condition of probation increase the number of probation revocation hearings?

In accordance with the enabling legislation, it is not permissible to revoke probation simply for failure to pay the user fee. Other probation violations must occur before a

probationer can be sent back to court. At that time, it is acceptable to communicate the probationer's non-compliance with the user fee order.

Q. Without the threat of jail for violating this condition of probation, where is the power to motivate the correctional client to comply with paying a monthly user fee?

There are several ways that the probation officer can motivate the defendant to comply with this condition of probation without the direct threat of loss of liberty. The probation officer can motivate the defendant to comply by requiring him or her to supply such documentation as their last year's tax returns, a copy of his or her lease or mortgage book, copies of the utility statements, and pay stubs or documentation of any type of governmental assistance he or she may be on. This is suggested because it seems reasonable to believe that many would rather pay the usual and standard fee than to supply these documents to the probation officer. If a defendant does provide all these documents it will allow the probation officer an added view of the client that the officer would not otherwise have.

Whether a client falls in the range of indigency or not, it is believed that most clients would rather pay a reduced fee than perform eight (8) hours of supervised community service per month. This option can be made available by the probation officer when a client is resistant to the user fee without regard for what the amount of the fee would be. Essentially, the goal is to modify the defendant's frame of reference so that the user fee becomes the more attractive choice.

Another way to motivate a client to comply is the staging that can occur when having the client sign the Willful Non-Compliance Monthly Obligation Modification Form. If the client does this, a strong negative message is sent to the probation officer as well as

the court. It will be copied and will accompany any future Statement of Violation. Though the basis of a revocation hearing can't be solely this violation, the willful non-compliance will certainly be a mitigating factor in reviewing the defendant's appropriateness for continual supervision by a probation department.

The probation officer may also motivate the defendant by providing the opportunity to report less frequently if the defendant has complied with the user fee and continues to comply without regularly scheduled appointments.

Another option probation officers could offer defendants is early termination of probation. This would require the development of criteria. The development of criteria would be based upon compliance with all conditions of probation (user fee included) and would depend on the type of offense with which the defendant is charged. If the defendant would qualify for early termination, and after at least half the probation period were served, a request would be made, on behalf of the client, asking the court for early termination of probation because maximum correctional supervision had been obtained.

Q. If this could be seen as a non-enforceable condition of probation, why should the probation officers take even the few minutes required per hour to address a condition of user fees?

The obvious answer to this question is that probation officers work for the Court, and among their tasks is the enforcement of all conditions of probation. As a way to enhance how they view and address this condition of probation, it would be recommended that revenue goals be set based on the entire department. Upon reaching the target a reward is obtained.

Clearly the first reward to the probation officers is that funds are approved for training. Future incentives may be training and or supplies to bring about job performance enhancement. Other incentives for probation officers to make the implementation of user fees successful include the plan to increase technology for the department by putting computer terminals in each office, as well as the fact that user fee revenues are spent on more staff to help with the probation officer / client ratios.

USER FEE PROPOSAL

COMPONENT FOUR

**A PLAN TO IMPLEMENT USER FEES WITHIN
THE FRANKLIN COUNTY MUNICIPAL COURT,
DEPARTMENT OF PROBATION SERVICES:
RECOMMENDATIONS TO THE FRANKLIN
COUNTY MUNICIPAL COURT**

EXECUTIVE SUMMARY

**by
Kevin P. Clark
Probation Department Supervisor
Franklin County Municipal Court
Department of Probation Services
Columbus, Ohio**

1994

USER FEES:

Sentencing more people to probation in lieu of incarceration has created probation "over-crowding" in ways not foreseen a few years ago. The results of this problem include increased strain on an already burdened probation system, increased demand on ever-decreasing resources, and the need to arrive at new ideas about probation supervision, as well as the necessity of developing new resources for that probation supervision. One idea which has gained immense popularity is the concept of probation user fees.

The defendant convicted and sentenced to probation is actually the recipient of a number of services designed to provide rehabilitation and to prevent recidivism. User fee programs require people convicted of crimes to pay a "user fee" to either partially or fully recoup the costs associated with probation supervision, as well as the costs connected with administering such a program. Presently in the United States, jurisdictions in 28 states charge fees which range generally from \$10 to \$180 per month (Parent, 1990).

THE USER FEE PROGRAM WILL HAVE THE FOLLOWING GOALS:

1. To enhance the supervision of a defendant and increase accountability for defendants.
2. To give greater meaning to the Judgment Entry of Probation.
3. To bring in revenue to the Franklin County Municipal Court, Department of Probation Services.
4. To decrease recidivism.

The program will not increase the number of Probation Revocation Hearings on the judges' dockets. At the same time, it will allow probation officers to motivate their clients, learn more about their clients, and to provide a relationship other than just as a court enforcement officer.

HISTORY:

Historically, the notion of a fee for correctional costs is not new. One hundred and fifty years ago, the state of Michigan charged jailed prisoners for the cost of their medical care (Sasfy, 1980). In the past sixty-five years, the idea has developed throughout the country. The states of Michigan and Colorado undertook to impose fees for probation services as long as fifty years ago. Since that time, numerous other states have joined in assessing such fees. The revenues generated by the assessment of user fees are used in a variety of ways, including developing specific intensive supervision programs, increasing the numbers of probation officers and support staff in a probation department, improving technological equipment and support for use in a department's activity, training programs for probation staff, and numerous other enhancements for supervision of probationers.

ENHANCING SUPERVISION

Glaser and Gordon (1990), determined that simply fining or sentencing a convicted offender to probation, without applying other penalties usually resulted in a much higher rate of recidivism than those instances where probation and a fiscal penalty were imposed simultaneously, or where a sentence including a fiscal penalty, probation and jail time was imposed. In view of the fact that probation was never meant to be punitive, but rather to be corrective, the trends mentioned by Glaser and Gordon have begun to interfere with probation's corrective abilities. This results in a situation where probation becomes more punitive in nature and not much of a punishment at that.

So sentencing alternatives which make probationers see their probation as something other than an inconvenience and which enhance its corrective aspects need to be found. User fees are just such a sentencing alternative. In several jurisdictions where fee programs have been implemented, there has been a demonstrated decrease in recidivism linked to user fees. In addition, user fee programs have helped to alleviate probation overcrowding when fee revenues have been applied to increasing the number of probation staff. Because user fees provide for increased contact with probationers, they also serve to improve monitoring, especially when a probationer is in non-compliance. Such non-compliance with this type of condition of probation can serve as a warning indicator that the individual may have other issues of concern to the Court and which may need to be addressed.

PROBATION OFFICER VERSUS COLLECTION AGENT

Clearly, the probation officer has a position of authority from which to supervise an individual who was placed on probation in lieu of days in jail. With this position of authority comes a position of power. The power of the probation officer should not be coercive in nature, but should be based on persuading and rewarding the probationer who complies with the terms of probation. There is no reason for our user fee program to do anything but enhance the relationship between the probation officer and the client. The program designed for this department will enable probation officers to reward clients who are in compliance with the user fee order by allowing the defendant to report less frequently, by requesting early termination on behalf of the client, or providing options other than the standard user fee amount.

WILL USER FEES REALLY MAKE A DIFFERENCE?

In states where probation fees have been implemented, some remarkable results have been obtained. An NIJ study of probation user fee programs in Texas and Oregon showed that in 1990, while the State of Texas spent more than \$106 million to supervise probationers, it also collected an astounding \$57 million in user fees. Fees were collected from nearly 90 percent of all misdemeanor offenders on probation and from nearly 65 percent of all felony offenders on probation. In the State of Oregon, one county probation department actually took over and automated a fee system which had been handled by the

clerk of court. In addition to alleviating a heavy burden on the office of the clerk, the department increased receipts from \$12,000 to \$140,000 in a single year.

In 1990, seventeen states surveyed by NIC were able to collect \$83,498,650 out of a total overall budget combined of \$353,000,000. The State of Texas alone collected over 50% of its budget, or \$45,600,000, in one year. Florida collected an estimated 34% of its budget, or \$15,600,000. Alabama collected nearly 30% of its budget, or an estimated \$2,700,000.

USER FEE AMOUNT

Based on the results obtained from the survey, and utilizing the median amount specified by the all respondents, the normal user fee would be \$10.00 per month. Because some respondents (judges) indicated their belief that a graduated scale should be employed, the median figure of \$10.00 per month was chosen as high end of the user fee range. Other amounts, on a graduated scale, were selected and include \$7.50 and \$5.00.

REVENUE PROJECTION

After review of the 1992 and 1993 statistics from the Probation Department of New Cases Received (NCR), New Cases Received Accumulated (NCRA), and Total Supervised Cases (TSC), it is anticipated that it will take fifteen (15) months for a user fee program to get up to a maximum income per month. This is illustrated by a graph attached

Given the recommendation that the standard user fee should be \$10.00 per month and that 30% of the clients on probation qualify for the public defender, the following revenue projections are made. At a 50% compliance rate and with 10,000 TSC, [70% that pay are paying \$10.00 and the 30% paying \$5.00] the annual income would approximate \$510,000.00 or \$42,500.00 per month. This would take fifteen months to reach.

COMMUNITY SERVICE COMPONENT

It will always be preferred to have the client pay the user fee rather than perform community service hours, but if need be, this option would be better than the defendant signing the willful non-compliance form or not complying with his or her monthly condition. There will also be an undeterminable amount of free labor from which the Court will benefit via those who opt for community service hours over a monthly monetary commitment.

IMPLEMENTATION

The user fee is imposed when a defendant is placed on probation. There won't be any mitigation required to determine what the fee should be or if there should even be a user fee imposed at the time of sentencing. It is a condition of probation just as the conditions listed on the P.O. 112 form, the Rules and Instructions of Probation.

COLLECTION OF THE USER FEE

The collection of user fees will be done through the Clerk of Courts Office. An account should be set up like the current Indigent Driver Alcohol Treatment Fund which was established as a result of the amended OMVI law of 1990.

THE UTILIZATION OF REVENUES COLLECTED

The judges' perceptions of the probation department's strengths and weaknesses, as taken from the survey, seem to indicate that they do not especially believe that the probation department is in serious need of improvements or enhancements in any specific area. In spite of that, their responses do tend to indicate that a general improvement should be pursued, with special emphasis on the hiring of additional probation officers and support staff, as well as improvements in technology and staff training. They also clearly have an interest in the development of additional special programs to assist in the supervisory activity of the department.

Among the members of the Management Team, 100% of the respondents felt that the revenues should be spent on improvement of technological support or on an increased number of support staff. Just behind that, 83% also felt that additional probation officers were needed. It is hardly surprising that the Management Team indicated a 67% level of support for department discretion in the expenditure of the revenues.

The conclusion to be reached from this is that the Management Team believes that while staff is needed to meet the demand placed on the department, the more critical need is for the tools with which the staff must do the job. This is further supported by the relatively high level of support which technological support received from the judges, and also from the probation officers (80% - their highest response rate). It is equally clear that the Management Team members place a high priority on obtaining additional probation officers and support staff, an opinion they evidently share with the judges.

The probation officers, at 80%, gave their highest level of support to improved technological support, as indicated above. The area which was the second highest level of interest among the probation officers was the idea of improved training for staff in the Probation Department. This is especially interesting, since this category was ranked somewhat lower by the other groups of respondents. The third most supported area of interest among probation officers was special programs, at 52%. In this they agree to some extent with the judges, who also rated this category somewhat highly.

Two categories which did not fare well uniformly were departmental discretionary spending of revenues, and recruitment and retention of staff. A third area, training for staff, did not fare well among the judges and the Management Team, but was supported by 64% of the probation officers.

JUDICIAL CONCERNS

In accordance with the enabling legislation, it is not permissible to bring a probationer back before the Court simply for failure to pay the user fee. Other probation

violations must occur before a probationer can be sent back to court. At that time, it is acceptable to communicate the probationer's non-compliance with the user fee order.

The survey results reflected the following:

<i>Political</i>	0%
<i>Docket Overload</i>	14%
<i>Constitutionality</i>	21%
<i>Revenue Disposition</i>	21%
<i>Defendant Burden</i>	79%
<i>Managing Revenues</i>	57%
<i>Adverse Impact</i>	7%
<i>Relative Impact</i>	50%

Defendant Burden:

Because of the impact of user fees on indigent probationers, this question takes on special importance. In fact, based on the numbers of defendants represented by public defenders in the Court, the number of probation referrals of indigent individuals will be approximately 30% of all new probation cases received (Franklin County Public Defender, 1993; Clark, 1994). This data is important as a tool in establishing how much emphasis should be placed on the use of community service, and the staff required to facilitate such service, as an alternative to the user fee.

The fact that approximately 30% of clients referred to probation qualify for a public defender does not rule out their ability to comply with a reasonable sanction each month. There is a significant difference between a retainer for private council and a moderate user fee.

Further in the issue of concern of burden to a defendant, there is clearly a trend in the therapeutic community that a client pay even a small portion of the treatment so they are vested in the goals of counseling. A parallel also can be drawn for user fees so the defendant will be more likely vested in his or her own supervision. That is a correlation between the defendant's behavior and the consequences of which the user fee serves to remind the defendant.

Managing Revenues:

A special account with the City of Columbus Auditor's Office will have to be established so that the money collected by the Clerk of Courts Office may be deposited. Monthly reports will be generated to the Probation Department stating the income generated for the past month as well as the balance in the account. This will be done so that a Pro Forma Statement may be issued in order to develop an Income Statement for the following quarters or year.

This account should be set up like the current Indigent Driver Alcohol Treatment Fund that was established as a result of the amended OMVI law of 1990.

The chain for the Chief Probation Officer to obtain the monies to disburse for departmental enhancements is as follows:

the Chief Probation Officer → the Court Administrator → the Administrative Judge

(The Administrative Judge has the option to review the request of the Chief with the judges on the Probation Committee.)

SUMMARY

The considerable benefits of implementing user fees in the Franklin County Municipal Court cannot be over-stated. Their capacity to improve existing services, to augment budget restrictions, to decrease recidivism and to enhance restitution to the community are obvious. Other jurisdictions have had considerable success in the implementation and collection of user fees. The success of these jurisdictions is testimony to the potential for such a program here. That legal and constitutional issues have been resolved in other states, and that there are legitimate sanctions for non-compliance demonstrate that such programs are feasible and, indeed, workable. Thus it is clear that the time for such a program has come. Your support of this program can enhance probation services in the Franklin County Municipal Court into the next century.

CHAPTER VI

SUMMARY, CONCLUSION AND RECOMMENDATIONS

The intention of this project has been, from the beginning, to research, design, and prepare a user fee program that would be supported by the Franklin County Municipal Court Judges and Probation Officers. In other words, the goal of this project is persuasion. The foundation of this program is based on positive correctional supervision aspects and benefits provided to the probation department so as to enhance supervision services currently being provided.

The review of available literature indicated that many states and jurisdictions have implemented and are maintaining the concept of probation fees. The literature also outlined many of the pros and cons of such a condition of probation, for both the defendants and the probation officers and their departments. Specifically, the literature review highlighted many of the problems other departments have encountered as they tried to implement their own programs. The problems the other departments dealt with will serve as warning guides in the development of a proposal in Franklin County.

Another inference which clearly can be drawn from the literature review is that the degree of success of a user fee program is directly related to how the user fee program is implemented, ordered, managed and perceived by the judges and the probation officers. That depends as well on whether or not there is well-crafted and supportive enabling legislation. The perception of the judges and the probation officers is really most vital to the success of such a program.

In general, a review of the literature shows that there is a genuine need for, and usefulness associated with, the implementation of probation user fee programs. As demonstrated by the success of programs in other jurisdictions, in addition to the results achieved in related areas, there is clear reason to conclude that such a program could be successfully implemented and employed in Franklin County, Ohio. The level of education about probation user fees will be critical to whether or not such fees are eventually implemented. The supportive nature of the literature will be an important part of the proposal which is eventually developed and will be especially helpful in educating judges and probation officers about the concept of user fees.

There is a considerable amount of diversity and complexity among the judges who make up the Franklin County Municipal Court. There are also many ways in which the judges differ with respect to their sentencing philosophies. In view of this, it would be very shortsighted to prepare a proposal to implement user fees in the Court without obtaining a thorough understanding of what the judges know about user fees. It is also critical to obtain an awareness of the judges' perceptions and attitudes about user fees.

The diversity, complexity and philosophical differences make it very difficult to predict, independently, what the judges will do with a proposal to implement user fees. Therefore, a survey was prepared to obtain information about: 1.) the judges' current perceptions of user fees; 2.) the current level of the judges' supportiveness in light of their current perceptions; 3.) the judges' concerns about user fees; 4.) the judges' ideas about what the amount of the user fees should be; 5.) the judges' ideas about how much community service should be performed by indigent offenders in lieu of a user fee; and 6.) the ways in which the judges would like the user fees to be used to enhance the services of the Department of Probation Services.

The survey results indicate that there is a significant amount of support, in the Franklin County Municipal Court, for the implementation of a user fee program, pending the passage of the enabling legislation by the Ohio General Assembly. In addition, across all groups of respondents one thing became quite clear. Where respondents had a high level of concern with regard to a particular aspect of user fee programs, they also had a corresponding low level of knowledge about that aspect. This led to the conclusion that education would be vital to the success of proposal and the implementation of the program.

These conclusions, based on the information obtained from the survey, served as important guidelines in the design of the proposal, in order that the proposal would meet with maximum possible success. As for the future, this is not only true of the approval of the proposal, but also and more important, of the implementation and application of the proposal in the future in the Franklin County Municipal Court.

Future Research

While the scope of this project has been the design and implementation of a workable user fee proposal for the Franklin County Municipal Court, along with persuasion to accomplish that end, there are also several other intriguing issues associated with this subject. These issues could constitute a recommendation for future research on the general subject of user fees. In fact, these suggestions for future research can be taken in two ways. There are possibilities for research in the micro-environment of the Franklin County Municipal Court, as well as possibilities for research in macro-environments, such as jurisdictions across the State of Ohio, in other states, and even on a national level.

One possibility for future research would be a longitudinal study which would determine how accurate the assumptions of the proposal were in actual implementation and

practice. These would include the amount of the user fee, the rate of compliance, and the ways in which the Chief Probation Officer actually employed the revenues derived from the user fee program.

Another possibility for future research could be a study of the amount of time which it would take for the program to begin to break even, such that the amount of time and effort invested was equivalent to the benefit being derived from the user fee program. For example, this could include analysis of whether or not the probation officer-to-client ratio had improved, as well as how much technical support enhancement had taken place in terms of client supervision. These are measurable goals and would be easily obtained in a follow-up project.

Another possibility would be to perform a regression analysis of the user fee amounts and the community service component to determine which amount of money can be received by the program while, at the same time, maintaining the highest level of compliance with the program and the lowest possible amount of community service. The goal of such an analysis would be twofold, in that it would give the department solid information about what level of fees to expect, as well as help the department and the Court to obtain the highest possible level of user fee revenues.

Additional research could also include a comparative analysis, across several different departments and jurisdictions, of the methods being employed in user fee collection, as well as a study of collection ratios in the light of those methods, so that departments can fully avail themselves of user fee revenues and possibilities. Collection ratios would be an especially important study, since that would clearly highlight the departments which are most efficient. This, in turn, would help departments choose methods of collection which will enable them to get the most from their user fee program.

Summary

The implementation of probation user fees is an excellent option, and in fact, user fees seem to be more of a necessity in probation supervision as it approaches the twenty-first century. User fees have the potential to provide much needed revenue to enhance probation services. They lend greater weight and meaning to a sentence involving probation or an opportunity for parole. User fees, as monthly reminders of the penalty attached to a crime, are effective in helping to reduce recidivism. Most important, user fees allow the defendant to develop a vested interest in their own supervision.

The probation user fee is advantageous because of the reasons cited above. Perhaps one of the other most significant reasons for adopting a user fee program would have to be that the user fee has the potential to become the single most measureable gauge of a defendant's performance and compliance with the terms of probation. This is true because of the tangible performance required of the probation client on a monthly basis. In this light it is easy to see how the user fee improves supervision.

This project, finally, is not without its flaws. However, the idea is a good one and whose time has come. While every element of this project can be dissected, debated and analyzed, the most important aim of the entire project has been the enhancement of supervision of the correctional client. In that spirit of supervisory improvement and a future of possibilities, then, the words of Robert F. Kennedy seem appropriate:

*"Some men see things as they are and say, why;
I dream things that never were and say, why not."*

(1968)

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APPENDICES

APPENDIX A
Sample Letter to Judges

November 24, 1993

Your Honor,

In this era of limited resources and City budget cuts, our court has been asked to look into ways to decrease costs and to increase revenues. The concept of probation user fees has been discussed in the past, but was determined to be impossible without enabling state legislation.

Presently, House Bill 406, which proposes to allow probation departments to charge up to \$50.00 per month in user fees or, in indigent cases, to require the performance of supervised community service hours in lieu of the user fee, has passed the Ohio House and is currently being heard in the State Senate.

The language of H.B. 406 is written so that the funds collected by the supervising agency are then placed in a special fund for that agency to use to enhance their service to the court, the community, and the client.

On the eve of the possible passage of H.B. 406, I am preparing a proposal for the implementation of user fees in the Franklin County Municipal Court, Department of Probation Services. So as to obtain an understanding of your perceptions about the implementation of user fees, I have prepared a survey for all the judges of this court. The goal of this survey, which has been approved by the Administrative and Presiding Judge, the Court Administrator, and the Chief Probation Officer, is to analyze and evaluate your responses in order to get a sense for several issues that will help with the design of this proposal.

Your responses are vital to the success of this survey, and will be requested of all fourteen judges of this court. Since this survey is only being conducted in this court, a lack of response would skew the results. I am therefore asking that you please return this survey to me within ten (10) days.

Thank you in advance for your participation.

Sincerely,

Kevin P. Clark

APPENDIX B
USER FEE SURVEY
OF THE FRANKLIN COUNTY MUNICIPAL COURT JUDGES

I. Please pick a number from the scale to show how much you agree or disagree with each statement and jot it in the space to the left of the item.

Scale

- 1=Strongly agree
 2=Agree
 3=Neutral
 4=Disagree
 5=Strongly Disagree

- _____ User fees help with recidivism.
 _____ User fees alleviate probation overcrowding.
 _____ User fees assist in effective supervision of the correctional client.
 _____ 20% or less of all probation referrals are indigent.
 _____ User fees will overload court dockets with hearings.
 _____ User fees will make the Probation Officer become a collections agent.
 _____ User fees will not provide a sufficient increase in revenues to bring positive internal change about.
 _____ Fewer than 20 states have implemented user fees.

II. Based on what you know about user fees, how much are you inclined to support their implementation in the Franklin County Municipal Court? (check only one)

- _____ Strongly supportive
 _____ Supportive
 _____ Neutral
 _____ Unsupportive
 _____ Strongly unsupportive

III. Do you have concerns about the implementation of user fees within your court?

- _____ yes, if yes check all concerns that apply.
 _____ no, skip to question IV.

possible concerns

- | | |
|--------------------------------------|---|
| _____ political ramifications | _____ managing of revenues |
| _____ docket overload | _____ decrease in quality of supervision by |
| _____ constitutionality of user fees | _____ the probation officer |
| _____ disposition of revenues | _____ relative impact of user fees |
| _____ burden on the defendant | _____ other, specify: _____ |

IV. If the Franklin County Municipal Court implements monthly user fees, approximately how much should the user fee be? (check only one)

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| _____ \$ -0- to \$4.99 | _____ \$15.00 to \$19.99 | _____ \$30.00 to \$34.99 | _____ \$45.00 to \$49.99 |
| _____ \$5.00 to \$9.99 | _____ \$20.00 to \$24.99 | _____ \$35.00 to \$39.99 | _____ \$50.00 |
| _____ \$10.00 to \$14.99 | _____ \$25.00 to \$29.99 | _____ \$40.00 to \$44.99 | |

VI. If a probationer is determined to be indigent, how many hours of supervised community service should they perform per month in lieu of paying a user fee and in addition to any community service hours ordered as part of a sentence?

VII. In what ways should user fees revenues be spent to enhance your probation department? (check all that apply)

VIII. If you have any additional comments on the subject of user fees, they will be welcomed as I prepare a proposal on this topic. Thank you again for your participation.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

APPENDIX C

	LINE OF SURVEY	Judges N=14	Probation Mgmt. Team N=6	Probation Officers N=25	PO's with 2 yrs plus N=13	PO's with less than 2 yrs. N=12	LINE OF SURVEY
Level of Knowledge (mean)	9	18%	50%	29%	34%	23%	9
Supportive	10	64%	100%	48%	10 = 77%	2 = 17%	10
Neutral / Unsupportive	10	36%	0%	52%	3 = 23%	10 = 83%	10
Concerns:	11	79%	50%	84%	10 = 77%	11 = 92%	11
<i>political ramifications</i>	13	0%	0%	16%	2 = 15%	2 = 17%	13
<i>docket overload</i>	14	14%	17%	28%	0 = 0%	7 = 58%	14
<i>constitutionality</i>	15	21%	0%	20%	1 = 8%	4 = 33%	15
<i>revenue disposition</i>	16	21%	50%	44%	3 = 23%	8 = 67%	16
<i>defendant burden</i>	17	79%	33%	44%	5 = 38%	6 = 50%	17
<i>managing revenues</i>	18	57%	33%	56%	8 = 62%	6 = 50%	18
<i>adverse impact on supervision</i>	19	7%	17%	24%	0 = 0%	6 = 50%	19
<i>relative impact</i>	20	50%	17%	36%	5 = 38%	4 = 33%	20
Believe the fee should be	33	(7 OF 14)					33
<i>minimum</i>		\$5.00	\$5.00	\$0.00	\$5.00	\$0.00	
<i>maximum</i>		\$50.00	\$25.00	\$50.00	\$25.00	\$50.00	
<i>mean</i>		\$16.43	\$10.83	\$11.72	\$12.08	\$11.33	
<i>median</i>		\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	
<i>midrange</i>		\$27.50	\$15.00	\$25.00	\$15.00	\$25.00	
Community Service in lieu of fee							
<i>0 to 8 hours</i>	34	36%	67%	36%	5 = 38%	4 = 33%	34
<i>9 to 16 hours</i>	35	21%	0%	12%	1 = 8%	2 = 17%	35
<i>17 to 24 hours</i>	36	0%	0%	16%	3 = 23%	1 = 8%	36
<i>25 to 32 hours</i>	37	0%	0%	4%	0 = 0%	1 = 8%	37
<i>33 to 40 hours</i>	38	7%	33%	8%	1 = 8%	1 = 8%	38
<i>other than above choices</i>	39	28%	0	20%	2 = 15%	3 = 25%	39
Use of revenues							
<i>technological support</i>	40	57%	100%	80%	11 = 85%	9 = 75%	40
<i>special programs</i>	41	57%	33%	52%	7 = 54%	6 = 50%	41
<i>increase number of PO's</i>	42	64%	83%	44%	7 = 54%	4 = 33%	42
<i>increase number of support staff</i>	43	57%	100%	48%	5 = 38%	7 = 58%	43
<i>training for staff</i>	44	50%	50%	64%	9 = 69%	7 = 58%	44
<i>recruitment / retention</i>	45	29%	50%	44%	7 = 54%	4 = 33%	45
<i>departments/ discretion</i>	46	36%	67%	40%	3 = 23%	7 = 58%	46

APPENDIX D PART 1

Q	JUDGE1	JUDGE2	JUDGE3	JUDGE4	JUDGE5	JUDGE6	JUDGE7	JUDGE8	JUDGE9	JUDGE10	JUDGE11	JUDGE12	JUDGE13	JUDGE14	TOTALS	Q
1			1					1							2 = 14%	1
2			1								1				2 = 14%	2
3			1					1						1	3 = 21%	3
4				1		1							1	1	4 = 29%	4
5				1	1			1					1		4 = 29%	5
6					1										1 = 7%	6
7				1	1			1							3 = 21%	7
8											1				1 = 7%	8
9	0%	0%	38%	38%	38%	13%	0%	50%	0%	0%	25%	0%	25%	25%	mean = 18%	9
10	S	S	S	S	S	N	N	S	S	N	N	N	S	S	S=9, N=6	10
11	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y			Y	11 = 79%	11
12					N							N	N		3 = 21%	12
13															0 = 0%	13
14			1											1	2 = 14%	14
15				1						1				1	3 = 21%	15
16			1	1										1	3 = 21%	16
17	1	1	1	1		1	1	1	1	1	1			1	11 = 79%	17
18	1	1	1			1	1	1		1				1	8 = 57%	18
19										1					1 = 7%	19
20	1	1		1		1	1			1	1				7 = 50%	20
21									1		1				2 = 14%	21
22		SLIDING			SLIDING				SLIDING	SLIDING		DEPEND-		1	1 = 7%	22
23		SCALE			SCALE	1	1		SCALE	SCALE	1	ING			3 = 21%	23
24			1	1								ON THE			2 = 14%	24
25												TERMS	1		1 = 7%	25
26												OF PRO-			0 = 0%	26
27								1				BATION			1 = 7%	27
28															0 = 0%	28
29															0 = 0%	29
30															0 = 0%	30
31															0 = 0%	31
32	1														1 = 7%	32
33	\$50.00	DITO	\$10.00	\$15.00	DITO	UNKNOWN	\$10.00	OTHER	DITO	DITO	\$10.00	DITO	\$15.00	\$5.00	mean = \$16.43	33
34			1				1				1		1	1	5 = 36%	34
35	1			1					1						3 = 21%	35
36															0 = 0%	36
37															0 = 0%	37
38								1							1 = 7%	38
39		DITO			1 HR = \$3.	NONE						\$4.25 = 1hr			4 = 28%	39
40			1	1	1	1		1		1	1			1	8 = 57%	40
41			1	1	1	1		1		1	1			1	8 = 57%	41
42			1	1	1	1	1	1		1	1				9 = 64%	42
43			1	1	1	1	1	1		1	1		1		8 = 57%	43
44			1		1	1				1	1		1	1	7 = 50%	44
45			1		1	1				1				1	4 = 29%	45
46	1		1		1	1				1					5 = 36%	46
47									1			1			2 = 14%	47
48							1			1	1			1	4 = 29%	48

APPENDIX D PART 2

Q	PO 1	PO 2	PO 3	PO 4	PO 5	PO 6	PO 7	PO 8	PO 9	PO 10	PO 11	PO 12	PO 13	PO 14	PO 15	PO 16	PO 17	PO 18	PO 19	PO 20	PO 21	PO 22	PO 23	PO 24	PO 25	TOTAL	Q	MT 1	MT 2	MT 3	MT 4	MT 5	MT 6	TOTAL	Q	
1	1			1			1	1									1	1							1	7 - 28%	1	0	0	0	1	1	0	2 - 33%	1	
2	1																					1				3 - 12%	2	0	1	1	0	0	1	3 - 50%	2	
3		1										1					1	1			1	1	1			7 - 28%	3	0	1	0	0	1	1	3 - 50%	3	
4							1			1				1												6 - 24%	4	0	1	0	0	0	0	1 - 17%	4	
5	1	1	1	1		1	1	1			1	1	1			1	1									12 - 48%	5	1	1	0	1	0	0	3 - 50%	5	
6		1	1	1				1				1	1	1		1										7 - 28%	6	1	1	1	1	0	1	5 - 83%	6	
7	1	1	1	1		1		1			1	1	1	1	1		1	1	1		1					15 - 60%	7	1	0	1	1	1	1	5 - 83%	7	
8			1																							0 - 0%	8	1	0	0	0	0	0	1 - 17%	8	
9	50%	50%	50%	50%	0%	25%	38%	50%	0%	13%	25%	50%	38%	25%	13%	25%	50%	38%	13%	13%	25%	38%	13%	0%	25%	mean = 29%	9	50%	63%	38%	50%	38%	63%	mean = 50%	9	
10	S	S	S	S	N	S	S	S	U	N	S	S	S	N	U	U	U	S	N	N	U	N	N	N	S	S-12 Nor U-13	10	S	S	S	S	S	S	S-6	10	
11	Y	Y			Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		21 - 84%	11				Y	Y	Y	3 - 50%	11	
12			N	N								N												N		4 - 16%	12	N	N	N				3 - 50%	12	
13	1	1																	1	1						4 - 16%	13							0 - 0%	13	
14														1	1				1	1	1			1	1		7 - 28%	14					1		1 - 17%	14
15											1					1										5 - 20%	15							0 - 0%	15	
16							1	1	1					1	1	1		1	1	1			1	1		11 - 44%	16				1	1	1	3 - 50%	16	
17						1		1	1	1			1	1	1	1		1	1	1						11 - 44%	17					1	1	2 - 33%	17	
18	1				1	1		1	1	1	1		1	1	1		1	1			1		1			14 - 56%	18					1	1	2 - 33%	18	
19														1	1				1	1	1	1				6 - 24%	19					1		1 - 17%	19	
20							1		1	1	1		1	1	1	1		1								9 - 36%	20						1	1 - 17%	20	
21	1				1			1								1	1							1		7 - 28%	21							0 - 0%	21	
22						1								1	1											2 - 8%	22							0 - 0%	22	
23	1				1			1	1	1		1	1			1		1	1	1			1			11 - 44%	23	1		1		1		3 - 50%	23	
24			1						1								1	1	1	1		1	1	1		6 - 24%	24			1			1	2 - 33%	24	
25											1															2 - 8%	25							0 - 0%	25	
26							1																			1 - 4%	26					1		1 - 17%	26	
27		1		1																						2 - 8%	27							0 - 0%	27	
28																										0 - 0%	28							0 - 0%	28	
29																										0 - 0%	29							0 - 0%	29	
30																										0 - 0%	30							0 - 0%	30	
31																										0 - 0%	31							0 - 0%	31	
32																								1		1 - 4%	32							0 - 0%	32	
33	\$5.00	\$25.00	\$15.00	\$25.00	\$10.00	\$7.00	\$25.00	\$5.00	\$10.00	\$5.00	\$15.00	\$5.00	\$5.00	\$2.00	\$0.00	\$10.00	\$10.00	\$10.00	\$10.00	\$10.00	\$6.00	\$10.00	\$9.00	\$10.00	\$50.00	mean \$12.00	33	\$5.00	\$10	\$10	\$25	\$5.00	\$10	mean \$10.83	33	
34					1				1		1	1	1	1				1			1	1				9 - 36%	34	1		1		1	1	4 - 67%	34	
35			1														1						1			3 - 12%	35							0 - 0%	35	
36	1						1			1									1							4 - 16%	36							0 - 0%	36	
37																								1			1 - 4%	37							0 - 0%	37
38								1								1										2 - 8%	38			1		1		2 - 33%	38	
39			1			1										1								1		5 - 20%	39							0 - 0%	39	
40	1	1	1		1	1	1	1	1	1	1	1	1	1	1		1	1	1		1	1	1	1		20 - 80%	40	1	1	1	1	1	1	6 - 100%	40	
41	1	1		1	1			1				1	1			1				1	1	1	1	1	1		13 - 52%	41	1		1				2 - 33%	41
42	1	1						1	1	1									1	1	1	1				11 - 44%	42	1	1	1	1	1		5 - 83%	42	
43	1	1	1								1								1	1	1	1	1			12 - 48%	43	1	1	1	1	1	1	6 - 100%	43	
44	1	1	1	1	1	1	1				1						1	1	1	1	1	1	1			16 - 64%	44	1		1		1		3 - 50%	44	
45	1	1	1		1						1	1			1	1							1			11 - 44%	45	1		1		1		3 - 50%	45	
46		1											1	1		1	1	1	1		1	1				10 - 40%	46	1	1	1		1		4 - 67%	46	
47	1					1			1	1																10 - 40%	47						1	1	3 - 50%	47
48	1	1		1	1	1		1	1	1				1	1	1		1			1					14 - 56%	48		1			1	1		3 - 50%	48

SURVEY RESULTS FROM PROBATION OFFICERS AND SUPERVISORS (MT). PO 1 THROUGH PO13 REPRESENT LONGEVITY OF TWO (2) YEARS OR MORE.

**FRANKLIN COUNTY MUNICIPAL COURT
DEPARTMENT OF PROBATION SERVICES**

NAME _____ CASE # _____
Last First Middle

Status

1. _____
2. _____
3. _____
4. _____

[illegible]

133

ARREST INFORMATION

List all other arrests, whether convicted or not (include juvenile): (Use another sheet, if necessary.)

DATE	CITY/STATE	CHARGE	OUTCOME

List all Pending Charges:

DATE	CITY/STATE	CHARGE	CASE NUMBER

If you have ever been on probation; referred to juvenile court; served a sentence in an institution for juvenile delinquency, misdemeanor, or felony, furnish the following information:

DATES	NAME & ADDRESS OF PROBATION OR PAROLE OFFICE	OFFICER'S NAME	NAME & ADDRESS OF INSTITUTION
FROM _____ TO _____			
FROM _____ TO _____			

EDUCATION

School _____	Name _____	City/State _____	Grade/Year Completed _____
GED _____	Year _____		
Trade School _____	Name _____	City/State _____	Completed _____ Year _____
College _____	Name _____	City/State _____	No. of Years _____ Degree _____
Reason(s) for Leaving _____			

EMPLOYMENT

DURATION (from-to)	NAME & ADDRESS OF EMPLOYER	HOURLY PAY	JOB TITLE	REASON FOR LEAVING

FINANCIAL CONDITION

Monthly Income Source:	Yours	Spouse	Total
Take Home Pay from Employment	\$ _____	\$ _____	\$ _____
*Other _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
TOTALS:	\$ _____	\$ _____	\$ _____

*List other such as ADC, General Relief, Food Stamps, Welfare, Social Security, Disability, Workers' Comp, Child Support, Pensions, Dividends, Interest, Unemployment, etc.

Monthly Expenses:

House or Rent Payment \$ _____
Food \$ _____
Gas (Heating) \$ _____
Electric \$ _____
Telephone \$ _____

Insurance \$ _____
Auto Loan \$ _____
Credit Card(s) \$ _____
Other \$ _____
Total Monthly Expenses \$ _____

Assets: Checking \$ _____ Savings \$ _____ Other: _____ \$ _____

RESIDENTIAL INFORMATION

INDICATE TYPE OF DWELLING

HOUSE () APT ()

OTHER _____

CIRCLE ONE,
RENT OR OWN

NO OF PERSONS
LIVING WITH YOU _____

List your address for the last five (5) years (start with your current address first):

ADDRESS	CITY/STATE	DATES

List cities/states (other than above) where you have resided:

HEALTH

Rate your health by circling one: EXCELLENT GOOD FAIR POOR

List any physical problem, disability, or handicaps: _____

Circle all types of counseling you have received:

EMOTIONAL MARRIAGE MENTAL PSYCHIATRIC DRUG ALCOHOL

List any medication you are now taking: _____

If you have ever been counseled, treated or evaluated by a state hospital, psychologist, psychiatrist, or mental health center, give name(s) and date(s):

If you have ever used alcohol, drugs and/or narcotics, describe:

Circle your chemical of choice: Alcohol, Drugs, Other _____

Rate your alcohol and/or drug use by circling one:

NEVER USE RARELY USE DAILY USE WEEKEND USE

Circle the area(s) in which your use of alcohol, drugs, and/or narcotics has ever been a problem:

FAMILY

EMPLOYMENT

LEGAL

SOCIAL

MEDICAL

If you feel you are dependent on alcohol and/or drugs; describe to what extent:

List all programs you've been involved with concerning alcohol and/or drug use:

MILITARY HISTORY

Branch _____ Date of Entry _____ Date and nature of Discharge _____

Rank _____ Commendations/Decorations/Military Residences/Disiplinary Actions

(Please Describe) _____

FAMILY RELIGION HISTORY

Religious Preference _____

Church Name _____

Activity _____

Name of Pastor _____

FAMILY HISTORY

List names of parents, stepparents, brothers and sisters:

NAME	RELATIONSHIP	BIRTHDATE (OR AGE)	PRESENT ADDRESS	OCCUPATION OR SCHOOL

Marital Status _____ No. of Children _____ No. of Dependants _____

Spouse _____ Date of Marriage _____

LIST PREVIOUS SPOUSE(S) NAME	DATE OF MARRIAGE	NO. OF CHILDREN	OUTCOME OF MARRIAGE (INCLUDE DATE)

List all children, including those from previous marriages:

NAME	BIRTHDATE (OR AGE)	SCHOOL	WHO HAS CUSTODY	WHO SUPPORTS

I, the undersigned, acknowledge that the above information is true and correct to the best of my ability.

(Signature)

APPENDIX F

As Passed by the House	1.4
120th General Assembly	1.6
Regular Session ..	1.7
Sub. H. B. No. 406	1.7
, 1993-1994	1.8
REPRESENTATIVES DIDONATO-SAWYER-MOTTLEY-W. JONES-JACOBSON-	1.10
CAMPBELL-PERZ-CAIN-WESTON-PRINGLE-DOTY-MAIER-TERWILLEGER-	1.11
BENDER-D. WISE-BOYD-VAN VYVEN-LOGAN-REID-TIBERI-KASPUTIS-	1.12
M. WISE-LUCAS-SUTTON-CORE-KREBS-BRADING-PADGETT-MASON-	1.13
MYERS-HAINES-OPFER-CARR-ROBERTS-HEALY-THOMAS-	1.14
JAMES-SCHULER-VESPER-VERICH-HAGAN	1.15
	1.16
A B I L L	1.17
To amend sections 1901.33, 2301.27, 2301.32,	1.19
2951.05, and 5149.06 and to enact sections	1.21
321.44, 737.41, and 2951.021 of the Revised Code	1.22
to authorize certain courts that place a criminal	1.24
offender on probation under the control of a	1.25
probation agency to require the person to pay a	1.27
monthly fee of up to \$50 for probation services	1.28
and to repeal the provision that authorizes the	1.29
adult parole authority to place prisoners on	1.30
parole under the supervision of a county	1.31
probation department.	1.32
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:	1.35
Section 1. That sections 1901.33, 2301.27, 2301.32,	2.1
2951.05, and 5149.06 be amended and sections 321.44, 737.41, and	2.3
2951.021 of the Revised Code be enacted to read as follows:	2.5
Sec. 321.44. (A) A COUNTY PROBATION SERVICES FUND SHALL	2.8
BE ESTABLISHED IN THE COUNTY TREASURY OF EACH COUNTY IN WHICH A	2.10
COUNTY DEPARTMENT OF PROBATION IS ESTABLISHED OR IN WHICH A	2.11
DEPARTMENT OF PROBATION IS ESTABLISHED IN A COUNTY-OPERATED	2.13
MUNICIPAL COURT. THE FUND IN EACH COUNTY SHALL CONTAIN ALL	2.14
MONEYS PAID TO THE TREASURER OF THE COUNTY UNDER SECTION 2951.021	2.15
OF THE <u>REVISED CODE</u> FOR DEPOSIT INTO THE FUND. SEPARATE ACCOUNTS	2.16
SHALL BE MAINTAINED IN THE FUND IN EACH COUNTY FOR EACH COUNTY	2.17

DEPARTMENT OF PROBATION AND MUNICIPAL COURT DEPARTMENT OF 2.20
 PROBATION THAT HAS BEEN ESTABLISHED IN THAT COUNTY. THE BOARD OF 2.21
 COUNTY COMMISSIONERS SHALL APPROPRIATE TO THE COUNTY DEPARTMENT 2.22
 OF PROBATION OR MUNICIPAL COURT DEPARTMENT OF PROBATION MONEY 2.24
 CONTAINED IN THE DEPARTMENT'S ACCOUNT IN THE FUND FOR USE ONLY 2.25
 FOR SPECIALIZED STAFF, PURCHASE OF EQUIPMENT, PURCHASE OF 2.26
 SERVICES, RECONCILIATION PROGRAMS FOR OFFENDERS AND VICTIMS, 2.27
 OTHER TREATMENT PROGRAMS DETERMINED TO BE APPROPRIATE BY THE 2.28
 CHIEF PROBATION OFFICER OF THE DEPARTMENT OF PROBATION, AND OTHER 2.29
 SIMILAR PROBATION-RELATED EXPENSES. 2.30

(B) IF THE JUDGES OF THE COURTS OF COMMON PLEAS OF TWO OR 2.33
 MORE COUNTIES HAVE ESTABLISHED A MULTICOUNTY DEPARTMENT OF
 PROBATION, A MULTICOUNTY PROBATION SERVICES FUND SHALL BE 2.34
 ESTABLISHED IN THE COUNTY TREASURY OF THE COUNTY WHOSE TREASURER, 2.36
 IN ACCORDANCE WITH SECTION 2301.27 OF THE REVISED CODE, IS 3.1
 DESIGNATED BY THE JUDGES OF THE COURTS OF COMMON PLEAS AS THE 3.2
 TREASURER TO WHOM MONTHLY PROBATION FEES ARE TO BE PAID FOR 3.3
 DEPOSIT INTO THE FUND. THE FUND SHALL CONTAIN ALL MONEYS 3.4
 COLLECTED BY THE MULTICOUNTY DEPARTMENT OF PROBATION AND PAID TO 3.5
 THE TREASURER OF THAT COUNTY UNDER SECTION 2951.021 OF THE 3.6
REVISED CODE FOR DEPOSIT INTO THE FUND. THE BOARD OF COUNTY 3.7
 COMMISSIONERS OF THAT COUNTY SHALL APPROPRIATE THE MONEY 3.8
 CONTAINED IN THE FUND TO THE MULTICOUNTY DEPARTMENT OF PROBATION 3.9
 FOR USE ONLY FOR SPECIALIZED STAFF, PURCHASE OF EQUIPMENT, 3.10
 PURCHASE OF SERVICES, RECONCILIATION PROGRAMS FOR OFFENDERS AND 3.11
 VICTIMS, OTHER TREATMENT PROGRAMS DETERMINED TO BE APPROPRIATE BY 3.13
 THE CHIEF PROBATION OFFICER, AND FOR OTHER SIMILAR PROBATION- 3.14
 RELATED EXPENSES. 3.15

(C) ANY MONEY IN A COUNTY OR MULTICOUNTY PROBATION 3.17
 SERVICES FUND AT THE END OF A FISCAL YEAR SHALL NOT REVERT TO THE 3.19
 GENERAL FUND OF THE COUNTY BUT SHALL BE RETAINED IN THE FUND. 3.20

(D) AS USED IN THIS SECTION, "MULTICOUNTY DEPARTMENT OF 3.22
 PROBATION" MEANS A PROBATION DEPARTMENT ESTABLISHED UNDER SECTION 3.24
 2301.27 OF THE REVISED CODE TO SERVE MORE THAN ONE COUNTY. 3.25

Sec. 737.41. (A) THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION IN WHICH IS ESTABLISHED A MUNICIPAL COURT, OTHER THAN A COUNTY-OPERATED MUNICIPAL COURT, THAT HAS A DEPARTMENT OF PROBATION SHALL ESTABLISH IN THE MUNICIPAL TREASURY A MUNICIPAL PROBATION SERVICES FUND. THE FUND SHALL CONTAIN ALL MONEYS PAID TO THE TREASURER OF THE MUNICIPAL CORPORATION UNDER SECTION 2951.021 OF THE REVISED CODE FOR DEPOSIT INTO THE FUND. THE TREASURER OF THE MUNICIPAL CORPORATION SHALL DISBURSE THE MONEY CONTAINED IN THE FUND AT THE REQUEST OF THE MUNICIPAL COURT DEPARTMENT OF PROBATION FOR USE ONLY BY THAT DEPARTMENT FOR SPECIALIZED STAFF, PURCHASE OF EQUIPMENT, PURCHASE OF SERVICES, RECONCILIATION PROGRAMS FOR OFFENDERS AND VICTIMS, OTHER TREATMENT PROGRAMS DETERMINED TO BE APPROPRIATE BY THE CHIEF PROBATION OFFICER, AND OTHER SIMILAR PROBATION-RELATED EXPENSES.

(B) ANY MONEY IN A MUNICIPAL PROBATION SERVICES FUND AT THE END OF A FISCAL YEAR SHALL NOT REVERT TO THE TREASURY OF THE MUNICIPAL CORPORATION BUT SHALL BE RETAINED IN THE FUND.

Sec. 1901.33. (A) The judge or judges of a municipal court may appoint one or more interpreters, one or more psychiatrists, one or more probation officers, an assignment commissioner, and deputy assignment commissioners, each of whom shall receive such THE compensation out of the city treasury as THAT the legislative authority prescribes, except that in a county-operated municipal court they shall receive such THE compensation out of the treasury of the county in which the court is located as THAT the board of county commissioners prescribes. Probation officers have all the powers of regular police officers and shall perform any duties that are designated by the judge or judges of the court. Assignment commissioners shall assign cases for trial and perform any other duties that the court directs.

The judge or judges may appoint one or more typists, stenographers, statistical clerks, and official court reporters, each of whom shall be paid such THE compensation out of the city treasury as THAT the legislative authority prescribes, except that in a county-operated municipal court they shall be paid such

THE compensation out of the treasury of the county in which the 5.6
 court is located ~~as~~ THAT the board of county commissioners 5.8
 prescribes. 5.9

(B) IF A MUNICIPAL COURT APPOINTS ONE OR MORE PROBATION 5.12
 OFFICERS, THOSE OFFICERS SHALL CONSTITUTE THE MUNICIPAL COURT 5.13
 DEPARTMENT OF PROBATION UNLESS THE COURT DESIGNATES OTHER 5.14
 EMPLOYEES AS THE DEPARTMENT OF PROBATION FOR THE COURT. 5.15

Sec. 2301.27. The court of common pleas may establish a 5.19
 county department of probation. The establishment of ~~such~~ THE 5.21
 department shall be entered upon the journal of ~~said~~ THE court, 5.22
 and the clerk of the court of common pleas shall thereupon 5.24
 certify a copy of ~~such~~ THE order ESTABLISHING THE DEPARTMENT to 5.26
 each elective officer and board of the county. Such A COUNTY 5.27
 department OF PROBATION shall consist of a chief probation 5.29
 officer, and ~~such~~ THE number of other probation officers and 5.31
 employees, clerks, and stenographers, ~~as~~ THAT are fixed from time 5.33
 to time by the court. The court shall make ~~such~~ THE appointments 5.34
 TO THOSE POSITIONS, fix the salaries of THE appointees, and 5.35
 supervise the work of THE appointees. No person shall be 5.36
 appointed as A probation officer who does not possess ~~such~~ THE 6.1
 training, experience, and other qualifications ~~as~~ THAT are 6.3
 prescribed by the adult parole authority created by section 6.5
 5149.02 of the Revised Code. All positions within ~~such~~ A COUNTY 6.6
 department of probation shall be in the classified service of the 6.8
 civil service of the county.

~~In--the--event--several~~ IF TWO OR MORE counties desire to 6.11
 establish a probation department for ~~said~~ THOSE counties, the 6.13
 common pleas judges of ~~such~~ THOSE counties may establish a 6.15
 probation department in ~~said~~ THOSE counties. IF A PROBATION 6.17
 DEPARTMENT IS ESTABLISHED TO SERVE MORE THAN ONE COUNTY PURSUANT 6.18
 TO THIS PROVISION, THE JUDGES OF THE COURTS OF COMMON PLEAS THAT 6.20
 ESTABLISHED THE DEPARTMENT SHALL DESIGNATE THE COUNTY TREASURER 6.22
 OF ONE OF THE COUNTIES SERVED BY THE DEPARTMENT AS THE TREASURER 6.23
 TO WHOM PROBATION FEES PAID UNDER SECTION 2951.021 OF THE REVISED 6.25

CODE ARE TO BE PAID FOR DEPOSIT INTO THE MULTICOUNTY PROBATION SERVICES FUND. 6.26

The cost of the administration and operation of said A PROBATION department ESTABLISHED FOR TWO OR MORE COUNTIES shall be prorated to the respective counties on the basis of population. 6.28 6.29 6.31

Probation officers shall, in addition to their respective salaries, SHALL receive their necessary and reasonable TRAVEL and other expenses incurred in the performance of their duties. Such THE salaries and expenses shall be paid monthly from the county treasury in the manner provided for the payment of the compensation of other appointees of the court. 6.34 6.36 7.1 7.2 7.4 7.5

Sec. 2301.32. In any county wherein IN WHICH a county department of probation has been established as provided by section 2301.27 of the Revised Code and complies with standards and conditions prescribed by the adult parole authority created by section 5149.02 of the Revised Code, an agreement may be entered into between the court of common pleas and the authority under which the county department of probation shall-supervise all-prisoners-in-such-county--on--parole--from--state--penal--and reformatory--institutions--as--provided--in--sections--2301-28-to 2301-31--inclusive--of--the--Revised--Code--and--in--consideration thereof--the--state--shall--pay--to--the--county--from--time--to--time--such amounts--as--are--provided--for--in--such--agreement MAY RECEIVE SUPPLEMENTAL INVESTIGATION OR SUPERVISORY SERVICES FROM THE AUTHORITY. 7.7 7.9 7.10 7.11 7.12 7.13 7.14 7.16 7.17 7.18 7.19 7.20 7.21 7.22

In any county wherein IN WHICH a county department of probation has not been established as provided by section 2301.27 of the Revised Code, an agreement may be entered into between the court and the authority acting--through--its--parole--supervision section under which such THE court may place defendants on probation in charge of the parole-supervision-section AUTHORITY, and, in consideration thereof--such OF THOSE PLACEMENTS, THE county shall pay to the state from time to time such THE amounts as THAT are provided FOR in such THE agreement. 7.24 7.26 7.27 7.28 7.30 7.33 7.34 8.1 8.2

Sec. 2951.021. (A) AS USED IN THIS SECTION: 8.4

(1) "MULTICOUNTY DEPARTMENT OF PROBATION" MEANS A 8.6
PROBATION DEPARTMENT ESTABLISHED UNDER SECTION 2301.27 OF THE 8.7
REVISED CODE TO SERVE MORE THAN ONE COUNTY. 8.8

(2) "PROBATION AGENCY" MEANS A COUNTY DEPARTMENT OF 8.10
PROBATION, A MULTICOUNTY DEPARTMENT OF PROBATION, A MUNICIPAL 8.11
COURT DEPARTMENT OF PROBATION ESTABLISHED UNDER SECTION 1901.33 8.12
OF THE REVISED CODE, OR THE ADULT PAROLE AUTHORITY. 8.13

(3) "DETENTION FACILITY" HAS THE SAME MEANING AS IN 8.15
SECTION 2921.01 OF THE REVISED CODE. 8.16

(B)(1) IF A COURT PLACES AN OFFENDER ON PROBATION UNDER 8.18
THE CONTROL AND SUPERVISION OF A PROBATION AGENCY, THE COURT MAY 8.20
REQUIRE THE OFFENDER, AS A CONDITION OF PROBATION, TO PAY A 8.21
MONTHLY PROBATION FEE OF NOT MORE THAN FIFTY DOLLARS FOR 8.23
PROBATION SERVICES.

(2) NO PERSON SHALL BE ASSESSED, IN ANY MONTH, MORE THAN 8.27
FIFTY DOLLARS IN PROBATION FEES.

(3) THE PROSECUTING ATTORNEY OF THE COUNTY OR THE CHIEF 8.29
LEGAL OFFICER OF A MUNICIPAL CORPORATION IN WHICH IS LOCATED THE 8.30
COURT THAT IMPOSED SENTENCE UPON AN OFFENDER MAY BRING A CIVIL 8.31
ACTION TO RECOVER UNPAID MONTHLY PROBATION FEES THAT THE OFFENDER 8.33
WAS REQUIRED TO PAY. ANY AMOUNT RECOVERED IN THE CIVIL ACTION 8.34
SHALL BE PAID INTO THE APPROPRIATE COUNTY, MULTICOUNTY, 8.35
MUNICIPAL, OR ADULT PAROLE AUTHORITY PROBATION SERVICES FUND IN 8.36
ACCORDANCE WITH DIVISION (C) OF THIS SECTION. 9.1

(4) THE FAILURE OF AN OFFENDER TO COMPLY WITH A CONDITION 9.3
OF PROBATION THAT HE PAY A MONTHLY PROBATION FEE IMPOSED UNDER 9.4
DIVISION (B)(1) OF THIS SECTION SHALL NOT CONSTITUTE THE BASIS 9.6
FOR A REVOCATION OF HIS PROBATION AND THE IMPOSITION OF HIS 9.7
SENTENCE UNDER SECTION 2951.09 OF THE REVISED CODE BUT MAY BE 9.9
CONSIDERED WITH ANY OTHER FACTORS THAT FORM THE BASIS OF A
REVOCATION OF PROBATION. IF THE COURT DETERMINES AT A HEARING 9.10
HELD PURSUANT TO SECTION 2951.09 OF THE REVISED CODE THAT THE 9.12
OFFENDER FAILED TO PAY A MONTHLY PROBATION FEE IMPOSED UNDER
DIVISION (B)(1) OF THIS SECTION AND THAT NO OTHER FACTORS 9.14

WARRANTING REVOCATION OF PROBATION ARE PRESENT, THE COURT SHALL 9.15
 NOT REVOKE THE OFFENDER'S PROBATION, SHALL REMAND THE OFFENDER TO 9.16
 THE CUSTODY OF THE PROBATION AGENCY, AND MAY IMPOSE ANY 9.17
 ADDITIONAL CONDITIONS OF PROBATION UPON THE OFFENDER, INCLUDING A 9.18
 REQUIREMENT THAT THE OFFENDER PERFORM COMMUNITY SERVICE, AS THE 9.19
 ENDS OF JUSTICE REQUIRE.

(C) PRIOR TO THE LAST DAY OF THE MONTH IN EACH MONTH 9.21
 DURING THE PERIOD OF PROBATION, AN OFFENDER WHO IS ORDERED TO PAY 9.23
 A MONTHLY PROBATION FEE UNDER THIS SECTION SHALL PAY THE FEE TO 9.24
 THE PROBATION AGENCY THAT HAS CONTROL AND SUPERVISION OVER HIM OR 9.25
 TO THE CLERK OF THE COURT FOR WHICH THE PROBATION AGENCY IS 9.26
 ESTABLISHED, EXCEPT THAT, IF THE PROBATION AGENCY IS THE ADULT 9.28
 PAROLE AUTHORITY, THE OFFENDER SHALL PAY THE FEE TO THE CLERK OF 9.29
 THE COURT OF COMMON PLEAS. EACH PROBATION AGENCY OR CLERK OF A 9.30
 COURT THAT RECEIVES ANY MONTHLY PROBATION FEES SHALL KEEP A 9.32
 RECORD OF THE MONTHLY PROBATION FEES THAT ARE PAID TO THE AGENCY 9.33
 OR THE CLERK AND SHALL GIVE A WRITTEN RECEIPT TO EACH PERSON WHO 9.34
 PAYS A PROBATION FEE TO THE AGENCY OR CLERK. 9.35

(D) ALL MONTHLY PROBATION FEES COLLECTED UNDER THIS 10.1
 SECTION BY A PROBATION AGENCY OR THE CLERK OF A COURT SHALL BE 10.3
 DISPOSED OF IN THE FOLLOWING MANNER:

(1) FOR OFFENDERS WHO ARE UNDER THE CONTROL AND 10.5
 SUPERVISION OF A COUNTY DEPARTMENT OF PROBATION OR A MUNICIPAL 10.9
 COURT DEPARTMENT OF PROBATION IN A COUNTY-OPERATED MUNICIPAL 10.10
 COURT, ON THE FIRST BUSINESS DAY OF EACH MONTH, THE CHIEF 10.11
 PROBATION OFFICER OR HIS DESIGNEE OR THE CLERK OF THE COURT SHALL 10.12
 PAY ALL MONTHLY PROBATION FEES COLLECTED IN THE PREVIOUS MONTH TO 10.14
 THE COUNTY TREASURER OF THE COUNTY FOR DEPOSIT INTO THE COUNTY 10.15
 PROBATION SERVICES FUND ESTABLISHED IN THE COUNTY TREASURY 10.16
 PURSUANT TO SECTION 321.44 OF THE REVISED CODE. 10.18

(2) FOR OFFENDERS WHO ARE UNDER THE CONTROL AND 10.20
 SUPERVISION OF A MULTICOUNTY DEPARTMENT OF PROBATION, ON THE 10.22
 FIRST BUSINESS DAY OF EACH MONTH, THE CHIEF PROBATION OFFICER OR 10.23
 HIS DESIGNEE OR THE CLERK OF THE COURT SHALL PAY ALL MONTHLY 10.25
 PROBATION FEES COLLECTED IN THE PREVIOUS MONTH TO THE COUNTY 10.27

TREASURER DESIGNATED UNDER SECTION 2301.27 OF THE REVISED CODE BY 10.28
 THE JUDGES OF THE COURTS OF COMMON PLEAS OF THE COUNTIES SERVED 10.29
 BY THE DEPARTMENT FOR DEPOSIT INTO THE MULTICOUNTY PROBATION 10.30
 SERVICES FUND ESTABLISHED IN THAT TREASURER'S COUNTY PURSUANT TO 10.31
 SECTION 321.44 OF THE REVISED CODE. 10.33

(3) FOR OFFENDERS WHO ARE UNDER THE CONTROL AND 10.35
 SUPERVISION OF A MUNICIPAL COURT DEPARTMENT OF PROBATION IN A 11.2
 MUNICIPAL COURT THAT IS OPERATED BY A MUNICIPAL CORPORATION, ON 11.3
 THE FIRST BUSINESS DAY OF EACH MONTH, THE CHIEF PROBATION OFFICER 11.4
 OR HIS DESIGNEE OR THE CLERK OF THE COURT SHALL PAY ALL MONTHLY 11.6
 PROBATION FEES COLLECTED IN THE PREVIOUS MONTH TO THE TREASURER 11.8
 OF THE MUNICIPAL CORPORATION FOR DEPOSIT INTO THE MUNICIPAL 11.9
 PROBATION SERVICES FUND ESTABLISHED PURSUANT TO SECTION 737.41 OF 11.10
 THE REVISED CODE. 11.10

(4) FOR OFFENDERS WHO ARE UNDER THE CONTROL AND 11.12
 SUPERVISION OF THE ADULT PAROLE AUTHORITY, THE CLERK OF THE COURT 11.13
 OF COMMON PLEAS, ON THE FIRST BUSINESS DAY OF JANUARY, APRIL, 11.15
JULY, AND OCTOBER, SHALL PAY ALL MONTHLY PROBATION FEES COLLECTED 11.17
 BY THE CLERK IN THE PREVIOUS THREE MONTHS TO THE TREASURER OF 11.18
 STATE FOR DEPOSIT INTO THE ADULT PAROLE AUTHORITY PROBATION 11.19
 SERVICES FUND ESTABLISHED PURSUANT TO SECTION 5149.06 OF THE 11.20
REVISED CODE. 11.20

(E) NOT LATER THAN THE FIRST DAY OF DECEMBER OF EACH YEAR, 11.23
 EACH PROBATION AGENCY SHALL PREPARE A REPORT REGARDING ITS USE OF 11.24
 MONEY FROM A COUNTY PROBATION SERVICES FUND, A MUNICIPAL 11.25
 PROBATION SERVICES FUND, OR THE ADULT PAROLE AUTHORITY PROBATION 11.25
 SERVICES FUND, WHICHEVER IS APPLICABLE. THE REPORT SHALL SPECIFY 11.27
 THE AMOUNT APPROPRIATED FROM THE FUND TO THE PROBATION AGENCY 11.28
 DURING THE CURRENT CALENDAR YEAR, AN ESTIMATE OF THE AMOUNT THAT 11.29
 THE PROBATION AGENCY WILL EXPEND BY THE END OF THE YEAR, A 11.30
 SUMMARY OF HOW THE AMOUNT APPROPRIATED HAS BEEN EXPENDED FOR 11.31
 PROBATION SERVICES, AND AN ESTIMATE OF THE AMOUNT OF PROBATION 11.32
 FEES THAT THE PROBATION AGENCY WILL COLLECT AND PAY TO THE 11.33
 APPROPRIATE TREASURER FOR DEPOSIT IN THE FUND IN THE NEXT 11.35

CALENDAR YEAR. THE REPORT SHALL BE FILED WITH ONE OF THE FOLLOWING:

- (1) IF THE PROBATION AGENCY IS A COUNTY DEPARTMENT OF PROBATION, A MULTICOUNTY DEPARTMENT OF PROBATION, OR A MUNICIPAL COURT DEPARTMENT OF PROBATION IN A COUNTY-OPERATED MUNICIPAL COURT, WITH THE BOARD OF COUNTY COMMISSIONERS;
 - 11.36
 - 12.2
 - 12.3
 - 12.5
 - 12.6
- (2) IF THE PROBATION AGENCY IS A DEPARTMENT OF PROBATION OF A MUNICIPAL COURT THAT IS OPERATED BY A MUNICIPAL CORPORATION, WITH THE LEGISLATIVE AUTHORITY OF THE MUNICIPAL CORPORATION;
 - 12.8
 - 12.10
 - 12.11
- (3) IF THE PROBATION AGENCY IS THE ADULT PAROLE AUTHORITY, WITH THE CHAIRMEN OF THE FINANCE COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE DIRECTORS OF THE OFFICE OF BUDGET AND MANAGEMENT AND THE LEGISLATIVE BUDGET OFFICE, AND THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY FOR WHICH THE ADULT PAROLE AUTHORITY PROVIDES PROBATION SERVICES.
 - 12.13
 - 12.15
 - 12.16
 - 12.17
 - 12.18

Sec. 2951.05. If the-defendant AN OFFENDER mentioned in section 2951.02 of the Revised Code resides in the county wherein IN WHICH the trial ~~is-had~~ WAS CONDUCTED, THE COURT THAT ISSUES an order ~~for~~ OF probation shall place the defendant OFFENDER under the control and supervision of the--county A department of probation IN THE COUNTY THAT SERVES THE COURT. If there is no such department OF PROBATION IN THE COUNTY THAT SERVES THE COURT, ~~it-may~~ THE PROBATION ORDER, under section 2301.32 of the Revised Code, MAY place him THE OFFENDER on probation in charge of the adult parole authority created by section 5149.02 of the Revised Code ~~acting--through-its-parole-supervision-section,--which-shall~~ THAT then SHALL have the powers and duties of a county department of probation. If the defendant OFFENDER resides in a county other than ~~that-wherein~~ THE COUNTY IN WHICH the court granting probation is situated LOCATED and a county department of probation has been established in the county of residence OR THE COUNTY OF RESIDENCE IS SERVED BY A MULTICOUNTY PROBATION DEPARTMENT, such THE order of probation may request the court of common pleas of the county wherein IN WHICH the defendant OFFENDER resides to receive him into the control and supervision

of such THAT county OR MULTICOUNTY department of probation, 13.16
 subject to the jurisdiction of the trial judge over and with 13.19
 respect to the person of the defendant OFFENDER, and to the rules 13.21
 and-regulations governing such THAT department of probation. If 13.23
 the OFFENDER'S county of defendant's residence has no COUNTY OR 13.25
 MULTICOUNTY department of probation, the judge may place him on 13.26
 probation in charge of the adult parole authority created by 13.27
 section 5149.02 of the Revised Code. 13.28

AS USED IN THIS SECTION, "MULTICOUNTY DEPARTMENT OF 13.30
 PROBATION" MEANS A PROBATION DEPARTMENT ESTABLISHED UNDER SECTION 13.32
 2301.27 OF THE REVISED CODE TO SERVE MORE THAN ONE COUNTY. 13.33

Sec. 5149.06. (A) The primary duties of the section on 13.35
 probation development and supervision are to assist the counties 14.1
 in developing their own probation services on either a single- 14.3
 county or multiple-county basis; to assist the courts of common 14.4
 pleas in the development of community-based correctional 14.5
 facilities and programs and district community-based correctional 14.6
 facilities and programs in accordance with section 2301.51 of the 14.8
 Revised Code; to accept and review proposals for community-based 14.9
 correctional facilities and programs and district community-based 14.11
 correctional facilities and programs that are submitted to it 14.13
 under division (B) of section 2301.51 of the Revised Code; and, 14.14
 if it determines that a proposal for a community-based 14.16
 correctional facility and program or a district community-based 14.18
 correctional facility and program that has been submitted 14.20
 complies with the requirements imposed for such proposals by 14.21
 section 2301.52 of the Revised Code, to approve the proposal. 14.22
 Approval by the section of a proposal for a community-based 14.23
 correctional facility and program or a district community-based 14.25
 correctional facility and program authorizes the establishment 14.27
 and operation of the facility and program. The section shall 14.28
 also distribute to community-based correctional facilities and 14.29
 programs and district community-based correctional facilities and 14.30
 programs, in accordance with section 5149.061 of the Revised 14.32
 Code, funds made available to it for purposes of assisting in the 14.33

renovation, maintenance, and operation of the facilities and 14.34
 programs. The section may, within limits of available personnel 14.35
 and funds available, supervise selected probationers from local 15.1
 courts.

The section consists of a superintendent of probation and 15.2
 other personnel who are necessary for performance of the 15.3
 section's duties. No person shall be appointed superintendent 15.4
 who is not qualified by education or experience in correctional 15.5
 work, including law enforcement, probation, or parole work, in 15.6
 law, in social work, or in a combination of the three categories. 15.7

(B) THE ADULT PAROLE AUTHORITY PROBATION SERVICES FUND 15.10
 SHALL BE CREATED IN THE STATE TREASURY. THE FUND SHALL CONSIST 15.11
 OF ALL MONEYS PAID TO THE TREASURER OF THE STATE BY CLERKS OF 15.12
 COURTS OF COMMON PLEAS UNDER SECTION 2951.021 OF THE REVISED CODE 15.13
 FOR DEPOSIT IN THE FUND. THE CHIEF OF THE ADULT PAROLE 15.14
 AUTHORITY, WITH THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF 15.15
 REHABILITATION AND CORRECTION, SHALL USE THE MONEY CONTAINED IN 15.16
 THE FUND FOR PROBATION-RELATED EXPENSES IN THE COUNTIES FOR WHICH 15.17
 THE AUTHORITY PROVIDES PROBATION SERVICES. PROBATION-RELATED 15.19
 EXPENSES MAY INCLUDE SPECIALIZED STAFF, PURCHASE OF EQUIPMENT, 15.20
 PURCHASE OF SERVICES, RECONCILIATION PROGRAMS FOR VICTIMS AND 15.21
 OFFENDERS, OTHER TREATMENT PROGRAMS DETERMINED TO BE APPROPRIATE 15.22
 BY THE CHIEF OF THE AUTHORITY, AND OTHER SIMILAR PROBATION- 15.23
 RELATED EXPENSES. 15.24

Section 2. That existing sections 1901.33, 2301.27, 15.26
 2301.32, 2951.05, and 5149.06 of the Revised Code are hereby 15.28
 repealed.