OHIO CRIME COMMISSION

FINAL REPORT OF

THE OHIO CRIME COMMISSION

TO

THE OHIO GENERAL ASSEMBLY

March 15, 1969

LEAA Grant No. 282

PAUL W. BROWN
Chairman

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PAUL W. BROWN
ATTORNEY GENERAL OF OHIO

March 14, 1969.

Honorable John W. Brown,
President of the Senate

Honorable Charles F. Kurfess,
Speaker of the House

Gentlemen:

In accordance with the provisions of Amended House Joint Resolution No. 49 of the 107th General Assembly, I have the honor to transmit the final report of the Ohio Crime Commission.

On behalf of my predecessor, the Honorable William B. Saxbe, and myself, I should like to take this opportunity to acknowledge with gratitude the interest and encouragement of the Honorable James A. Rhodes, Governor of Ohio, and, through his good offices, the direct assistance, advice and counsel of the executive departments and agencies of our state government.

I must further indicate our appreciation for the cooperation of the Ohio Committee on Crime and Delinquency, and the many professional associations in Ohio who have contributed so graciously to the detailed efforts of our commission. An appendix to our report lists the names of those individuals from whom we have obtained a wealth of information and valued judgments.

Most importantly, I commend to this General Assembly a grateful recognition of the unstinting effort and devotion of the members of this commission, who have put forth, at the cost of their own personal time and expense, their most earnest endeavor to achieve for Ohio a measure of improved law enforcement and fairer criminal justice in the form of the recommendations that follow. I count it an honor and privilege to have had a part in this expression of dedicated public service.

Very truly yours,

Paul W. Brown

PAUL W. BROWN,
Attorney General, and
Chairman, Ohio Crime
Commission

TABLE OF CONTENTS

APPENDICES, Continued

FORWORD

The present crime commission was officially established in September of 1967 and, as a commission, we first met on October 18, 1967. Effectively, we have had about fifteen months to arrive at the conclusions and recommendations contained in this report. With a membership that was inclined more toward practicality than theory, we were nonetheless challenged by the theories of responsible people and groups of people. As a consequence we have sometimes compromised toward a middle ground in suggesting ways to achieve a future and more desirable objective by way of a realistic first step now.

The form of our operation is stated quite simply. We have called upon those whose daily experience could point out for us the problems that they have to face in the fields of prevention, enforcement, prosecution, and correction of crime. Where these problems have indicated some type of remedial solution we have sought the advice and counsel of people whose special capabilities represented a greater breadth of knowledge than ours. And then we have gone back to the practitioners to test the usefulness of the range of solutions offered. The results, for what they are worth, are the distillation of our best judgment.

In practice, of course, our work has been much more complicated. There has seldom been complete unanimity of opinion among our consultants, nor even among ourselves. We doubt that what we offer here will be wholly acceptable to the legislative process or meet with the complete satisfaction of the people of Ohio, nor are we convinced that our proposals will unequivocally achieve the ends toward which they are aimed. We can only suggest that, where our recommendations are carried into action, the state must constantly evaluate the continuing effectiveness of such action and stand ready to provide for course corrections if purpose and direction waver.

At the outset of our efforts, this commission made an arbitrary decision to avoid the complication of broad social considerations. Had we not done so, we might still be deliberating rather than reporting. But as our work progressed we could not fail to note that the complexities of our present day efforts to live with one another are creating problems of crime and justice that cannot longer be ignored.

In our visits to correctional institutions, for example, we have talked to individual inmates. Almost invariably we find the prisoner has little difficulty in disassociating himself from all his fellow inmates. They might belong in prison, they may need rehabilitation, but he does not. We ask if he feels that he

was dealt with fairly in the criminal process that brought him to his present status, and he will admit that the impersonal course of justice could have reached no other result. And then he will say, "But the judge didn't understand my problem!"

We can look at this expression of self-justification cynically, but we should remember, that, save for those crimes of purely psychotic aberrance, this is the mental approach of the criminal today, either in or out of prison. Respect for the law, merely because it is the law, seems to be crumbling.

The convicted robber is still a good boy in his mother's eyes because he always split the profits of his unlawful efforts with her. He has the sympathy of his peers because he was caught.

The burglary informer tells us that in none of the crimes in which he was personally involved did the victim ever report his losses truthfully. The examples are endless.

It was not within the scope of this crime commission to examine men's souls, but the need to do so is evident. In the words of Judge Learned Hand, "A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few."

THE PROBLEMS OF CRIME IN OHIO

The commission, in attempting to assess the effect of crime in Ohio, has been hampered from the outset by the lack of a comprehensive statewide crime reporting system upon which any meaningful statistics might be based as a complete index of this state.

We have been forced to turn to the Uniform Crime Reports of the Federal Bureau of Investigation, which, although they represent a well coordinated system of reporting for federal purposes, do not provide the detailed information necessary for state purposes. For example less than 35% of all the known law enforcement agencies in Ohio make reports to the Federal Bureau of Investigation. However, police departments of the major metropolitan areas do make such reports and they are representative of the localities experiencing the greatest incidence of crime.

The most recent cumulative report[1] would tend to indicate that crime is committed in Ohio at about the level of our standing among the states in population. The tendency would be to say that we are neither better nor worse than other states in this respect. The point to bear in mind, however, is that Ohio is experiencing the same rising spiral of crime that afflicts the entire nation.

The 1966 - 1967 comparisons[2] indicate a 16% national increase in serious crimes reported to the law enforcement agencies whose individual reports make up the index. Ohio shows a 30% increase. In our state, murder and non-negligent manslaughter was up 18%; forcible rape was up 11%; robbery was up 10%; aggravated assault was up 13%; burglary was up 25%; larceny ($50 and over) was up 34%; and auto theft was up 40%. A complete statewide reporting system might indicate even greater percentages. At least it can be said that Ohio criminals have not been laggard in contributing their fair share to the national averages.

Two conclusions may be drawn. First, crime is a problem in Ohio. Second, to analyze our problem more intelligently, and to focus corrective measures more economically, we need a statewide uniform crime reporting system. Moreover, such a system would give us, in the future, an indication of progress of the relative efficiency of crime prevention programs.

There is an additional advantage to obtaining an integrated statistical picture of all phases of crime and of criminal law administration. It is not enough to measure the amount of crime, or the work of the police, or the work of the courts, or of probation, or of prisons, or of parole as independent and unrelated quantities of information. One of the weaknesses in the administration of justice has been the difficulty of the various agencies, having responsibilities in this field, to realize that they are a part of a general team which together must accomplish the objectives of

1. *Uniform Crime Reports, F.B.I. - 1967, released Aug. 27, 1968.*
2. *Ibid.*

preventing and controlling crime. The total evaluation of the crime problem in this state can lend itself to this requirement.[3]

IT IS STRONGLY RECOMMENDED THAT A UNIFORM CRIME REPORTING SYSTEM BE DEVELOPED AND MAINTAINED AT THE STATE LEVEL OF GOVERNMENT.

We append to this report as EXHIBIT I a copy of the "Uniform Criminal Statistics Act" which could serve as a guideline for the establishment of a bureau or office of criminal statistics.[4] We further recommend close cooperation and coordination with the uniform crime reporting section of the Federal Bureau of Investigation in the interest of assuring a useful exchange of statistics on the national level and a continuing opportunity to assess the effect of crime in Ohio with comparable information from other jurisdictions.

JUVENILE CRIME

Generally we are aware from reports of the Federal Bureau of Investigation that arrests of juveniles for serious crimes increased 59% from 1960 to 1967, and the recidivist rate among juveniles is about 70%. Again, we must assume that Ohio bears its share of this problem.

In our interim report which was submitted to the Governor on June 28, 1968, we pointed out the need for recognizing and dealing with the various categories of juvenile offenders.[5] The Corrections Committee, in consultation with the Ohio Association of Juvenile Judges and other interested agencies has undertaken a comprehensive study leading to a proposed revision of the juvenile court statutes. This revision will be discussed at a later point in this report, but it should be noted here that careful attention was given in this proposed revision to the methods of dealing with categories of juvenile offenders with emphasis on the conduct of the offender to describe the category and providing for the juvenile court, a flexibility of treatment to deal effectively with such conduct.

In this same recommended revision of the juvenile court statutes we have incorporated strict provisions for the separate correctional treatment of juvenile offenders from that of adults and have suggested a more demanding approach for the establishment of juvenile detention homes either individually by county or by district. To lend emphasis to this approach we have proposed that in no case after June 30, 1972 shall a child be placed in any building which is used as a jail, prison, reformatory or lockup for adults.

3. *See "Problems of Crime Statistics in the U.S."; Roland H. Beattie, Journal of Criminal Law, Criminology and Police Science. Vol. 46, pp. 178-186, (July--August 1955).*
4. *Thorsten Sellin, "Uniform Criminal Statistics Act", Journal of Criminal Law, Criminology and Police Science. Vol. 40, pp. 679-700, (March--April 1950).*
5. *Interim Report, pp. POCC-1,2.*

The commission has previously indicated[6] an interest in rectifying present legislation which prohibits employment in certain "dangerous" occupations to youths under the age of eighteen. We were led to this interest through testimony before the Problems of Crime Committee that meaningful employment and on-the-job vocational training was, of itself, a deterrent to juvenile crime. A careful study of Sections 4109.12 and 4109.14 of the Revised Code, has led us to the conclusion that certain occupations prohibited to the sixteen year olds could be reasonably eliminated, although, in the exercise of discretion, there is at least one instance where we would reinstate the prohibition for those under sixteen years of age. We have proposed draft legislation effecting these changes and have received the concurrence of the Department of Industrial Relations for this proposal. A copy of the suggested amending legislation is appended to this report as EXHIBIT II.

The commission has been deeply concerned with the attitude of juveniles toward the law and enforcement of the law. All of the material and testimony that we have considered relating to police-community relations projects, the urban aspects of crime in the big cities, and the need for better understanding of the police functions seem to us to be subject areas where the problems are being attacked too late. It is granted that there is present merit in these suggestions, but the commission is of the opinion that the basic attitudes of our citizens are best developed at the earliest practicable age of understanding.

We dwelt at some length in our interim report with the Police-Juvenile Attitude Program undertaken by Dr. Robert Portune of Cincinnati at the junior high school level[7] and the work of Dr. Walter Reckless of the Ohio State University at the 6th and 7th grade levels.[8] We have referred these programs to the Department of Education and have generated great interest there. However, we feel very strongly that early measures to indoctrinate our young people in a better understanding of the law and a consequent more logical attitude toward the police and the role of law enforcement in today's society must be a matter of immediate concern and action on the part of the educators throughout the state. Accordingly we have drafted a proposed amendment to Section 3313.60 of the Revised Code to incorporate in the required curriculum of our public schools, "A study of the role of law and law enforcement in modern society". A copy of this suggested legislation is appended as EXHIBIT III. We submit that this amendment consists of the addition of but thirteen words but it is the judgment of this commission that THIS AMENDMENT, COUPLED WITH AN INTELLIGENT AND FORTHRIGHT EXECUTION OF THE PRECEPTS INVOLVED, COULD BE THE SINGLE MOST IMPORTANT ACTION THAT THIS COMMISSION COULD RECOMMEND IN THE LONG RANGE PREVENTION OF CRIME IN OHIO.

DRUGS AND NARCOTICS

In our interim report this commission noted with approval the apparent effectiveness of our present narcotics laws, and we recommended that this legislature

6. *Ibid., p. POCC-2.*
7. *Interim Report, pp. LEC-2,3.*
8. *Ibid., pp. CC-5,6.*

resist any attempts to remove marijuana (cannabis) from the category of narcotic drugs and the regulations relating thereto.[9] Since the submission of that report we have received testimony from law enforcement officers and prosecuting attorneys that the very severity of our law is hampering law enforcement in the example of a first time youthful drug offender who has been caught experimenting with marijuana, and where there is local reluctance to charge such an offender with a felony. Possession carries a penalty of not more than a $10,000 fine and imprisonment of not less than two nor more than fifteen years for the first offense. We are advised that in many jurisdicitons the law is not being enforced because of the penalty, and it has been suggested that the law should be changed to make the first offense punishable as a misdemeanor and the second and subsequent offenses punishable as felonies. The crime commission does not have any valid statistics which would support a recommendation for such a change. We would recommend that when an adequate crime reporting system is established and a consistent pattern of reports reveal a trend that might require a change in the penalty for a first time offender, the matter could then be considered against a factual background of information.

We have also been advised that the Federal Bureau of Narcotics and Dangerous Drugs, which is now a part of the U. S. Department of Justice, is drafting federal legislation which will encompass some new concepts in dangerous drug control and incorporating narcotics, barbiturates, drug abuse, and food and drug laws into one all-inclusive statute that may have the effect of a model state dangerous substance law. We would recommend consideration of this federal approach as a preliminary matter in future determinations of need to change our present narcotics laws.

A subject which we have felt and still feel to be of critical importance involves the need for communication to Ohio youth of the dangers inherent in drug and narcotic use.[10] We recommended to the Department of Education the intensive application of the present law with respect to mandatory instruction in the harmful effects of narcotics, and we are advised that the department is contracting for the development of a curriculum that will be responsive to this requirement. We would again indicate that this matter is one which should be treated as an urgent necessity in view of information to the crime commission of expanding traffic in marijuana in this state.

The information made available to us would indicate increasing amounts of marijuana are being brought into the state and distributed around university areas, with some quantities also getting down to the high school and junior high school levels. Law enforcement officials are aware of the particular problems within their respective jurisdictions, but because of the inter-county nature of the traffic itself and the need for statewide surveillance together with coordinated intelligence from sources outside the state, it is urged that an intelligence and investigation unit at the state level, in support of local law enforcement, provide for a special unit devoted to drugs and narcotics traffic.

9. *Interim Report, p. POCC-3.*
10. *Interim Report, pp. POCC-3,4.*

ORGANIZED CRIME

This crime commission has not been able to acquire the kind of information which would provide the legislature with a comprehensive picture describing the complete organization and operation of organized crime in Ohio. The reasons for our difficulty are sufficiently illuminating, however, as to suggest a future course of action.

In the first instance we have found that the federal authorities who are involved in the fight against organized crime, are extremely cautious in the dissemination of their intelligence of organized crime operations. This caution is based on the necessity for protecting their informants and the sources of their information, together with the knowledge that much of their data may not always be sufficiently evidentiary as to warrant disclosure without corroboration. The federal authorities do release information to local authorities on a need-to-know basis with some restrictive conditions as to any further dissemination of that information. If these conditions are broken by the local authorities, and if leaks occur, then future federal-local cooperation is jeopardized. As a consequence, where we have queried local police authorities on matters of organized crime we find that their responses may be inhibited by their confidential relationship with the federal authorities, or they may have already been cut off from further information by a past indiscretion. It must be admitted that the public nature of the crime commission meetings would militate against any extension of the confidential relationship to the commission, and this would, in all likelihood obtain as far as any direct disclosure between the federal authorities and our commission.

The second problem we have encountered is the isolation of interest on the part of local officials to the problems of their own respective jurisdiction. For instance they may admit that they have a problem of gambling within their own community, and they focus their attention on that problem, but they will also say that the owners or operators live in another jurisdiction and those individuals are a problem for the other jurisdiction. The same attitude prevails in the areas of prostitution, bribery and traffic in narcotics. This is not to say that inter-jurisdictional cooperation does not exist, but in our view something more than cooperation is necessary to achieve a comprehensive and coordinated attack on a problem that is statewide and even nationwide in its aspects. The local jurisdictions have neither the facilities, the personnel nor the funds to bear this burden by themselves.

The third inhibition to the effectiveness of our crime commission's work in this sujbect area has been our lack of power or authority to institute meaningful investigations. As has been mentioned, we have felt ourselves bound to hold public meetings and potential informants have shied away from disclosures in such a forum. We have not had the authority to compel the attendance and testimony of witnesses nor to grant immunity from criminal prosecution to those witnesses whose information would have been of greater public value than their prosecution.

IN SHORT, WE SEE AN URGENT REQUIREMENT FOR THE ASSUMPTION OF AN ACTIVE ROLE AT THE STATE LEVEL BY A BODY OF AUTHORITY

CLOTHED WITH SUFFICIENT POWER AND JURISDICTION TO DEAL WITH FEDERAL AND LOCAL AUTHORITIES IN COMBATTING ORGANIZED CRIME.

All of the foregoing pre-supposes that organized crime exists in Ohio. From the information that our crime commission has obtained, we are certain that it does exist. All of the surface indicia are present. Gambling and prostitution, in one form or another are present in practically all of the major urban areas of this state and where these vices exist there naturally follows the less obvious elements of loan sharking, coercion, and bribery from which stem the resulting crimes of murder, arson, aggravated assault, robbery and so on. We have heard testimony evidencing the existence of burglary rings operating across county and state lines, and we are aware of syndicated forms of professional crime services that are not necessarily in the classic style of the La Cosa Nostra or Mafia, but simply indicate a loosely knit but entirely effective underworld of criminal collaboration. It has been conservatively estimated that organized crime is a seven billion dollar a year industry in this country. We are certain that Ohio taxpayers are penalized for an aliquot share of this staggering amount.

Inherent in the crime commission's view of this subject is a substantial doubt that there is any presently effective and persistent prosecution of organized crime by our Ohio law enforcement agencies. In the past year and a half, the federal authorities have prosecuted forty seven cases involving organized crime in Ohio. To our admittedly limited knowledge, we know of only one such proseuction by our local authorities and that was accomplished with the cooperation and assistance of federal agencies. This imbalance is unrealistic and inefficient because our state criminal laws offer a more direct method of prosecution. One of our witnesses, speaking from the federal standpoint, said, "One of our major problems is our inability to attack the causes of crimes at the source. We cannot raid a gambling establishment because it is a gambling establishment. We can only raid a gambling establishment because it is involved in interstate commerce".

The answer lies in providing local law enforcement with the information, the intelligence, the facilities and the tools to meet the challenge.

One of the tools which we feel should be immediately available to law enforcement is a legislative authorization for court controlled wiretapping. We pointed out in our interim report the difficulties of obtaining evidence that can be introduced in court in the area of organized crime,[11] and indicated we would propose such legislation. We now have the guidelines of federal legislation in this area, and we have followed closely the provisions of Title III of Public Law 90-351, the "Omnibus Crime Control and Safe Streets Act of 1968" to achieve for local law enforcement in the state courts the same capabilities as have been made available by Congress in the federal courts. We consider this step essential to the work of local law enforcement in organized crime and in other areas of crime as well. Our suggested legislation for wiretapping is attached to this report as EXHIBIT IV.

11. *Interim Report, pp. POCC-5--6,*

Generally, the crime commission is of the strong opinion that the solution to the problem of organized crime in Ohio is a dedicated and forthright program of federal - state - local attack. At a later point in this report we will propose to the legislature the establishment of a permanent or semi-permanent crime commission as a logical and stronger successor of this commission. We feel that a major portion of the state's responsibility in the field of organized crime can be performed as a function of such commission if it is given the authority and the powers that we suggest for it.

DRUNKENNESS

As a result of its review of crime problems in Ohio, the crime commission has become particularly concerned with crimes connected with alcohol. The alcohol-related crime problem is twofold. First, consumption of alcohol is related to many serious crimes such as murder, assault with deadly weapons and larceny. Drinking reduces the inhibitions against crime, and thus crimes may be committed by persons wo are in an intoxicated or semi-intoxicated state which would not be committed if these persons had not been drinking. Drinking does not cause criminal tendencies but consumption may cause these tendencies to become overt. Second, public drunkenness is a crime in itself even if not connected to other more serious crimes. Public drunkenness is a serious social problem and, equally important, handling this problem drains law enforcement resources which otherwise could be used to deal with more serious crimes. Arrests for public drunkenness represent a major portion of the workload of the criminal justice system in the state of Ohio. In the year 1967, approximately 137,000 arrests -- 36 percent of total criminal, non-traffic arrests -- were made in Ohio for drunkenness and related offenses (disorderly conduct and vagrancy).

Both the Ohio Revised Code and many municipal ordinances make public drunkenness a crime. Although the ordinances and the Code have substantially similar definitions of the crime, arrest and sentencing policies throughout Ohio are not uniform. The number of arrests in a particular city may be related less to the amount of drunkenness than to police policies in coping with the problem. Sentencing and bail policies not only vary from court to court, but may be radically different within the same court depending upon the presiding judge.

Apprehension and disposition procedures involved in handling drunkenness offenses are frequently criticized on the grounds that they rarely reflect the standards of impartiality and fairness that are the basis of the criminal justice system. Because most law enforcement officers prefer not to arrest an inebriant, when there appears a reasonable alternative (e.g., sending a man home), arrest practices inherently discriminate against the poor and homeless; due process safeguards are often ignored; positive tests for intoxication are rarely administered. Judicial disposition of drunkenness offenders, in its seeming arbitrariness and ineffectuality, often mock the dignity of the court. Although drunkenness cases often involve complex, factual, and medical issues, counsel is rarely present. The limitations of the justice

system in dealing with chronic drunkenness as a medical problem, and the high costs which would be involved in providing the same legal procedures for drunkenness offenders as for more serious offenders raise serious doubts about the value of treating public drunkenness as a crime at all. We note that similar doubts were expressed by the President's Crime Commission.

Serious social and medical problems may underly or accompany the drinking behavior of the chronic drunkenness offender. Few agencies (including penal) are equipped to deal, except in the most rudimentary manner with such problems. The repeated arrests and incarceration of those found publicly intoxicated have not only had demonstrably little effect in rehabilitating or otherwise deterring the chronic offencer, but may seriously aggravate and reinforce many of the causes of his drinking problem. This process of arrest, forced sobriety, and return to the streets to be arrested soon again has been termed the "revolving door". As presently constituted, the system does little more than provide the drunk with emergency shelter while hiding from the public view.

However, satisfactory alternatives to present methods are hard to come by. Comprehensive treatment programs complete with adequate medical and perhaps psychiatric attention and residential aftercare facilities are bound to be expensive. Such alternatives may be considerably less expensive than many persons assume, if the savings to police and courts from reduced demands to deal with chronic alcoholics are taken into account. The commission and the Ohio Department of Health have commissioned the Battelle Memorial Institute to undertake a study of just how great the costs of current methods for handling alcoholic offenders in Ohio are. We hope that this study will be followed by a comprehensive study of therapeutic-rehabilitative alternatives to the current system.

Based upon its review of alcohol offenses in Ohio, the commission concludes:

(1) Alcoholism, a serious social problem in itself, represents an element in a a large proportion of arrests in Ohio. Many of these arrests may not be for public drunkenness or driving while intoxicated, but still are related to alcoholism. The Ohio Department of Health and cooperating local public and voluntary agencies must continue to strengthen their programs to deal with the general problem of alcoholism.

(2) Alternative approaches for handling the problems of public drunkenness should be developed. Such approaches should treat drunkenness as a public health problem and include emergency care units for the treatment of acutely intoxicated persons and adequate after-care resources. Experimentation with new approaches should be encouraged. Development of such approaches is prerequisite to taking drunkenness out of the criminal justice system.

(3) As soon as improvements in treatment facilities permit, laws punishing drunkenness should be amended so that drunkenness in itself does not constitute a criminal offense. Disorderly conduct, disturbing the peace, and criminal conduct accompanied by drunkenness should remain punishable as separate crimes. However, appropriate health authorities should assume the responsibility

for prevention of public drunkennes and for custodial and rehabilitative care of persons whose only crime is excessive drinking.

(4) Greater efforts should be made to cope with alcohol problems of those who have committed or may commit more serious crimes. Important steps would be early identification and treatment of those with criminal tendencies who have an alcohol problem; and greater emphasis on the treatment and rehabilitation of alcoholic prisoners during and after incarceration.

CONTROL OF FIREARMS

The commission reiterates the position it took in the interim report with respect to the incidence of crimes committed where the perpetrator had a gun on his person which would indicate to us that there was an intent to use the weapon if it became necessary to the successful commission of that crime.[12] In our opinion the mere presence of a weapon in the commission of a crime, even though the weapon is not actually used, presents a threat to the public safety of a greater criminal intent than that which existed as an element of the crime itself, and we feel that a conviction under such circumstances should merit the most serious consideration of the judge.

We propose an amendment to Section 2951.04 of the Revised Code to provide that no person convicted of any offense, other than a traffic offense, who, at the time the offense was committed had a gun in his possession, shall be placed on probation. A suggested draft of proposed legislation for this purpose is attached to this report as EXHIBIT V.

This crime commission has had too short a period of time to fully consider the pro's and con's of the desirability of recommending measures for the control of firearms, nor have we relished the role of acting as arbiter in a general debate over a subject that is fraught with extremes of subjective, emotional reaction on both sides of the question. The recently enacted federal legislation regulating the interstate control of the sale of guns may require some form of follow-up legislation among the various states. Because there may be a need for this legislation we would urge that a legislative committee undertake a full study of the necessity for controlling the possession of firearms by the ordinary citizen.

PRIVATE INVESTIGATING AGENCIES

The commission has had brought to its attention several problems relating to the existence of so-called private police or private investigators. Most of the problems relate to confusion on the part of the public as to the authority of such persons in the area of law enforcement, and on the part of the police, many individuals, with poor character backgrounds, are passing themselves off as private investigators to the detriment of official police investigators and a blot on the public image of offical law enforcement.

12. *Interim Report, p. POCC-6.*

It is the opinion of this commission that the legitimate business of private investigation, as well as the security guard service, can be an important adjunct to the control of crime. A licensing procedure would provide a measure of control to assure the public of competent and reliable private investigating agencies and security services, and would relieve the police of the problem of coping with fraudulent fly-by-night operations that are presently a matter of public concern.

A licensing arrangement that would require, (1) a background screening of all personnel before licensing, (2) wearing of unforms that cannot be mistaken as official police uniforms, (3) emphasis on the concept that such licensees exercise no police power and (4) emphasis that the license grants no authority to carry concealed weapons, would, we believe, offer a sound basis for legislation in the field of private investigating work that has not been acted upon heretofore.

It is our understanding that legislation will be introduced to this legislature to authorize and provide for the licensing and regulating of private investigating agencies.

The crime commission concurs in the need of such legislation and recommentds to this legislature the matters which we have pointed out above as important to the enforcement of the law within such legislation.

LAW ENFORCEMENT

One of the early projects undertaken by this commission was a census of all law enforcement agencies in the state of Ohio. The census was designed to elicit as many basic facts about the organization, personnel and operational capabilities of our police agencies as the patience of our reporting respondents would permit. A questionnaire was mailed out to more than 1100 possible reporting agencies in such a form that the responses could be adapted to computer storage for future reference and for a combination of various queries based upon the fundamental data received. We followed up our initial request with several letters and phone calls and we are of the impression that the total response is close to a complete census. There were 834 responses. Adding to this some 100 agencies that we know to exist which did not reply, together with 57 State Highway Patrol posts, we presume that the total number of law enforcement agencies in Ohio is 991. They break down as follows:

State Highway Patrol posts	57
City Police Departments	196
Sheriffs; Departments (71 replies)	88
University Police Departments	30
Village Departments (500 replies)	560
Constable Departments (37 replies)	60
Total	991

Our survey indicates a total of approximately 15,663 sworn officers in this state of the following categories:

	Reported	Estimated Additional
State Highway Patrol	970	
City Police Departments*	10,285	
Sheriffs' Departments	1,557	259
Village Police Departments	1,925	160
University Police	273	
Township Constable Depts.	189	45
	15,199	464
Estimated Total	15,663	

*Note: The Federal Bureau of Investigation Uniform Crime Reports for 1967 lists 48 cities of a population of 25,000 or more, and shows a total of 7,731 police officers in this category.

The distribution of law enforcement agencies by size and type is illustrated on the accompanying map. Predictably, there is a concentration of agencies clustered

■ = County Sheriff

▲ = Village or constable force of fewer than five men full time

● = Village or city force, 5 to 50 men full time

○ = City force of 51 to 300 men full time

■ = City force of 301 or more men full time

around the large metropolitan areas and a general exiguity elsewhere. Although villages are thought of usually as rural in nature, we find that a large number of the village police agencies lie within the metropolitan cluster. This commission has not considered the concept of consolidated metropolitan police districts, but our map speaks for itself in suggesting this approach for future study.

We shall make further reference to our compilation of statistics later in this report, but it is earnesly proposed that there is a variety of uses available to any state agency from this information which has been computer processed by the Department of Finance. Attached, as Appendix A. is the basic questionnaire which will indicate the scope of the data at hand. We recommend that any future state agency involved in developing and correlating statewide crime reporting consider at least an annual up-date of such information.

SHERIFFS

The commission believes that our map study graphically emphasizes the sheriffs' departments as the central focus of law enforcement in the majority of our counties, and unequivocally the foremost police agency in the rural counties. We suggest that the increase in crimes of an inter-county nature demanding service, cooperation and information of county sheriffs at a greater level of professionalism than ever before required, would indicate that increased financial and material assistance to sheriffs from the state and county levels of government offer one of the most important steps to achieving a uniformity of improved law enforcement capability throughout the state. (We would urge county commissioners to give thoughtful consideration to the adequate clerical staffing of sheriffs' departments such that future requests for statistical information meet with greater response than the 80% return that we experienced from sheriffs with our questionnaire).

In the course of our discussions with sheriffs and with representatives of the Buckeye State Sheriffs Association, two problems have been indicated that are peculiar to the sheriffs' departments. The first of these problems is that the Ohio Revised Code requires that any person appointed as a deputy sherriff must be a qualified elector of the county in which he is to serve. We feel that this restriction serves no useful function, but rather, on the other hand, limits the sources from which a sheriff may select deputies of professional quality. Several sheriffs have told us that after elections there are many qualified and experienced former deputies who are precluded from employment in another county be reason of the elector qualification. We propose a simple amendment to Section 311.04, removing such requirement, and in this proposal we have the general concurrence of the sheriffs. Our suggested draft of proposed legislation for this purpose is attached to this report as EXHIBIT VI.

The second problem is one which troubles the commission and the sheriffs. There are presently no standards or qualifications for those persons who desire to be candidates for the office of sheriff other than the qualifications as an elector

of this state as required by Section 4, Article XV of the Ohio Constitution. Although we must normally rely on the voter's selectivity, this commission feels quite strongly that the area of choice can be modified reasonably to assure more qualified candidates for an office that is so important to law enforcement in Ohio. We find ourselves generally without precedent in such matters in other states, but we see no reason why Ohio may not lead the others. In collaboration with the Buckeye State Sheriffs Association, we suggest the following qualifications:

(1) A minimum age of twenty-five years and a maximum age of sixty years;

(2) A high school diploma or General Educational Development equivalent;

(3) Four years of general law enforcement experience in the enforcement of federal, state, or local laws, or a baccalaureate degree in a related field and two years of law enforcement experience.

Accordingly we have drafted a proposal for the enactment of such qualifications into law, and the suggested draft is attached to this report as EXHIBIT VII.

LAW ENFORCEMENT TRAINING ACADEMY

Our interim report stated,[1] what we considered to be, a strong case for the establishment of a centrally located law enforcement training academy to be operated by the state. We pointed out that one of the most important problems of common concern to all local law enforcement units was the recruiting, screening and training of suitable manpower, and the retention of career personnel. We said that the characteristics of superior police units were reflected in the high entrance requirements, aggressive leadership, standardized and extensive training, coordinated purpose and overall esprit de corps. We felt and still feel that in order to extend these characteristics throughout the state, an improved formal type of basic police training reaching toward the highest standards achievable should be instituted at the earliest possible time in the form and through the leadership of a central police training academy. We solicited comment for such a program in our law enforcement census questionnaire, and the response was overwhelmingly favorable. The Ohio Association of Chiefs of Police has endorsed the suggestions. Moreover, the electorate in their response to State Issue No. 1 in the general election of November, 1968 have approved the proposed funding for a police academy.

With this kind of encouragement we have studied the practical aspects of developing such an academy with the close cooperation and assistance of the Ohio Peace Officer Training Council. Their estimates for training requirements as projected from prior experience, are as follows:

Year	In major schools*	In smaller schools	Total
1968	534	2,246	2,780
1969	875	2,625	3,500
1970	1,075	3,225	4,300
1975	1,750	5,250	7,000

*Major schools operated by local police departments include those in Cleveland,

1. *Interim Report, pp. LEC-3,4,5.*

Columbus, Cincinnati, Dayton, Montgomery County and Toledo. It is our conclusion that these schools as presently established and certified must continue to perform a considerable portion of the police training load for many years to come.

The factor to be considered as a practical requirement in planning for a central law enforcement training academy is contained in the column headed "In smaller schools". This training is presently performed by various schools, certified by the Peace Officer Training Council, with a 120 hour curriculum. Although such training is far better than that received in many states, we and the council are of the opinion that it is presently inadequate. We would replace this training with a minimum 400 hour course of approximately ten weeks duration (four courses per year), on a resident basis at the central law enforcement training academy. We would further expect that the facilities of such academy could provide for shorter courses of in-service training as well as research programs in police work. Also, at a later point in this report we will be suggesting the formal training of correctional personnel for our state penal institutions. We consider that the use of some common facilities and training classes could well predicate the establishment of a corrections training facility at the same location as the law enforcement training academy.

A brief survey of possible locations strongly suggests the consideration of placing this academy upon land of the present London Correctional Institution. It is readily accessible by road or air transportation and sufficient unused acreage is available. More importantly the maintenance facilities and housekeeping services of the institution would materially reduce construction and operational costs. Additionally there are the technical instructional facilities of the Bureau of Criminal Identification and Investigation immediately adjacent as well as a practical laboratory for correctional instruction in the form of the London Correctional Institution if that element of training were to be incorporated into the plan.

The estimated cost of construction at London for a training academy capable of training 2400 police recruits a year is about 5¼ million dollars. It must be borne in mind however, that 50% of construction costs may be available over a phased period from federally appropriated funds through the U. S. Department of Justice under Part C, Title I of the "Omnibus Crime Control and Safe Streets Act of 1968". We would urge that this source of funding be carefully considered for all manner of academy planning and construction programs under a subsidy arrangement that Congress has made available for precisely this type of project.

It is clear that study of other possible sites or locations might modify construction costs, particularly in cases where an academic building (such as an unused high school building), as the nucleus of a training academy complex, may be already available.

IT IS STRONGLY RECOMMENDED THAT THIS LEGISLATURE APPROVE THE CONSTRUCTION AND OPERATION OF A LAW ENFORCEMENT TRAINING ACADEMY, AND, BY APPROPRIATION OF INITIAL FUNDS, THE PEACE OFFICER TRAINING COUNCIL, UNDER ITS PARENT DEPARTMENT OR OFFICE, BE AUTHORIZED TO STUDY, SELECT AND PROCURE AN APPROPRIATE SITE,

CONTRACT FOR ARCHITECTURAL SERVICES THROUGH THE DEPARTMENT OF PUBLIC WORKS, AND APPLY FOR FEDERAL ASSISTANCE IN THE PLANNING AND DEVELOPMENT OF A LAW ENFORCEMENT TRAINING ACADEMY FOR THE STATE OF OHIO.

To futher illustrate the physical concept of such a training academy we attach preliminary sketches and a program of requirements as Appendix B to this report.

TRAINING AND RECRUITING PROGRAMS

In the course of examining all aspects of police agency staff responsibilities, the commissions's Law Enforcement Committee has devoted much time to the problems of recruiting, seclection of recruits, police cadet programs and community relations programs. We have been deeply impressed with the efforts and the results achieved in several jurisdictions.

There are several problems which the recruitment program of any law enforcement agency must overcome. The first of these is to obtain a salary level for new recruits which is high enough to allow the department to compete with other employers in the job market. Overcoming this hurdle, of course, requires legislative action by the proper authority, but the committee has received testimony from the administrators of law enforcement agencies who have obtained the needed legislative action that the results of the higher pay scales have been the "best thing that ever happened to the department".

Once the department is able to offer a livable salary, the next step is to attract a sufficient number of applicants to assure that the force will be maintained at the needed manpower. In one large city, when the police department needed to be greatly expanded in size, an extensive campaign was waged through the news media, public appearances, posters and so forth to attract applicants. In addition, the department made great efforts to apprise itself of its public image and to improve it. This particular department found that a very real benefit of its police-community relations program was that more minority officers applied for positions with the department. Another department found that its best recruiting method was by word of mouth from its own officers. Whatever the method used to attact applicants, the department must realize that probably no more than twenty percent of the total applicants will, after all the screening procedures, still qualify and desire to be police officers.

A further hurdle for the recruiting staff to clear is the forming of a testing procedure which will enable the administrators to determine, with a high degee of accuracy, whether each particular applicant has the necessary characteristics of an efficient and fair police officer. Several cities in Ohio have been able to successfully devise such a screening procedure within the civil service system, by utilizing the civil service test and following up with extensive and thorough background questionnaires and investigations, physical examinations and oral interviews with the police chief. In addition, a very important part of the screening procedure is a personal interview with the wife of the applicant, at which time the negative

aspects (from the wife's point of view) of law enforcement work are carefully explained. Many law enforcement administrators feel that this interview is critical to the recruitment process because an unhappy wife can have an extremely detrimental effect upon the officer's performance on the job.

The most thorough screening procedure brought to the attention of the committee was that used by the Ohio State Highway Patrol. By extensive testing of its own officers, the Patrol was able to determine the characteristics which its most able officers possess. Then, with the help of recognized experts, the Patrol administrators were able to devise a questionnaire type of test, the answers to which will enable the screening officers to determine whether or not the particular applicant possesses the desired characteristics of restraint, responsibility and nurturance. The Patrol screening procedure also includes intelligence tests, physical exams, oral interviews, and background checks. Since implementing this screening procedure, the Patrol has found that there are fewer dropouts from its academy, the overall quality of new recruits has improved, and that more people with some college experience are attracted to and accepted for patrolmen.

As mentioned above, several law enforcement agencies have informed us that their recruiting programs have been more successful since they began programs which emphasize police-community relations. One of the most extensive of these police-community relations programs has been effected as a joint effort of the Cincinnati Police Department and the local chapter of the National Conference of Christians and Jews. This program began as a "test project" in one of the Cincinnati police districts. The real heart of the program is the series of monthly meetings held at a place accessible to the residents of the area. All persons who live or work in the community are invited. Police officers, both from the command level and the rank and file, attend, and these meetings really develop into a forum for open discussion between the citizens and the law enforcement officers.

A police-community relations committee is formed with membership open to all. This committee then arranges the meetings and more or less presides at them. Sub-committees are formed to carry out particular projects and activities which result in the joint cooperation of policemen and citizens in working toward common goals. Typical activities of the sub-committees are social events and fund raising projects.

Those involved in the Cincinnati police-community relations project have found that the open discussion between police officers and citizens at the meetings helps to foster common understanding between the groups, and, even if no solid agreement is reached regarding specific problems, respect for the positions held by each other grows. By working together on various projects, the citizens and the officers learn to understand each other as human beings with common goals and problems.

The payoff of the police-community relations program is in the heightened respect and understanding developed on the part of both the policeman and the citizen, which in turn makes the policeman's daily tasks more pleasant, aids recruiting programs, eases the fears of citizens and, in general, builds a spirit of cooperation rather than antagonism between the law enforcement officers and the persons whom they have sworn to protect. In addition, there is evidence that those who have been involved in police-community relations programs are less likely to

participate in civil disturbances when such outbreaks do occur. There are now police-community relation committees in each of the Cincinnati police districts and the department has solidly endorsed the program.

The committee has also been impressed with the police cadet program operated by the Cincinnati Police Department. This cadet program was started in 1955 in response to the need for well trained and educated young policemen. It is particularly valuable in maintaining the interest of those young men who are, for instance, just completing high school and are precluded from becoming policemen by the age requirement.

The program basically consists of a cooperative effort between the police department and the University of Cincinnati. The cadets are divided into two groups. One group works for the police department, performing clerical duties, etc., and the other attends classes at the University, which has developed a police science curriculum. The groups alternate their activities each thirteen weeks, and, after three years of work and study, receive an associate degree in police science, and upon reachingthe age of twenty-one, are eligible to take the regular police training and become police officers. Before being accepted into the program, the applicants are screened in virtually the same manner as regular applicants. During the periods when they are working for the department the cadets are paid a livable wage.

The benefits of the cadet program are many. The cadets relieve sworn officers in the performance of many clerical duties. The program also gives the department a pool of eligible and interested young men for selection as police officers. In addition, due to their training and educational backgrounds, the cadets frequently become superior police officers, often advancing rapidly in rank and responsibility. Sixty-seven percent of those men originally hired as cadets are still officers of the Cincinnati Police Department.

In other cities, cadet programs are operated during the summer only, but the results in the area of police-community relations, recruitment, etc. are still obtained.

Because the commission is convinced of the merits of the recruitment, screening, police-community relations and cadet programs described above, we commend them to the attention of local officials and citizens. Further, we strongly recommend that the Ohio Peace Officer Training Council investigate and consider the elements of these programs for inclusion in the curriculum of the Ohio Law Enforcement Training Academy.

ADVANCED TRAINING IN POLICE SCIENCE

Our early consideration of the increasing complexities of modern society which imposes substantially heavier burdens on our law enforcement officers than they have ever met in the past, lead us to the proposition that one of Ohio's valuable assets, its higher educational institutions, could and should play a major role in the improvement of our capacity for better informed law enforcement in this state.

We quote from page LEC-6 of the commission's interim report to the Governor:

> "It is the opinion of this committee that there is a need for recognition of police science as a professional discipline keyed to the enlightened and advancing concepts that are being generated by a growing public demand for improved law enforcement and more equitable criminal justice. Such a function, in our view, ought to be performed under the auspices of Ohio's higher educational system where the interaction of existing disciplines and research potential can be brought to bear upon the academic needs of the police profession. We also feel that, if a central police training academy is established, the courses taken there could be approved for credit toward a higher educational program to stimulate law enforcement officers in seeking advanced professional proficiency."

At our request, and in the spirit of warmest understanding and cooperation, the Ohio Board of Regents commissioned the Institute of Government Research and Service of Kent State University, under the leadership of Dr. George D. Eastman, to undertake a study of the feasibility of establishing police science under-graduate training programs at state assisted universities.

Dr. Eastman's study was presented to the Board of Regents on November 11, 1968. The institute made a thorough evaluation of present capabilities and thoughtfully explored a variety of necessary skills and training that could be taught effectively and with educational wisdom at the college and university levels in Ohio. It is our conclusion that the study gives the Board of Regents a basis for recommending instruction that is urgently needed in Ohio. We recommend to the favorable action of this legislature such proposals as the Board of Regents deems appropriate for the furtherance of these programs.

With the permission of the Board of Regents we append to this report a verbatim transcript of Chapter IV, "A Plan for Improvement" from the study performed at Kent State. See Appendix C.

POLICE PAY

In consideration of the problems of the salaries of law enforcement officers in this state, this commission finds itself committed to the proposition stated so succinctly by our former chairman, now U. S. Senator William B. Saxbe, when he said, "We get getter law enforcement in this state than we pay for!"

We find from our law enforcement census that police pay for a patrolman ranges from a low of $3960 to a high of $8590, with an obvious average much closer to the lower mark. It is submitted as self-evident that law enforcement agencies in Ohio cannot attract the calibre of recruits for whom we suggest the most intensive training, at this level of compensation, nor can they reap and retain the dividends accruing from professionally dedicated service and experience, as a policeman's personal growing family comitments and responsibilities outstrip his capability to be an adequate provider.

This commission is forced to admit that in the long run, the adequacy of police salaries is a matter of local determination and local responsibility. If we, as

taxpayers, demand greater and more effective police protection, we must be prepared to pay the costs. It seems illogical that where necessary funds for police pay become an issue on the ballot, that an individual, in the refuge of his secret vote, should seek to avoid the consequences of his outward demand, and on the other hand demonstrate a personal responsibility to meet the contractual obligations of his everyday requirements for service to his television set or automobile repair.

Notwithstanding, it is the opinion of this commission that some remedial steps can be achieved at the legislative level to at least ameliorate the problem of law enforcement salaries in Ohio. It is our feeling that basic salaries and incremental increases can serve not only to provide a low level index to raise the average, but also to provide a stimulus for increased professional knowledge and training. We are drawn to the parallel solution developed for teacher pay in the educational field.

We suggest a horizontal range of pay scales to provide for increases in pay commensurate with increased levels of training and education in the police field. A vertical range would provide for increased pay based upon experience through years of service with provisions for vertical increases also available for meritorious conduct.

Horizontally, we would recommend the following ranges:

(I) A law enforcement officer certified by the Ohio Peace Officer Training Council as having met the minimum training standards to receive a minimum annual salary of five thousand and twenty dollars. (Note: This basic qualification must be a minimum criteria for entry into any category);

(2) A law enforcement officer with an associate degree in the field of law enforcement from a college or university with a degree program authorized by the Ohio Board of Regents, or one hundred hours of law enforcement education at such college or university, certified by the Ohio Peace Officer Training Council, to receive a minimum annual salary of five thousand three hundred sixty dollars;

(3) A law enforcement officer with a bachelor's degree from an accredited college or university to receive a minimum annual salary of five thousand eight hundred dollars;

(4) A law enforcement officer with a bachelor's degree from an accredited college or university with an additional year or one hundred hours of graduate education in the field of law enforcement, certified by the Ohio Peace Officer Training Council, to receive a minimum annual salary of six thousand one hundred dollars;

(5) A law enforcement officer with a master's degree in the field of law enforcement from a college or university with a degree program in such field authorized by the Ohio Board of Regents, to receive a minimum annual salary of six thousand five hundred dollars.

A suggested table of proposed salary ranges by increments of education and by years of service with horizontal columns reflecting the above numbered categories of training, is set forth as follows:

Years of Service	(I)	(2)	(3)	(4)	(5)
I	$5,020	$5,360	$5,800	$6,I00	$6,500
2	$5,200	$5,550	$6,000	$6,325	$6,750
3	$5,380	$5,740	$6,200	$6,550	$7,000
4	$5,560	$5,930	$6,400	$6,775	$7,250
5	$5,740	$6,I20	$6,600	$7,000	$7,500
6	$5,920	$6,3I0	$6,800	$7,225	$7,750
7	$6,I00	$6,500	$7,000	$7,450	$8,000
8	$6,I80	$6,690	$7,200	$7,675	$8,250
9	$6,260	$6,880	$7,400	$7,900	$8,500
I0	$6,340	$7,070	$7,600	$8,I25	$8,750
II	-	-	$7,800	$8,350	$9,000
I2	-	-	-	-	$9,250

We would further recommend that where local political subdivisions adhere to these proposed minimum salaries, that the state by legislative appropriation provide subsidies to the local political subdivisions at the rate of 2% for column (I), 2.5% for column (2), 3% for column (3), 3.5% for column (4) and 4% for column (5). The subsidy program in aggregate would cost about I.5 million dollars per year at a rough estimate, but again it is urged that, for at least a limited number of years, such a program might well qualify for federal assistance under the "Omnibus Crime Control and Safe Streets Act of I968" as an effort to improve the training of personnel in law enforcement.

We would also emphasize that under Part D, Title I of this same federal legislation, there are already existing programs for direct student loans and tuition assistance for undergraduate and graduate programs, as an individual stimulus to advanced education in the law enforcement field.

RIOT CONTROL

It was pointed out in our interim report[2] that this committee strongly favored the offering of a three or three and one-half day course of coordinated classroom and field training to all police agencies in Ohio, in the law enforcement aspects of riot and mob control.

We are pleased to report that through the extensive efforts of the Peace Officer Training Council, General S. T. Del Corso, Adjutant General of Ohio, the Federal

2. *Interim Report, pp. LEC 7,8.*

Bureau of Investigation, the Franklin County Sheriff's Department, the Ohio State Highway Patrol and many other fire and police departments, such a three day civil disturbance training course was held at Camp Perry, Ohio on July 29, 30, and 31st of this past year. Some two hundred eighty-five peace officers, firemen and safety officals were in attendance.

During the course of the school, the trainees were given practical experience in the handling of weapons and riot control tools, classroom lectures and demonstrations of tactical methods of handling crowds and other civil disturbance problems. Colonel A. B. Cook, Executive Director of the Peace Officer Training Council reported to the Law Enforcement Committee on August 23. In this report he stated:

> "In general, the trainees felt that the instruction was beneficial, especially in light of the fact that this was the first time it had ever been offered. There was lavish praise for the Ohio National Guard on the part it played in the instruction. The feeling was that a great deal had been done to insure cooperation among the various departments and agencies which are called into action in the event of a riot. Many of the trainees expressed a desire for more actual demonstrations, including participation by the students in mob control. It was the opinion of most of the trainees that more of these schools are needed."

This commission agrees that such training schools should be established on a continuing basis. We strongly recommend that such a school be scheduled annually and that it be conducted in the spring of each year so that conflict with the other activities taking place at Camp Perry during the summer months could be avoided. Such a training school would be eligible for funding assistance under the "Omnibus Safe Streets and Crime Control Act of 1968".

In addition, we strongly urge that the facilities necessary for such training be designed into the proposed central training academy and that training in the control of civil disturbances be included in the standard curriculum of the academy.

In the process of making preparations for the establishment of this training program, the commission was impressed with the fact that there are several sources of intelligence available in this subject area, which if properly exploited and made applicable to the existing knowledge within Ohio, might well provide a basis for advanced warning of potential trouble spots and improved capacities of law enforcement agencies to cope with such problems.

WE STRONGLY RECOMMEND THAT AN INTELLIGENCE UNIT BE ESTABLISHED AT THE STATE LEVEL UNDER A DEPARTMENT OR OFFICE, WITH THE RESPONSIBILITY OF MAINTAINING A CENTER FOR THE RECEIPT, EVALUATION AND DISSEMINATION OF CIVIL DISTURBANCE INFORMATION, AND FOR COORDINATION OF SUCH INFORMATION WITH FEDERAL AND LOCAL AUTHORITIES OF OTHER STATES. We further recommend that such a unit be given the function of developing (or evaluating) new innovations and techniques in the prevention, detection and control of civil disorders including the testing and evaluation of special equipment for law enforcement assistance in this field.

The commission has recently been apprised of a proposal suggested to this legislature to authorize the State Highway Patrol to provide direct and immediate assistance to local units of government upon request of a sheriff or mayor directed to the governor. This commission is familiar with the capabilities of the Patrol both in terms of personnel and facilities to respond quickly and effectively in emercency situations and we believe it to be a natural outgrowth of their ready availability that they should be called upon to assist in situations that are, or may develop into, civil disturbances, riot or insurrection. The crime commission strongly endorses and recommends to this legislature, favorable action on House Bill No. 72.

CRIMINAL JUSTICE

The commission has not been able to satisfy its own questions and doubts with regard to the problems of delay in criminal cases because of what we now see as a much broader requirement of study than that originally undertaken. We feel that the limited sampling of information that we have obtained is insufficient to base any sweeping recommendations for change or improvement throughout the state, primarily for the reason that the causes of delay in one jurisdiction are not necessarily the same causes for delay in another. We are of the impression that a complete study of all eighty-eight courts of common pleas might reveal as many as eighty-eight different situations and likely requiring individual suggestions for improvement.

The problems of delay are not necessarily generated on the prosecution side of criminal action. A part of the information we have obtained indicates that frequently the delays are motivated by the defense. In one of our large counties a three month study made in 1968 showed 221 continuances requested by the defense as opposed to 34 continuances requested by the prosecution.

Under the recently approved Modern Courts Amendment, Section 5, Article IV of the Ohio Constitution, the Supreme Court of Ohio is given responsibility for general superintendance over all courts in the state. We recommend to the Supreme Court the establishment of a reporting system from the criminal courts of this state which would provide specific information relating to case delays and the reasons therefore. From such a reporting system, sufficient data could be developed to provide a basis for standards for completion of the various stages of criminal cases that would contribute to expeditious disposition of cases. Although the standards need not be rigid, a wide disparity could be questioned and solutions to particular management difficulties suggested. We are advised that regularly published analyses derived from such a reporting system would have a salutary effect in some jurisdictions and serve to advise all courts of their comparative performance.

On the same subject of expediting criminal cases the commission has been advised that where adequate public defender systems are in existence, they contribute materially to the early disposition of the cases. It has also been suggested to us that the increasing present emphasis on the right to counsel is causing more and more demand upon the locally supported legal aid and defender societies and the voluntary efforts of the local bar association. We are aware that this legislature now has under consideration two bills providing for the establishment of state and county legal defender systems which the crime commission has not had the opportunity to review. In the interest of improved criminal justice we would urge careful consideration, but would add the warning of one of our prominent county prosecutors that where an alleged offender is being prosecuted by the state he may be wary of an assigned defense counsel who is paid by the state.

In our interim report we drew attention to the problem of disparity in sentencing and suggested that, in its supervisory role, the Supreme Court might consider the establishment of institute or symposium type training of newly elected or appointed judges with particular emphasis on sentencing procedures and the use of probationary information.[1] We reiterate that suggestion here.

PROSECUTING ATTORNEYS

As with other areas of law enforcement, the people of Ohio probably receive more prosecuting services than they actually pay for. Despite recent pay raises, the salaries established for the prosecuting attorneys in many counties are pitifully small. For instance, in a county which has between 95,000 and 100,000 population, the prosecuting attorney receives a salary of $11,760. In the same county,the common pleas judge will receive $22,700 and the county engineer receives $15,455.

The low salaries are predicated on the assumption that the prosecutors can engage in private practice in order to maintain a reasonable standard of living and the inevitable result is that we end up in the majority of counties with part time prosecutors.

Perhaps the most dramatic effect of the meager salaries is that, to paraphrase the remarks of one prosecuting attorney, about the time the young prosecutor has achieved some semblance of real competence in the performance of his office and is, therefore, of real value to law enforcement in the community, he realizes that his standard of living is not increasing in keeping with the growth of his skill. Upon this realization, the prosecutor usually leaves the office at the expiration of his term and the county is left without an experienced prosecutor. This problem is graphically demonstrated by the fact that of the eighty-eight counties, one-third to one-half of the prosecuting attorneys leave office each four years.

The premise implicit in this discussion is, of course, that we should strive to encourage able lawyers to make a career of prosecution. While the present manner of handling the prosecuting attorney's office does have certain advantages, such as virtually ensuring that fresh ideas and talent will periodically come into the office, the commission feels that the advantages of a full-time career prosecutor, elected by the people, greatly outweigh the benefits of the present arrangement. In fact, testimony from prosecuting attorneys before the Criminal Justice Committee has convinced us that the prosecuting attorney's office should be a full time position even in some of the relatively small counties. The crime commission, therefore, recommends that the salaries of the prosecuting attorneys be elevated to the same level as that of the common pleas judge in each particular county, and that the office be deemed a full time position.

1. *Interim Report, p. CJC-4.*

A second pecuniary problem faced by the prosecuting attorneys is the budgeting for the office. Some prosecutors have few problems in budgeting. They merely submit a reasonable request to the common pleas judges, as required by Section 309.06 of the Revised Code, and the request is granted. Unfortunately, other county prosecutors, particularly those in counties with lesser population, are hampered by the peculiar whims of one or two common pleas judges. If the particular judge feels that the prosecutor needs no assistance, budget requests for an assistant are summarily denied. The commission sees little need for the requirement of Section 309.06 and recommends that the budgetary requests of the prosecuting attorney be submitted directly to the county commissioners.

CHIEF MEDICAL EXAMINER

This commission, in its interim report indicated that some measures should be instituted to bolster the overall effectiveness of the present county coroner system with respect to the criminological aspects of the coroner's responsibilities.[2] In effect we proposed the establishment of a regional system of pathological laboratories, readily accessible to all of the county coroners and law enforcement agencies, and an office of state pathology to administer and coordinate the regional system and provide supplemental services in the field of forensic medicine, toxicology and criminalistics.

We would envision that such a state office should also have the responsibility to develop training and education programs in the field of forensic pathology for law enforcement officers, county coroners, pathologists, medical students and technicians with emphasis on problems of death resulting from crime and violence.

The commission submits that the discussion here, and in our interim report, is not a revolutionary concept (cf. Maryland and Virginia systems) but we do know it represents a departure of some consequence from the present fragmentary efficiency of the present county coroner approach.

We recommend the establishment of the office of Chief Medical Examiner within the framework of a state level law enforcement assistance division or department, headed by a skilled pathologist who is licensed to practice medicine in the state of Ohio. We consider this recommendation to be an essential step toward the consolidation of an improved capability for the law enforcement assistance aspects of coordinated medical, scientific and legal requirements for crime detection and crime solution.

We also recommend to this legislature that it undertake a comprehensive study and review of the existing law and the effectiveness of our county coroner system under such law. We suggest an eventual replacement of this system with an arrangement for the appointment of county or regional medical examiners by a chief

2. *Interim Report, pp. CJC-1,2.*

medical examiner in conjunction with our previously suggested system of regional and branch pathological laboratories that could be associated with those state supported universities which have medical colleges.

BAIL BOND REFORM

The commission has invested considerable time and effort in what we conceive to be a very complex problem which goes to the heart of one of those purposes described for us by Amended House Joint Resolution No. 49, namely, to inquire into the "fair and unfailing administration of criminal justice". We outlined the commission's initial approach to this subject in our interim report wherein we discussed the problems of the indigent defendant, the alternative of release upon own recognizance, and the role of the bail bondsman.[3]

To properly evaluate the operation of Ohio's current pretrial release system, one must understand how it functions. The initial step in the system is for the monetary amount of bail to be set. This function is performed by a judge or magistrate at the preliminary examination if the accused is to be bound over to the grand jury in felony cases or if the hearing is continued for any reason in misdemeanor cases. Section 2937.23 of the Revised Code provides that for misdemeanor offenses, a schedule of bail amounts may be established rather than to make the decision in each individual case, and in felony cases, a judge may establish the bail amount prior to the preliminary examination.

Once the bail amount is set, the accused may secure his release by depositing that amount in cash, or in government issued securities, or by securing the services of some other person, usually a professional bail bondsman, to act as a surety for his reappearance. A recent study demonstrated that from sixty to eighty percent of all those persons released prior to trial were released by virtue of the services of a professional bondsman.

Pursuant to Section 2937.29 of the Revised Code the accused may be released "on his own recognizance" when the court is of the opinion that the accused will appear as required. The statute does not specify whether the "own recognizance" is to be an unsecured undertaking by the defendant to pay a certain amount to the court should he fail to appear or whether the "recognizance" is merely the accused's unsecured promise to reappear. At any rate, the defendant must wait until his initial court appearance before he may attempt to be released upon his own recognizance, which usually means that he will spend a night or two in jail.

There are at least three good features of the present pretrial system with its emphasis upon monetary release. First, taken as a whole, the system does effect the release of a large percentage of the total number of persons arrested. Secondly, for those who can afford it, the system provides for a quick release, usually within twenty four hours. And lastly, from the standpoint of administration, it is easy to live with.

3. *Interim Report, pp. CJC-3,4.*

Why then, does this commission consider some measures of bail bond reform necessary to insure a fairer administration of criminal justice?

In the first place we are of the firm belief that there should be some means for holding the accused in detention where the public safety requires it. The present popular term for this procedure is "preventive dentention" and it is a subject of presidential inquiry at the present time as well as the subject of measures already introduced in Congress. The realization of a means of preventive detention in this state however is repugnant to the Ohio Constitution. Section 9, Article I of the Bill of Rights of the Ohio Constitution reads as follows:

> "All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted."

When one reflects that had the assassination of Senator Kennedy taken place in Ohio, and had the assault resulted in serious injury rather than death, the perpetrator would have been eligible for release on bail, and free to try again. Statistics indicate that only about eight percent of those who are accused of crime and released on bail commit further crime while awaiting trial. But nearly sixty percent of these repeaters are those who have been alleged to be guilty of crimes of violence, housebreaking and robbery, and a majority of them have a prior criminal record.

We submit that there already exists a form of preventive detention in jurisdictions here as well as throughout the nation. Judges resort to the imposition of high bail as a way of keeping persons in jail whom they feel will commit crimes if they are given a pre-trial release. As stated in the report of the President's Commission on Law Enforcement and Administration of Justice, "The persistence of money bail can best be explained not by its stated purpose but by the belief of police, prosecutors and courts that the best way to keep a defendant from committing more crimes before trial is to set bail so high that he cannot obtain his release."[4] The approach, we think, may be ineffective in the case of professional criminals or members of organized crime who seem always to be able to post bond on any scale. The courts interpret "excessive bail" with great latitude. In 1939 one of our common pleas courts held that in a case of a defendant charged with extortion where it appeared to the court that the accused had a previous criminal record, and that his apparent intention of flight when apprehended made his appearance at trial improbable, bail fixed at fifty thousand dollars was not excessive.[5]

4. *The Challenge of Crime in a Free Society; p.10.*
5. *State of Ohio v. Richardson, 15 Ohio Opinions 461.*

Although this commission neither agrees nor disagrees with the court's decision, it is illustrative of the range of interpretation of "excessive bail".

We are also concerned about monetary release in other aspects. It seems self evident that a defendant who obtains the surety of a bail bondsman by paying a fee of ten percent of the bail, which is not recoverable, has already beeen assessed a penalty before trial. A fee of one thousand dollars for bond on a bail set at ten thousand dollars, is, so far as the offender is concerned, a "fine" for an offense for which he has not yet been adjudged guilty. And the state gets no part of it.

During the early 1960's, the state of Illinois tried to solve the problems of its pre-trial release system by enacting legislation which allowed the accused to secure his pre-trial release by depositing ten percent of the bail amount with the court.[6] Upon the proper appearance of the accused, ninety percent of his deposit (or nine percent of the total bail amount) is returned to him, and ten percent is retained by the court to defray the administrative expenses of the plan. The expressed purpose of the new release scheme was to rid the state of the problems arising from the oeprations of the professional bondmen.[7] It should be noted that the ten percent figure is the same as the usual bondsman's fee.

Also the Illinois bail bond statutory provisions allowing a defendant to post a full bond and the previously enacted release on own recognizance statute remain intact.

The ten percent plan has been favorably reviewed by the Illinois legislature, and a similar provision is included in the Federal Bail Reform Act of 1966.

We suggest that the Illinois plan offers advantages that would help to cure the criticism of a penalty being assessed against a defendant before he is adjudged guilty, but it does not resolve the problem of discrimination against the indigent defendant who cannot raise the bail bond fee or the pre-trial release deposit.

The importance of pre-trial release has been underscored for this commission by testimony of both public defenders and private defense counsel that a defendant's case is much more efficiently developed where the defendant is free to accompany his attorney in finding witnesses, locating material evidence and so on. Their argument is buttressed by statistics showing a greater rate of convictions for those defendants who are not given pre-trial release, although the commission is not convinced that the ability to participate in the preparation of the defense during such release is always the prdominant factor in the conviction rate.

In most of the larger Ohio cities a program to aid the indigent defendant in securing his release has been implemented. The program consists of an investigation

6. *Illinois Code of Criminal Proceudre, Chapter 38, Section 110-7 (1963).*
7. *Testimony of Charles H. Bowman, Hearings on S. 2838, S. 2839, and S. 2840, before the Subcommittee on Constitutional Rights, and the Subcomittee on Improvements in the Judical Machinery, of the Sentate Committee on the Judiciary, Second Session of the 88th Congress, 164, (1964).*

by students or by probation staff to determine the extent of the defendant's ties to the community. The verified information is then presented to the court for its consideration when making the pre-trial release decision.

In the light of these problems which we see as inherent inequities in the present bail bonding system, the crime commission suggests consideration of two approaches.

Our first suggestion is that the time may now be appropriate to seek a change in our Ohio Constitution to provide for preventive detention.

Our concern with the problem of preventive detention is not based so much upon the belief that our society is faced with the threat of a great number of serious crimes committed by persons who are released pending trial, bur rather upon the realization that there is no legal method by which those few dangerous defendants may be held. We would urge a referendum proposal to amend Section 9 of Article I in language roughly as follows:

> "All persons shall be released prior to criminal adjudication pursuant to such conditions as are reasonably necessary to assure their reappearance before the proper court; provided that any person who is charged with a felony and who, because of his abnormal and dangerous mental condition or prior history of convictions of serious offenses against the person of another, or of flight to avoid prosecution, or prior history of non-appearance or because he has made overt threats toward a particular person, is a threat to the public safety, may be detained until the final disposition of the charges against him. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted."

In addition to the constitutional amendment, the courts must be given specific but narrowly limited statutory authority to order that an accused be detained when the court has probable cause to believe that the particular accused will commit a serious crime (felony) while on release pending trial. This probable cause must be based upon information such as the accused's history of convictions of felonious offenses, particularly offenses committed while awaiting trial the strength of the prosecution's case against the accused regarding the particular offense for which he has been arrested, any extremely abnormal mental condition of the accused, and any overt actions on the part of the accused which demonstrate the likelihood that he will harm a particular person or persons. The burden to demonstrate the required probable cause should be upon the prosecution.

As a second, and following suggestion, we would recommend a revision study of our bail statutes to deal with pre-trial release consistent with the following principles:

(1) In all criminal cases (with certain exceptions discussed below) the accused shall be released upon his execution of a bail bond and deposit of the ten percent of the face amount of the bond with the clerk of courts.
(2) Upon the proper appearance of the accused at trail, ninety percent of the amount deposited shall be refunded to the accused and ten percent of the deposit shall be retained by the court to defray administrative expenses.
(3) The statutes must also provide an alternate bail procedure whereby the accused posts a bond in the full amount of bail set by the court, either in the form of cash or certain specified securities or secured by sureties, usually professional bondsmen. This would permit the continuance of the common procedure of forfeiting bond, rather than going to trial, in cases of traffic violations and certain other minor offenses. In cases where the offence is punishable by fine alone, the statutes may provide that the ten percent deposit provisions should not apply.[8]
(4) The statute must explicitly establish procedures to account for the indigent accused who is unable to pay the ten percent deposit and is detained. In such cases, the accused shall be informed of his right to have the court consider releasing him upon his own recognizance, and a background study must be performed to determine:

a) The employment status and record of the accused;
b) His marital status and whether he lives with or has contact with his family;
c) The length of his residence in the particular area;
d) His prior criminal record, if any;
e) Any other information relevant to the question of whether or not the accused will appear for trial.

The results of this study must be presented to the court in such a manner and at such time as will enable the judge to intelligently decide the release question.

(5) The statutes must explicitly provide procedures whereby the police or prosecuting attorney may request the court to, in its discretion, impose greater conditions upon the defendant's release, and show reasons therefor. The conditions which might be imposed, in lieu of or in addition to the ten percent deposit, should be patterned after those conditions in the Federal Bail Reform Act.
(6) The statutes should also provide that when any defendant who has been detained prior to trial is convicted, the time spent in detention should be credited against his sentence. This would not apply to those who were detained only long enought to secure their release on recognizance or upon a ten percent deposit.

8. *cf. Section 110-15, Chapter 38, Illinois Code of Criminal Proceudre, (1967).*

(7) The statutes should also deal with the matters of:

a) The factors to be considered by the court when setting the bail amount and considering release on own recognizance;

b) Reduction or increase in the bail amount;

c) Bail on appeal;

d) The specific terms and conditions to be set forth in the bail bond.

It is the commission's opinion that a statutory scheme of pre-trial release consistent with the above principles would reduce the discrimination against the poor inherent in a monetary bail system to a minimum, without creating an administrative nightmare.

CORRECTIONS

The abbreviated overview of the problems of correction that was contained in our interim report[1] is still representative of the basic conclusions of this commission. We indicated a concern for greater emphasis on the rehabilitative process as opposed to the custodial approach and suggested that a program be instituted for the establishment of an intake institution where all convicted offenders would be sent initially for diagnosis and classification for determination of the most appropriate form of rehabilitation for the individual. We also recommended that each correctional institution be designated to specialize in a specific type of rehabilitation process thus permitting a greater concentration of specially qualified personnel and equipment in the overall interest of efficiency and economy.

Our concern for the standards of correctional personnel was almost prophetic. We said:

> "We believe that the prison guards, who are often the only day to day non-inmate contact that a prisoner experiences, must play an important role in the correctional process. We feel that personnel in this category must be provided in quality and quantities to assure a safe and constructive functioning of the institution itself. The occasional budgetary limitations imposed upon the Division of Corections that results in undermanned prison staffs is unwise and unsafe."[2]

Less than a month after the issuance of our interim report the riots at the Ohio State Penitentiary erupted.

Our studies and investigation of correctional personnel (including both adult and youth correctional officers) were paralleled by a project at Cleveland State University, under a Law Enforcement Assistance grant from the U. S. Department of Justice.[3] The study emphasizes the requirements and needs for in-service training programs and further proposes a series of university courses at an Ohio prison in the general areas of criminology and penology, sociology, psychology and correctional administration. The commission concurs in the recommendations of this

1. *Interim Report, pp. CC-1,2.*
2. *Ibid.*
3. *"Study of Ohio Adult Correctional Personnel and Training Programs"; Law Enforcement Assistance Grant No. 340, Cleveland State University (1968).*

study and we append a summary of their final report to this report as Appendix D.

To the foregoing we would only add the proposition that the initial training of correctional institution personnel represents to us a task of most critical importance to the safety and efficiency of the operation of Ohio's institutions. We have already recommended the establishment of a Law Enforcement Training Academy, preferably at a location like the property associated with the London Correctional Institution. It is our recommendation that a Correctional Training Academy be established as an adjunct of the Law Enforcement Training Academy in order to achieve the most economical use of common training facilities and curricula.

At the higher education level, we requested the assistance of the Ohio Board of Regents in establishing university sponsored programs that would provide for correctional administrators a baccalaureate degree with a major in the corrections field, and a minor in corrections for those specializing in other fields such as education, psychology and psychiatry. The Board of Regents commissioned such a study and assigned a nationally recognized correctional expert, Dr. Walter C. Reckless of The Ohio State University, to perform the necessary research.

Dr. Reckless provided a comprehensive survey of the university courses and facilities available throughout Ohio which would generally prepare a university student for the broad requirements of a career in corrections for service in our state institutions and associated public service. It was disappointing to this commission, however, (as it may also have been to Dr. Reckless), that he encountered a general reluctance among the universities to provide for a specialized curriculum and a "tagged" degree in the correctional field. It was the apparent consensus of university opinion that the general education in the social and social welfare fields with follow-up practical work in the correctional field would satisfy the requirements suggested by this commission.

Our further consultations with correctional administrators indicates a present and continuing requirement for specialized education. We have previously indicated that the need is for approximately 500 university trained personnel annually to meet the continuing needs of correctional and probation specialists and those involved in associated social work. We strongly recommend to the Ohio Board of Regents that they seek the direct testimony of our correctional and probational administrators on this question, with the ultimate objective of recommending courses of study to our state supported universities which are specifically designed to meet the public need. We urge this legislature to provide designated appropriations to the universities for this special purpose.

DEPARTMENT OF CORRECTIONS

The legislature will note that one of the foremost recommendations contained

in the study summarized in Appendix D, is that a Department of Corrections be created. The study of this commission has led us to the same conclusion.

The recent riots at the Ohio Penitentiary have awakened an otherwise dormant public attitude toward the penology problem and the correctional approach in Ohio. However, if historic patterns persist, the awakening will be short lived and remembered only when the next problem occurs. As prison problems do reoccur the past history of patchwork remedies emerges as an ineffectual administration of a vital governmental responsibility.

The problems of correctional administration in Ohio, as viewed by this commission, require the coordination of a large number of services, facilities, funds, and personnel, and the integration of institutional and community based programs, research and information systems, and technical and professional expertise. The result should be a concept of total enterprise at the decision making level of state government.

We submit that the current administration of two functions that are only loosely related under the present Department of Mental Hygiene and Correction has resulted in a dilution of the attention and responsibility necessary to either function. Our Corrections Committee has inspected both adult and youth correctional facilities in this state. The youth facilities are administered at the cabinet level by the Ohio Youth Commission, and the difference between the ability of the youth commission to carry out enlightened, advanced programs of juvenile rehabilitation contrasts sharply with the restrictive development of similar programs in the adult field.

The primary importance of the work that needs to be done to secure a substantial improvement throughout the entire adult correctional field requires a centralized administration of correctional activities by an agency with control at, and direct access to, the policy levels of state government. WE STRONGLY RECOMMEND THE ESTABLISHMENT OF A SEPARATE DEPARTMENT OF CORRECTION. There is attached to this report as EXHIBIT VII a proposed draft of suggested legislation to effect such establishment, and we have incorporated in this draft the functions and responsibilities necessary to achieve the various recommendations and proposals relative to adult correctional improvement which have been discussed both here and in our interim report.

CORRECTIONAL INSTITUTIONS

Our interim report suggested a general policy for the planning of new correctional institutions in the following language:

> "We would further urge that, as the need arises for the construction of new correctional institutions, the planning of facilities be predicated on a policy of providing small

manageable units designed for specific rehabilitative functions rather than large and complex institutions of diverse purposes and costly dilution of staff capabilities. This committee emphasizes its opinion that sites for new institutions should be chosen for their proximity to urban centers as opposed to remote or rural locations. The institution needs to draw upon the potential of social skills and professional resources that are available in large communities, provide for attractive living arrangements for career staff personnel and to avail itself of the local community services in pre-release programs."[4]

We find support for this proposal in the work of the President's Commission of Law Enforcement and Administration of Justice. They said:

"But this report envisions such basic changes as construction of a wholly new kind of correctional institution for general use. This would be architecturally and methodologically the antithesis of the traditional fortress-like prison, physically and psychologically isolated from the larger society and serving primarily as a place of banishment. It would be fairly informal in structure. Located in or near the population center from which its inmates come, it would permit flexible use of community resources, both in the institution and for inmates released to work or study or spend short periods of time at home."[5]

However idealistic some of the concepts of the President's Commission may have been, it is clear that there are new and innovative ideas afloat in offender rehabilitation that have their foundation in successful experimentation elsewhere. The commission feels that we would be remiss if such innovations were not at least considered and evaluated in Ohio. The advent of federal subsidies under the "Omnibus Crime Control and Safe Streets Act of 1968" for purposes of studying and developing improvements in corrections and correctional facilities, coincides with the advancing decay of some of our penal institutions and the increasing need for alternative acquisition or construction.

Elsewhere in this report we recommend the establishment of an on-going crime commission to succeed this commission and operate with greater power and flexibility in broader areas of responsibility. Our proposal for this on-going commission suggests a duty with relation to the corrective and rehabilitative facilities and functions of the state and its political subdivisions. We urge that if

4. *Interim Report, p. CC-2.*
5. *Task Force Report: Corrections, p. 11.*

such commission is established, it be staffed and financed (with federal assistance) to undertake a study of the long range correctional requirements of this state and to recommend a blueprint plan for the future development and construction of treatment centers in the light of advanced scientific and professional knowledge. Alternatively, we suggest the appointment of a non-partisan advisory board by the governor, with the advice and consent of the senate, to perform this service of impending importance.

INSTITUTIONAL VOCATIONAL TRAINING

As mentioned in our interim report[6] the Corrrections Committee has been concerned with the possibility of providing meaningful vocational training in our correctional institutions.

An example of such a meaningful program is currently in operation in the Chillicothe Correctional Institution. Through the efforts of the Bureau of Apprenticeship and Training of the U. S. Department of Labor, and the Ohio State Apprenticeship Council, a multi-trades Joint Apprenticeship Committee has been formed and is sponsoring actual apprenticeship training in the Chillicothe institution. The membership of this committee is composed of representatives from business, industry, and organized labor. As sponsors of the training, the committee and its individual trade sub-committees are responsible for maintaining a standard of training, both on the job and in the related classes, equal to that instruction being conducted on the outside. Upon completion of the prescribed training, the inmate is certified by the committee and this certification is recognized by employers and unions upon his release. Partial completion of the training may also be certified to allow the man to continue his training upon his release from the institution.

We are advised that such an apprenticeship committee is also being formed to aid the vocation training at the Mansfield Reformatory.

At the suggestion of the commission, the feasibility of forming such an apprenticeship committee at the Fairfield School for Boys and at the Training Institution Central Ohio is being studied by the Ohio Youth Commission and the Bureau of Apprenticeship and Training. It appears that Ohio is a leader in this approach and the efforts of our youth and adult corrections administrators in this field are commendable.

CHAPLAINCY PROGRAMS

Our interim report suggested the establishment of standards of training for prison chaplains and the development of Clinical Pastoral Education Training

6. *Interim Report, p. CC-3.*

Centers for the improvement of religious programs in our institutions.[7] We pointed out that the counselling and assistance of prison chaplains represent a distinct and unique form of communication of valuable service to the remedial process. We repeat the basic recommendations that we made in the interim report and commend these programs to the early action of our state correctional administration.

PRE-SENTENCE INVESTIGATION REPORTS

The commission has carefully weighed the desirability of extending present statutory requirements for pre-sentence probation reports in the process of sentencing to assure a fairer and more responsive exercise of discretion in the granting of probation and to provide factual assistance for correctional personnel once the offender is committed to an institution.

While Ohio courts may, in their discretion, order such reports to be made under the present statutes, and must have such a report before the defendant in a felony case may be placed upon probation, the commission feels that a pre-sentence report ought to be made in additional cases for the following reasons:

(1) The information compiled in such a report is essential for an intelligent sentencing decision, particularly in cases involving youthful offenders and first offenders;

(2) The information on the defendant's social history, etc. is quite necessary for the effective treatment of the defendant both in cases where the defendant is placed on probation and in cases where he is confined within an institution.

We have drafted a proposed amendment to Sections 2947.06 and 2951.03 of the Revised Code to provide for mandatory pre-sentence investigation not only in all felony cases, but also in all cases where the defendant is less than 22 years of age or where there is no record of previous conviction.

The investigations and reports would be performed by probation officers. The prosecuting attorney and the defendant or his counsel would be allowed to examine the report upon their request. The court would, however, have the authority to delete such portions of the report which, if disclosed to the defendant, would hamper rehabilitative programs or discourage sources of information. The report would be sent to any institution to which the defendant is committed.

Our suggested legislation to effect this procedure is attached to this report as EXHIBIT IX.

JUVENILE COURT PROCEDURES

The need for study of the Ohio juvenile code was brought about by a decision of the U. S. Supreme Court in May of 1967 which generally overturned many

7. *Interim Report, p. CC-4.*

of the settled procedures in juvenile courts throught the country. This was the case of In the Matter of the Application of Paul L. Gault, 387 U. S. 1, popularly referred to as In re Gault. The effect of the court's decision was to extend the constitutional rights of due process in the trial of children under 18 years of age by requiring that notice of the allegations be given to the child, the right to counsel and the right to confront his accusers, the right to cross examine witnesses and the privilege to remain silent.

The case is significant in Ohio where, just prior to the Gault decision, a court of appeals had held, as to a fourteen year old boy accused of murder, in the case of In re Whittington, 13 Ohio App. 2d 11, that a proceeding against a juvenile was civil in nature and to support a finding of delinquency the evidence need not be proved beyond a reasonable doubt. The case was eventually appealed in the U. S. Supreme Court where it was decided to remand the case back to the court of appeals for reconsideration in the light of In re Gault. (See In the Matter of Buddy Lynn Whittington, 20 Law Ed. 2d 625). The appellate court has now remanded the case back to the juvenile court. (See 17 Ohio App. 2d 164). The attendant publicity of the details surrounding the Whittington case, including the long period of detention involved, became a matter of deep interest and inquiry on the part of the Corrections Committee.

The committee undertook a study of the Ohio juvenile code as it appears in Chapter 2151 of the Revised Code with special emphasis on the responsiveness of our statute to the requirements of the state and federal constitutions in the light of Gault.

Additionally the committee with a background of information from state and federal juvenile authorities looked to the possibility of re-defining juvenile delinquency, studied the need of a mandatory pre-sentencing investigation for juveniles, looked to the re-orientation of the juvenile courts toward the wider goals of a family court system, and sought to curb the use of county and city jails for incarceration of juveniles by making mandatory the establishment of juvenile detention centers.

We were assisted in our efforts by a parallel effort upon the part of the Ohio Association of Juvenile Judges, and we received their warmest cooperation, advice and criticism in the development of our effort.

The commission conceives that the basic purpose and objective of the juvenile court system is to remove a child from an environment that is harmful to his well being and social development, and to provide the supervision and care necessary to guide and rehabilitate the child to the ways of responsible citizenship, and to achieve within the child a capacity to provide for himself a future of hope and opportunity.

To accomplish this basic purpose and to incorporate the changes which we felt necessary to insure compliance with the law of the land, the commission has attempted a complete revision of the present juvenile code

in the form of a proposed bill which we have appended to this report as EXHIBIT X.

Without going into a detailed analysis of our proposal the following are some of the modifications to the present code suggested by this commission:

(1) Establishing in more detail the proper steps in the hearing of a child's case which should be conducted to insure a fair hearing;

(2) Expand the role of juvenile referees;

(3) Creating one court to have jurisdiction over all matters in which persons under 18 years of age are directly and actively involved;

(4) Establish explicit standards to be met before a child can be transferred to a criminal court;

(5) Provide greater safeguards over the proceedings in the juvenile court system to insure an acceptable environment after the child has been rehabilitated or to protect the child not found to have violated the law;

(6) Mandatory development and use of detention centers or homes and

(7) A refinement of the present definition of juvenile delinquency, as well as the other definitions used in the present code.

The commission's proposed bill is designed to provide for the care, protection and mental and physical development of a child while at the same time it is consistent with the protection of the public interest provided by the present juvenile code.

We have not achieved complete agreement on all points with the Ohio Association of Juvenile Judges, and it is our understanding that they too will submit suggested changes. The commission is of the opinion that the motivations and well intentioned purposes of the OJJA and of this commission are, for all practical purposes, the same. We would strongly recommend to this legislature the most careful consideration of all aspects of interest that may be presented to them on this subject. It is a matter requiring careful legislative deliberation with the result affecting a substantial segment in our system of justice in Ohio. We do urge that action by this session of the general assembly should be a matter of implicit priority.

SCIENCE AND TECHNOLOGY

The commission has allocated at least a portion of its time in almost every interview with law enforcement officers to inquire into the kinds of limitations, in any form, which might affect the technical capabilities of present police operations.

As we pointed out in our interim report there is a serious need for improved intra-departmental tactical communications, and a need for some form of weaponry that bridges the range between hand-to-hand combat and the use of firearms.[1]

We have discovered that in the matter of material procurement, the police departments are often faced with a range of technical choices which quite frequently cause them to resort to a kind of "buy and test" arrangement that can be prohibitively uneconomical especially in the smaller jurisdictions. We felt at the time of our interim report, and still feel, that there are many common problems where general assistance, advice and information ought to be provided in the interest of improved efficiency and with economical advantage. The scientific community has broad knowledge of the remarkable achievements in space programs, military defense, and other areas, where substantial public funding has achieved wonders of technical innovation. These technical breakthroughs are available for application to our problem of law enforcement, and a coordinated research and development effort to seek these applications seem to be an obvious approach.

As frequently mentioned throughout this report, it is the duty of this commission to determine the "role and responsibility of the state of Ohio in regard to local law enforcement". We strongly feel that in the development of this state role, provision should be made for the establishment of a research and development arm or unit at the state level to function as a research, evaluation and advisory body in the field of law enforcement equipment, systems, procedures, and techniques. This body should have the additional responsibility of stimulating technical innovations and development programs, as well as functioning as a coordinator for local research projects throughout the state, and offering advisory assistance to local agencies in obtaining subsidy funds to develop such projects.

In order to enhance the performance of its functions, we recommend that this research and development body be incorporated as a division of the proposed office of law enforcement assistance or department of public safety, as discussed in the final chapter of this report.

1. *Interim Report, p. SATC-3.*

911 EMERGENCY NUMBER

The President's Commission on Law Enforcement and Administration of Justice recommended that wherever practical a single police and emergency number be established in order to expedite the arrival of the needed assistance.[2]

In pursuing this suggestion, the crime commission received the aid of the Ohio Bell Telephone Company. Their report indicated that the establishment of such a single emergency number was feasible and already under study in at least two Ohio cities. These communities will use the number "911".

Because the cooperation of many local public safety agencies and telephone companies is required in order to establish a "911" system, it is our opinion that the project can best be handled on an area basis rather than by a statewide approach. The commission, therefore, sent a letter explaining this approach, accompanied by a copy of the report to us by the Ohio Bell Telephone Company, to each county sheriff and city police chief, urging these officials to join with other public safety officials to study the feasibility of establishing a "911" system in their area. The report is appended hereto as Appendix E.

LICENISING OF POLYGRAPH EXAMINERS

The current session of the Ohio General Assembly has before it a bill to establish an Ohio polygraph commission, which would administer statutes establishing standards for the licensing of polygraph examiners. No person who was not licensed would be allowed to conduct polygraph examinations, either in the course of law enforcement duties or privately. The bill has the support of the Ohio Polygraph Examiners Association.

Testimony before the Science and Technology Committee has convinced us that, when used by a competent operator, the polygraph is an effective, though not absolutely foolproof, tool for law enforcement, both from the standpoint of indicating probable guilt in some cases and probable innocence in others.

We are also convinced that licensing of polygraph operators is necessary to prevent cases of abuse, and therefore support the bill which is currently pending. We do not, however, believe that such a licensing act should contain a "grandfather" type clause which would permit the licensing of persons presently engaged in operating polygraphs who have been convicted of a felony or who have otherwise demonstrated their propensity toward improper actions. With this reservation, the commission endorses the proposed licensing bill.

2. *The Challenge of Crime in a Free Society; p. 250.*

CRIME LABORATORY SERVICES

The commission has previously noted with approval the effectiveness of the crime laboratory operations of the Bureau of Criminal Identification & Investigation at its headquarters at London and at the crime laboratory branch at Kent State University. The work of the B.C.I. & I. has been supplemented by the excellent crime laboratory services of some of the larger municipal police departments, but our assessment of the need for additional crime laboratory services, as derived from discussions and testimony of local law enforcement officers, is primarily one of additional facilities, regionally located, and readily available for much of what formerly were thought of as routine requirements. We have found that the developing familiarity of law enforcement officers with the capabilities of a well equipped, well staffed, laboratory have proven the additional usefulness of these services in crimes against property and some of the less dramatic offenses, where problem solving is still difficult and still important in the wide responsibilities for enforcement of the law.

The position of this crime commission has been that the most desirable arrangement for crime laboratory facilities would be the establishment of branch laboratories at university locations, where cooperation between the university and the laboratory would provide a wide range of technical services to both agencies, and, at the same time, hopefully stimulate undergraduate and graduate interest in criminological areas of study. To this end we requested Mr. Martin W. Moseley, Jr., Superintendent of the B.C.I. & I. to advise us of the basic requirements for the establishment of an improved crime laboratory system for the state of Ohio.

Mr. Moseley's recommendations provide for a total concept integrating the services of the metropolitan laboratories with a state crime laboratory system and the additional services of a state pathologist and toxicologist (along the lines of the office of chief medical examiner as we have suggested earlier in this report).

The state crime laboratory system is recommended to consist of a central laboratory, which involves expansion of the present facilities at London, and Northeast, Northwest and Southeast Laboratories. The Northeast Laboratory will require the expansion of present facilities at Kent State University, and the Northwest Laboratory will require further development of the branch laboratory just begun in the Toledo area. The Southeast Laboratory would look to a future program of development possibly at Athens adjacent to Ohio University. The plan would envision that services in the Southwest area of the state be handled by the forensic laboratory already established in the coroner's office of Hamilton County and this laboratory would be affiliated with the University of Cincinnati.

The Bureau of Criminal Identification and Investigation study is attached as Appendix F, and the overall concept of criminological services as proposed therein is highly supported by this commission. We strongly recommend appropriation funding for the further development of a planned state crime laboratory system

and would also urge application for federal subsidy funds under the "Omnibus Crime Control and Safe Streets Act of 1968" for this purpose.

STATEWIDE LAW ENFORCEMENT COMMUNICATIONS

The crime commission has adopted a blueprint plan for the study and further development of a statewide communications and data processing net for law enforcement in Ohio. In their role as members of the Interim Ohio Law Enforcement Advisory Commission, the members of this crime commission strongly recommended the establishment of such statewide communications system to the Interim Ohio Law Enforcement Planning Agency, and further recommended that this project be given first priority in the comprehensive plan which the Planning Agency must submit to qualify for federal action funds under the Omnibus Crime Control Act. The blueprint plan which we suggest for further development and study is attached to this report as Appendix G.

The importance which this crime commission ascribes to the need for comprehensive law enforcement communications is derived from a recognition that the role of the law enforcement officer must be enhanced by every available capability which our current know-how can provide. The increase in numbers of trained law enforcement officers has not kept pace with the increased rate of crime, and the only present alternative is to seek the kinds of systems that will multiply the effectiveness of both the law enforcement officer and his organization.

There are several ways law enforcement can be helped: by greater public morality, awareness, and sense of development; by the already increasing specialization and improved training; by continued improvement in technology. And quite importantly, help can be provided by greater application of some of the administrative methods used by other big industries - particularly in communications and information handling.

In few other occupations is rapid communication and access to records so crucial to success. Information must flow from the operational echelons of one organization to the appropriate operational echelons in many others. If the report of a stolen car can find its way from the desk sergeant in a city police department to a county sheriff or state highway patrolman in another part of the state within a half-hour, apprehension may be possible.

The same automobiles and highways that today make the modern criminal more mobile have also produced a shift of population from cities to suburbs and new municipalities. As a result record centers have also tended to multiply and create work duplication. Fortunately, the crime expansion has been accompanied by a technological "information explosion" -- a tremendous advance in electronic information processing and communication.

The increase in the total number of crimes and the increase in the crime rate, coupled with the mobility of our population, make the development of a

real time, statewide, crime data storage and retrieval system essential. Early in 1966 the Federal Bureau of Investigation, in co-operation with the International Association of Chiefs of Police, and state and local law enforcement agencies, began to lay plans for the National Crime Information Center (NCIC), which began its pilot operation in January, 1967.

The NCIC enables police officers throughout the nation to interrogate a centrally located computer and, in a matter of seconds determine if a suspect is wanted in another jurisdiction for an extraditable offense, if an automobile has been reported stolen, or if identifiable items of property have been stolen. In addition, the NCIC will offer a rich potential for statistical data concerning criminals and their crimes.

The starting point for computerized law enforcement information systems has been established in Ohio. These systems offer the basic building blocks for the state and large metropolitan areas to develop a statewide communications and data transmission and storage system.

The Law Enforcement Automated Data System (LEADS) is now being placed in operation throughout Ohio. The State Highway Patrol has developed LEADS which will help the Highway Patrol, Sheriff Departments and Police Departments.

Computers used in the LEADS system are in Columbus in the state department of finance. There are three major files in the system. The vehicle registration file contains vehicle registration numbers of Ohio licensed automobiles, trucks, trailers and motorcycles. A driver license file has operator license numbers and any record of arrests, convictions and traffic violation points compiled by drivers. Auto-alert is the third file. This is a set of files with information on stolen vehicles, stolen parts, missing license plates, license numbers associated with missing persons, vehicles driven by persons with suspended or revoked operator's license, or suspended vehicle registration.

The Cincinnati/Hamilton County Regional Computer Center also provides for a law enforcement information system. Emphasis has been placed on a major systems effort to satisfy immediate deficiencies for information, storage, retrieval and dissemination to police officials. This regional information center serves all urban and rural law enforcement agencies in this geographic area regardless of size or political boundaries -- Project CLEAR (County Law Enforcement Applied Regionally). The CLEAR Regional Information Center is supported by the city of Cincinnati and Hamilton County.

The Northeast Ohio Police Information Net (NEOPIN) Project is being developed at Cleveland. Basically, the goal of the NEOPIN Project also will be to provide area wide police information to each participating department on a real-time basis.

Following is a description of some segments of our proposed statewide computer net. There will be transition phases whereby some functions will be automated before others.

The concern in our proposed "blueprint" is with data communications both within regional record center areas and between regional record center areas and then between regional record center areas and the state data center. The regional records center will be the heart of the system.

The R.R.C. will serve various police departments and police agencies of the metropolitan area. It will also serve nearby medium and small police departments. R.R.C.'s would be operated by the police department of the region's largest city. These regional computer centers are suggested to be in Cincinnati, Dayton, Columbus, Toledo, Akron and Cleveland.

These R.R.C.'s would be linked by a communications net so that they would function logically as a single center. The State Data Center would have the responsibility of distribution within the state of access to and responses from the national inquiry system (NCIC).

Connections will be made between the terminals and the R.R.C. connections can then be made between the R.R.C.'s or a R.R.C. and the State Data Center. A station in one R.R.C. area may communicate directly with a station in another R.R.C. area on a point-to-point basis.

This attached report also outlines the staff for a comprehensive communications and computerized law enforcement information network. Listed with this are the project activities in which functional specialists would provide assistance to a Data Processing Staff.

We strongly recommend that this legislature in its consideration of any proposal for the establishment of a law enforcement assistance agency at the level of state government, incorporate the requirements for the development of a law enforcement communications and data processing system, and that such development include a planning study, at the earliest opportunity, to establish requirements for future funding of such a system under the "Omnibus Crime Control and Safe Streets Act of 1968".

THE ROLE OF THE STATE

The commission has been extremely conscious of the mandate contained in House Joint Resolution No. 49 of the 107th General Assembly, that we "set out the role and responsibility of the State of Ohio in regard to local law enforcement". In retrospect, it may have been unnecessary to require this of the crime commission because it became obvious to us, very early in the course of our existence, that the state must assume a role of leadership and responsibility in an area of public concern that had heretofore consisted of little more than delegation of responsibility away from state government. Historically in Ohio, the problem of crime and criminal justice has always been a problem for local authorities. We do not suggest any great change in this philosophy, but we are acutely aware that the problems of crime and criminal justice have grown in such quantity and complexity that the state must recognize a present need to bring to bear its greater resources in an attempt to assist, strengthen and, where necessary, act as a pathfinder, for the heavily burdened local agencies.

The considerations of this commission leading to the steps that we shall suggest herein were outlined in our interim report.[1]

In the first instance, we must acknowledge that in the broad area of study and recommendation, our efforts have only been a beginning. If every one of the recommendations of this report are carried into action, there still remains much to be done. Crime in the United States has demonstrated a unique capability to stay well ahead of the times and to take advantage of the inertia among the forces and ideas that must be marshalled to combat it. An aroused and agitated people have generated action at all levels of federal, state, and local governments and we would urge that it is nothing more than our duty to stay abreast of this developing action that we may seize upon the best of innovations from other jurisdictions for the public benefit of this state. It would not be typical of Ohio, however, to await the leadership of others. We are convinced that we have capacity to solve our own problems, and we strongly recommend the establishment of an on-going crime commission as a vehicle for continued study and recommendation toward improved and more effective law enforcement and criminal justice in this state.

We have pointed out in this report several areas of critical importance to the prevention, apprehension and prosecution of crime where the nature of the crime is primarily inter-county or has aspects of inter-state crime involving Ohio law. Specifically we have referred to organized crime, dangerous drugs and narcotics traffic, conspiracy to defraud the state or a political subdivision, civil disorders and so forth. It is our considered conclusion that where these problems of crime

1. *Interim Report, pps. EC-2,3.*

cross county jurisdictions, there ought to be an ability at the state level, as the common denominator of jurisdictions, to fully investigate such crimes and recommend action to the jurisdictions having prosecuting authority or other appropriate officials.

Reflecting back upon what we considered as restrictive of this crime commission's role in the area of investigation, we would strongly recommend that in order to obtain meaningful information, an on-going crime commission should have the power to hold private investigations, to be able to compel the attendance of witnessess, punish for contempt, and provide immunity from criminal prosecution to those witnesses whose testimony is of greater importance to the public interest than would be their own individual prosecution.

The crime commission is also of the opinion that there should be provided at the state level a means for responding to allegations of misfeasance or malfeasance of public officers. We suggest that a private citizen ought to have the right to complain and to have his complaint investigated. There seems to us recurring evidence of distrust among our citizenry as to the efficacy and fairness of our criminal justice systems and, in some instances, of the public officers who administer our justice and other responsibilities of public office. That such distrust may be without merit in the large majority of cases is not the point. The mere existence of a subjective attitude of this nature, we feel, contributes to the more worrisome lack of confidence in law and order that is reflected in the public attitudes toward our law enforcement agencies and the processes of criminal justice. If there is substance to the complaints, we should act. If there is no basis or validity in such complaints, we should effectively lay the problem to rest. Accordingly we recommend the power to investigate the conduct of public officers as a function of an on-going crime commission.

Earlier in this report we have suggested the need for regular non-partisan inspections of our state correctional institutions on a basis similar to the function performed by county grand juries with respect to county jails. We suggest that this might also be established as a duty of an on-going crime commission.

These considerations were developed independently as a result of testimony and information derived in all of our committees, and the conclusions reached therefrom. In searching for comparative action taken elsewhere, we discovered a similar approach in the state of New York had been very successful. A "Temporary Commission of Investigation of the State of New York" has been in existence (with extensions of time) for a period of about ten years, and was brought into being by recommendation of the New York State Crime Commission in 1953. The investigative body has powers similar to those which we suggest for an on-going crime commission, and they have the power and duty to conduct investigations in connection with:

(a) The faithful execution and effective enforcement of the laws of this state, with particular reference but not limited to organized crime and racketeering;

(b) The conduct of public officers and public employees, and of officers and employees of public corporations and authorities;

(c) Any matter concerning the public peace, public safety and public justice.[2]

To illustrate the type of work performed in New York, we have selected three random sample investigations which were reported in synopsis in the ninth annual report of the temporary commission to the Governor and the Legislature in February, 1967:[3]

"LOAN-SHARKING OPERATIONS IN NEW YORK STATE

"Loan-sharking is the lending of money at usurious rates of interest -- generally at exorbitant rates and upon oppressive terms. Payment is enforced by fear -- coercion, threats and violence are employed as the common techniques of collection. Although law enforcement officials have long recognized that one of the principle and most lucrative operations of the underworld is the loan-shark racket, little is known by the general public about this vicious practice. The Commission's investigation sought to ascertain and expose the nature and extent of this racket, and the problems in dealing effectively with it.

"In December, 1964, testimony detailing the criminal loan-shark's method of operation, its 'billion dollar' size, the tactics employed in collecting the money loaned and the vigorish, (interest) and the fear and helplessness of the borrower, was adduced at the Commission's public hearing. Also disclosed was the manner in which loan-sharks corrupted officers and employees of certain banking institutions, enabling the loan-sharks to utilize bank funds for their purposes and profit. As a result of such actions, and the improper discounting of notes, one bank is known to have sustained losses amounting to over one million dollars.

"The evidence further showed how loan-sharks were able to infiltrate and take over certain security businesses. By means of the boiler-room pressure sales technique, they were able to mulct the unwary public of millions of dollars for worthless securities.

"Immediately following the public hearing, at the request of the Governor, the Commission, in cooperation with Governor's

2. *Section 2, Chapter 989, Laws of 1958, Section 7502, Unconsolidated Laws, State of New York.*
3. *Legislative Document (1967) No. 94, State of New York.*

Counsel, the Attorney General and the Superintendent of Banking recommended the enactment of effective criminal usury legislation.

"The Commission, with these officials, presented a criminal usury bill for consideration at the 1965 Session of the New York State Legislature.

"The bill was passed by the New York State Legislature, approved on June 1, 1965 and became effective on July 1, 1965. Governor Rockefeller, in approving the bill, stated: 'During the course of the Commission's work, it became apparent that new laws were required to fill the existing vacuum in New York's usury laws if the loan-shark was to be stopped.'

"This legislation, resulting from the Commission's investigation and recommendations, filled the vacuum and provides a strong deterrent to criminal loan-shark activities."

"COUNTY JAILS AND PENITENTIARIES IN NEW YORK STATE

"In the spring of 1965, complaints of improprieties and deficiencies in the operation of county jails and penitentiaries were brought to this Commission. About the same time, public charges of serious abuses at the Women's House of Detention in New York City and the controversy which ensued, erupted in the public news media.

"Pursuant to its statutory duty, and acting on the complaints and requests for investigation that it received, the Commission undertook this survey. Penal institutions operated by the City of New York, as well as those in upstate counties, came under scrutiny.

"The Commission found no evidence of callous or systemic physical abuse or maltreatment of prison inmates. However, the Commission did find that in a few institutions certain aspects of inmate treatement required improvement and correction; physical plants, in some cases, were most inadequate and unfit for continued use; and there was a state-wide need for

meaningful rehabilitation programs for the chronic alcoholic and criminal offender. A separate and detailed report of this investigation was prepared by the Commission and released on January 1, 1967."

"MISCONDUCT BY THE MAYOR OF JOHNSON CITY, BROOME COUNTY

"In early 1962, the Commission received a complaint concerning the conduct of William F. Ott, Mayor of Johnson City. It was alleged that Mayor Ott had demanded and received money from a supplier from whom the Village of Johnson City had recently purchased certain garbage disposal equipment. The complaint also charged that this supplier had been awarded the contract although its bid was the highest of all submitted. An investigation was thereupon undertaken by the Commission, and the Mayor, members of the Village Board and others were interrogated at private hearings in Johnson City and at the Commission's New York City office.

"The testimony adduced confirmed substantially the allegations made. Mayor Ott finally admitted that he did receive $500 from a sales representative of equipment sold to the Village. The Mayor originally claimed that the money was a political contribution to the party and that he received the money before Election Day, and that he used $300 to hire additional workers for his mayoralty campaign. However, he later conceded that the money was received by him after the election and that it was used to repay, in part, a $400 loan made by him during the campaign. He testified that the loan was necessary to meet campaign expenditures totalling $350 for both the primary and general elections. When asked to account specifically as to how the money was used, he was unable to do so.

"In June, 1962, after concluding its investigation, the Commission met with the District Attorney of Broome County and submitted to him all private hearing testimony and records for his consideration. On July 2, 1962, Mayor Ott resigned his office. On September 18, 1962, Mayor Ott pleaded

guilty to two counts of failing to properly report the aforementioned contribution and another similar contribution, and was fined on both counts."

We commend this general concept of responsible action at the state level of government to this legislature. A draft of proposed legislation to establish a crime commission for at least a limited period of time (subject to further extension or permanence by the General Assembly) is attached to this report as EXHIBIT XI.

LAW ENFORCEMENT ASSISTANCE

In his message on the condition of the State, delivered on February 5, 1969, Governor Rhodes stated his recommendations in the subject area of public safety as follows:

"Public Safety in the State of Ohio must be a prime concern of the executive and legislative branches. While the responsibility for keeping the peace rests with local law enforcement officers, state government should do all it can to assist local law enforcement agencies.

"Several agencies of state government today deal with various aspects of public safety.

"For better coordination and to insure the most productive use of personnel involved, it now seems timely and appropriate to place these related agencies under a single department concerned with the common function of enhancing the safety of the public.

"Therefore, I will submit to the General Assembly proposed legislation to create a new cabinet-level Department of Public Safety. This department should embrace the following functions:

"1. The State Highway Patrol, now in the Department of Highway Safety.

"2. The State Fire Marshal, now in the Department of Commerce.

"3. The proposed Police and Fire academies to be constructed with State Issue One money.

"4. The Bureau of Criminal Identification, Consumer Frauds and Crime Section, Division of Criminal Activities, Ohio

Peace Officer Training Council, now in the Attorney General's Office.

"5. The Office of Civil Defense, now attached to the Adjutant General's Office.

"6. The Ohio Law Enforcement Planning Agency and the Ohio Crime Commission, now partly in the Attorney General's Office and partly in the Department of Urban Affairs.

"This will give us an effective tool to assist local government and combat crime."

This crime commission is pleased with the forthright pattern for action suggested by our chief executive, and we agree most heartily with the proposition that the functions of law enforcement assistance can be performed most effectively under a cabinet-level official.

We would suggest caution, however, with the idea of placing our concept of an on-going crime commission as a direct function of the executive branch of government. From our previous observations and recommendations regarding such a commission, we are of the strong feeling that it should have a basic independence that would be characteristic of a non-partisan body with complete freedom to perform investigations in a wide scope of circumstances, and render reports that are objective and factual regardless of political consequences.

We would further suggest that there are certain aspects of our conception of the needs of law enforcement assistance which are mainly legal in nature which would seem to be appropriate responsibilities for the Attorney General as chief legal officer for the state.

One activity to which we refer is that of the present Consumer Frauds and Crime section. The work there consists essentially of investigation of deceptive practices that result in the defrauding of the state's citizens and the dissemination of information leading to the recognition of such practices by public consumers as well as advice and information to local law enforcement agencies on the law applicable to offenders in this category. A good part of this work involves analysis of court decisions in this state and in other states, as well as the practical application of Ohio law. We recommend that the function be retained in the Attorney General's office and that its responsibilities be expanded to cover an associated form of legal assistance to local agencies. This additional responsibility represents a need that has been commented upon in response to our law enforcement agency census questionnaire and requested by other responsible officials. We refer to a form of regularly issued advisory bulletins designed to instruct law enforcement officials on the effects of recent and as-occurring court decisions where such decisions have an opeational impact on police work. The most obvious examples are, of course, the U. S. Supreme Court decisions in the Escobedo and Miranda cases on the right to counsel, the Mapp case on search and seizure, and of more up-to-date interest the case of Terry v. Ohio on stop and frisk laws.

The second activity we would recommend for retention in the office of the Attorney General is the present nucleus of functions performed under the Division of Criminal Activities. This division has been active in direct assistance, when requested, to those prosecuting attorneys where a particular crime in their jurisdiction has required investigatory and prosecuting assistance because of cross county inter-jurisdictional aspects of that crime. The division has recently been active in combatting an inter-county burglary ring, and it is our impression that these efforts present a worthy and effective service to county law enforcement in the situations that require it. We recommend an expansion of this activity and an incorporation of an additional responsibility brought about by our recommendation for an ongoing crime commission. Our proposed legislation for such a commission provides that in the pursuance of their investigatory power, the crime commission may call upon the Attorney General for assistance. We would foresee a very active role for an investigatory arm of the Attorney General's office in this respect, and we would suggest to the Attorney General that an appropriate title for this office might be the Division of Investigation.

Returning to the Governor's recommendation for a Department of Public Safety, we would urge legislative consideration of the many recommendations we have proposed in this report for law enforcement assistance from the state level. To review briefly, we refer to the need for a comprehensive crime and criminal statistics reporting system; regional crime laboratory services; intelligence services; responsibility for the development and operation of a statewide law enforcement communications and data processing net; the development, construction and operation of a central law enforcement training academy, and advanced education for law enforcement officers under the general supervision of the Peace Officer Training Council; a medical examiner's division in support of county coroner services; and a research and development division to provide technical and material advice to local law enforcement.

EXHIBIT I

UNIFORM CRIMINAL STATISTICS ACT

An Act Concerning Criminal Statistics and to make Uniform the Law With Reference Thereto

SECTION I. BUREAU OF CRIMINAL STATISTICS ESTABLISHED

A Bureau of Criminal Statistics (Called the Bureau) is established in the office of (appropriate agency).

SECTION 2. DIRECTOR; METHOD OF APPOINTMENT, ETC.

The governor (by and with the consent of the senate) shall appoint the director of the bureau, for a term of (five) years. He shall have statistical training and experience and possess a knowledge of criminal law enforcement and administration and of penal and correctional institutions and methods. He shall devote all his time to the duties of his office, shall receive a salary of ( ) dollars a year payable in equal monthly installments. He shall be furnished with the necessary facilities and equipment and shall appoint clerical and other assistants necessary for the work of the bureau. All expenses of the bureau shall be paid out of the appropriation made for its work. (All Bureau personnel, including the director, shall be selected and shall serve in accordance with the civil service law.)

SECTION 3. DUTIES OF DIRECTOR

The director shall:

(1) Collect data, necessary for the work of the bureau, from all persons and agencies mentioned in section 4.

(2) Prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the bureau. The forms shall provide for items of information needed by federal bureaus or departments engaged in the development of national criminal statistics.

(3) Prescribe the form and content of records to be kept by such persons and agencies to insure the correct reporting of data to the bureau.

(4) Instruct such persons and agencies in the installation, maintenance and use of such records and in the manner of reporting to the bureau.

(5) Tabulate, analyze and interpret the date collected.

(6) Supply data, at their request, to federal bureaus or departments engaged in collecting national criminal statistics.

(7) Annually present to the governor, on or before (July 1), a printed report containing the criminal statistics of the preceding calendar year; and present at such other times as the director may deem wise or the governor may request reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed for distribution to all public officials in the state dealing with crimes or criminals and for general distribution in the interest of public enlightenment.

SECTION 4. REPORT TO BUREAU; DUTIES OF PERSONS AND AGENCIES

Every constable, city marshal, chief of police; railroad, steamship aqueduct, park and tunnel police; sheriff, (coroner), (county commissioner); jail keeper, justice, magistrate; judge, district attorney, court clerk; probation officer, parole officer, warden or superintendent of a prison, reformatory, correctional school, mental hospital or institution for the feeble minded; school attendance officer, attorney general, (judicial council); department of motor vehicles, department of welfare, state sheriff, state police, department of highways, state fire marshal, bureau of criminal identification, bureau of vital statistics, board of liquor control, and every other person or agency, public or private, dealing with crimes or criminals or with delinquency or delinquents, when requested by the director, shall:

(1) Install and maintain records needed for reporting data required by the bureau.

(2) Report to the bureau as and when the director prescribes, all data demanded by him (except that such reports concerning a juvenile delinquent shall not reveal his or his parents' identity).

(3) Give the director or his accredited agent access to records for purpose of inspection.

(4) Cooperate with the director to the end that his duties may be properly performed.

SECTION 5. ANNUAL REPORT

(1) The annual report of the director shall contain statistics showing (a) the number and the types of offenses known to the public authorities; (b) the personal and social characteristics of criminals and delinquents; and (c) the administrative action taken by law enforcement, judicial, penal and correctional agencies in dealing with criminals and delinquents.

(2) The director shall so interpret such statistics and so present the information that it may be of value in guiding the legislature and those in charge of the apprehension, prosecution and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. The report shall include statistics that are comparable with national criminal statistics published by federal agencies heretofore mentioned.

SECTION 6. PENALTIES

If any public official required to report to the bureau neglects or refuses to comply with the requests of the director for such report, or with his rules governing record systems and their maintenance, the director shall give written notice thereof to the officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of this notice, such officer shall not issue a warrant for the payment of the salary accruing to the official until notified by the director that the salary has been released by the performance of the required duty. Any official who makes, or causes to be made, a fraudulent return of information to the bureau is guilty of a misdemeanor.

EXHIBIT II

A B I L L

To Amend sections 4109.12 and 4109.14 of the Revised Code, relative to employment of minors.

Be it amended by the General Assembly of the state of Ohio:

SECTION 1. That section 4109.12 of the Revised Code be amended to read as follows:

Sec. 4109.12. No child under eighteen shall be employed or permitted to work:

(A) In, about, or in connection with blast furnaces, docks, or wharves;

(B) In the outside erection and repair of electric wires; * * 1 * *

* * 1 * *

(D) In oiling or cleaning machinery in motion;

* * 2 * *

(F) At switch tending;

(G) At gate tending;

* * 3 * *

(I) As brakeman, fireman, engineer, motorman, or conductor upon railroads;

* * 4 * *

(K) As pilot, fireman, or engineer upon boats and vessels;

(L) In or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded, or stored;

(M) In the manufacture of white or yellow phosphorus or phosphorus matches;

(N) In any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled;

(O) In any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold, except that a person between the ages of sixteen and eighteen years, enrolled in an accredited course in domestic science in a bona fide school, may be permitted to supplement such course of study by practical training in a co-operative training program between any hotel or restaurant and such school. Such trainee upon completion of said course of study may continue as a full-time trainee in such hotel or restaurant so long as such trainee is under the supervision of the coordinator of vocational training for the public school district in which said trainee resides. Any contract involving the service of such trainee shall be approved by such coordinator.

(P) In the operation of power-driven woodworking machines or of power-driven machines used for rolling, pressing, milling, punching, bending, hammering, or shearing metal, unless such employment is incidental to apprentice training, under the direction and supervision of an instructor as a necessary part of such apprentice training, and is carried on in accordance with a written apprenticeship agreement that has been approved by the Ohio state apprenticeship council or the department of education or unless such employment is incidental to a bona fide program of vocational co-operative training which meets the standards of the state board of education and which operates under the supervision of the pubic schools;

(Q) In the operation of power-driven guillotine paper-cutting machines;

(R) In the operation or cleaning of any power-driven dough mixers or dough brakes, bread dividing, rounding or moulding machine, dough sheeter, bread slicing and wrapping machine, cake cutting band saw, or in setting up or adjusting a cookie or cracker machine;

(S) In the operation or cleaning of power-driven meat grinders, saws, slicers, carvers, or circular, rotary, or disc cutting machines;

* * 5 * *

* * 6 * *

(V) In, about, or in connection with any mine or quarry, or in any coal breaker;

(W) In the operation of steam boilers carrying over fifteen pounds pressure;

(X) In occupations involving exposure to radioactive substances;

(Y) In occupations involving exposure to toxic or noxious dust, gases, vapors, or fumes in injurious quantities;

(Z) In the manufacture or use of dangerous or poisonous dyes or chemicals, or lead and its compounds;

(AA) In logging or sawmill operations.

No child under sixteen shall be employed or permitted to work in any theater or other place of amusement, except on the stage thereof when not otherwise prohibited by law or in or about any race track or race course, including the stables thereof. Subj ect to section 4109.22 of the Revised Code, this section does not prohibit the employment of minors under eighteen in retail drug stores or retail grocery stores.

No girl under eighteen shall be employed or permitted to work at house to house selling, soliciting, or peddling of periodicals, merchandise, magazines, or photographical service, except newspapers or except under the auspices of bona fide local educational, fraternal, religious, charitable, or patriotic organizations.

* * I * * In the running or management of elevators, lifts, or hoising machines or dynamos;

* * 2 * * In the operation of emery wheels or any abrasive, polishing, or buffing wheel where articles of the baser metals or iridium are manufactured;

* * 3 * * At track repairing;

* * 4 * * As railroad telegraph operator;

* * 5 * * In the operation of washing machines, extractors, and flatwork ironers or mangles in laundries;

* * 6 * * In the operation of motor vehicles and work as a helper thereon, except the following:

(I) Farm tractors;

(2) Motor vehicles operated in connection with employment which is incidental to a bona fide program of vocational co-operative training which meets the standards of the state board of education and which operates under the supervision of the public schools.

SECTION 2. That section 4I09.I4 of the Revised Code be amended to read as follows:

Sec. 4I09.I4. No child under sixteen shall be employed or permitted to work in any capacity:

(A) In, about, or in connection with any processes in which dangerous or poisonous acids are used;

(B) In the manufacture or packing of paints, colors, white or red lead;

(C) In soldering;

(D) In occupations causing dust in injurious quantities;

(E) In the manufacture or use of dangerous or poisonous dyes;

(F) In the manufacture or preparation of compositions with dangerous or poisonous gases;

(G) In the manufacture or use of a composition of lye in which the quantity thereof is injurious to health;

(H) In scaffolding;

(I) In heavy work in the building trades;

(J) In any tunnel or excavation;

(K) In, about, or in connection with any mine, coal braker, coke oven, or quarry;

(L) In assorting, manufacturing, or packing tobacco;

(M) * * I * * In the operation of motor vehicles and work as a helper thereon, except the following:

(a) Farm tractors;

(b) Motor vehicles operated in connection with employment if the child rides in the passenger compartment while the vehicle is in motion;

(N) In a pool or billiard room;

(O) In any other occupation dangerous to the life and limb, or injurious to the health or morals of such child;

(P) In the running or management of elevators, lifts, or hoisting machines of over one ton capacity, or dynamos;

(Q) In the operation of emery wheels or any abrasive, polishing, or buffing wheel where articles of the baser metals or iridium are manufactured;

(R) In the capacity as a railroad telegraph operator.

* * I * * In operating any automobile, motor car, or truck;

EXHIBIT III

A B I L L

To amend section 3313.60 of the Revised Code to include the study of the role of laws and law enforcement in the public school curriculum.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That section 3313.60 be amended to read as follows:

Sec. 3313.60. Boards of education of county, exempted village, and city school districts shall prescribe a graded course of study for all schools under their control subject to the approval of the state board of education. In such graded courses of study there shall be included the study of the following subjects:

(A) The language arts, including reading, writing, spelling, oral and written English, and literature;

(B) Geography, the history of the United States and of Ohio, and national, state and local government in the United States;

(C) Mathematics;

(D) Natural science, including instruction in the conservation of natural resources;

(E) Health and physical education, which shall include instruction in the harmful effects of narcotics and their illegal use and shall include instruction in the effects of the use of alcoholic beverages;

(F) The fine arts including music;

(G) First aid, safety and fire prevention;

Every school shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history.

Every school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio, AND A STUDY OF THE ROLE OF LAW AND LAW ENFORCEMENT IN MODERN SOCIETY.

Basic instruction in geography, United States history, and the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution and the Constitution of the state of Ohio shall be required before publils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism and communism.

EXHIBIT IV

A B I L L

To amend Sections 4931.26, 4931.28 and 4931.29, and to enact Sections 2933.51 to 2933.61, inclusive, of the Revised Code to define the conditions under which the interception of wire and oral communications may be authorized, and to control the use of the contents thereof in evidence in courts and administrative proceedings; and to prohibit any unauthorized interception of wire and oral communications, and to prohibit the use of the contents thereof in evidence in courts and administrative proceedings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4931.26, 4931.28, and 4931.29 be amended and sections 2933.51 to 2933.61, inclusive of the Revised Code be enacted as follows:

Sec. 2933.51. AS USED IN SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE:

(A) "WIRE COMMUNICATION" MEANS ANY COMMUNICATION MADE IN WHOLE OR IN PART THROUGH THE USE OF FACILITIES FOR THE TRANSMISSION OF COMMUNICATIONS BY THE AID OF WIRE, CABLE, OR OTHER LIKE CONNECTION BETWEEN THE POINT OF ORIGIN AND THE POINT OF RECEPTION FURNISHED OR OPERATED BY ANY TELEGRAPH OR TELEPHONE COMPANY;

(B) "ORAL COMMUNICATION" MEANS ANY ORAL COMMUNICATION UTTERED BY A PERSON EXHIBITING AN EXPECTATION THAT SUCH COMMUNICATION IS NOT SUBJECT TO INTERCEPTION UNDER CIRCUMSTANCES JUSTIFYING SUCH EXPECTATION;

(C) "INTERCEPT" MEANS THE ACQUISITION OF THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION THROUGH THE USE OF ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE;

(D) "ELECTRONIC, MECHANICAL, OR OTHER DEVICE" MEANS ANY DEVICE OR APPARATUS WHICH CAN BE USED TO INTERCEPT A WIRE OR ORAL COMMUNICATION OTHER THAN:

(1) ANY TELEGRAPH OR TELEPHONE INSTRUMENT, EQUIPMENT OR FACILITY, OR ANY COMPONENT THEREOF;

(a) FURNISHED TO THE SUBSCRIBER OR USER BY A TELEGRAPH OR TELEPHONE COMPANY IN THE ORDINARY COURSE OF ITS BUSINESS AND BEING USED BY THE SUBSCRIBER OR USER IN THE ORDINARY COURSE OF ITS BUSINESS, OR PERMITTED TO BE USED BY THE SUBSCRIBER OR USER IN THE ORDINARY COURSE OF ITS BUSINESS PURSUANT TO A TELEGRAPH OR TELEPHONE COMPANY'S PROPERLY FILED TARIFFS: OR

(b) BEING USED BY A TELEGRAPH OR TELEPHONE COMPANY IN THE ORDINARY COURSE OF ITS BUSINESS, OR BY AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER IN THE ORDINARY COURSE OF HIS DUTIES;

(2) A HEARING AID OR SIMILAR DEVICE BEING USED TO CORRECT SUBNORMAL HEARING TO NOT BETTER THAN NORMAL;

(E) "INVESTIGATIVE OR LAW ENFORCEMENT OFFICER" MEANS ANY OFFICER OF THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE WHO IS EMPOWERED BY LAW TO CONDUCT INVESTIGATIONS OF OR TO MAKE ARRESTS FOR OFFENSES ENUMERATED IN SECTION 2933.57 OF THE REVISED CODE, AND ANY ATTORNEY AUTHORIZED BY LAW TO PROSECUTE OR PARTICIPATE IN THE PROSECUTION OF SUCH OFFENSES;

(F) "CONTENTS", WHEN USED WITH RESPECT TO ANY WIRE OR ORAL COMMUNICATION, INCLUDES ANY INFORMATION CONCERNING THE IDENTITY OF THE PARTIES TO SUCH COMMUNICATION OR THE EXISTENCE, SUBSTANCE, PURPORT, OR MEANING OF THAT COMMUNICATION;

(G) "JUDGE OF COMPETENT JURISDICTION" MEANS A JUDGE OF ANY COURT OF COMMON PLEAS IN THIS STATE;

(H) "TELEGRAPH COMPANY" OR"TELEPHONE COMPANY" HAVE THE MEANINGS SET FORTH IN SECTION 4905.03 OF THE REVISED CODE; AND

(I) "AGGRIEVED PERSON" MEANS A PERSON WHO WAS A PARTY TO ANY INTERCEPTED WIRE OR ORAL COMMUNICATION OR A PERSON AGAINST WHOM THE INTERCEPTION WAS DIRECTED.

Sec. 2933.52. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, ANY PERSON WHO:

(A) WILLFULLY INTERCEPTS, ENDEAVORS TO INTERCEPT, OR PROCURES ANY OTHER PERSON TO INTERCEPT OR ENDEAVOR TO INTERCEPT, ANY WIRE OR ORAL COMMUNICATION;

(B) WILLFULLY USES, ENDEAVORS TO USE, OR PROCURES ANY OTHER PERSON TO USE OR ENDEAVOR TO USE ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE TO INTERCEPT ANY ORAL COMMUNICATION WHEN:

(1) SUCH DEVICE IS AFFIXED TO, OR OTHERWISE TRANSMITS A SIGNAL THROUGH, A WIRE, CABLE, OR OTHER LIKE CONNECTION USED IN WIRE COMMUNICATION; OR

(2) SUCH DEVICE TRANSMITS COMMUNICATIONS BY RADIO, OR INTERFERES WITH THE TRANSMISSION OF SUCH COMMUNICATION;

(C) WILLFULLY DISCLOSES, OR ENDEAVORS TO DISCLOSE, TO ANY OTHER PERSON THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION, KNOWING OR HAVING REASON TO KNOW THAT THE INFORMATION WAS OBTAINED THROUGH THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION IN VIOLATION OF THIS SECTION; OR

(D) WILLFULLY USES, OR ENDEAVORS TO USE, THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION, KNOWING OR HAVING REASON TO KNOW THAT THE INFORMATION WAS OBTAINED THROUGH THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION IN VIOLATION OF THIS SECTION; SHALL BE FINED NOT MORE THAN TEN THOUSAND DOLLARS OR IMPRISONED NOT LESS THAN ONE NOR MORE THAN FIVE YEARS, OR BOTH.

IT SHALL NOT BE UNLAWFUL UNDER SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE FOR ANY OPERATOR OF A SWITCHBOARD, OR AN OFFICER, EMPLOYEE, OR AGENT OF ANY TELEGRAPH OR TELEPHONE COMPANY, WHOSE FACILITIES ARE USED IN THE TRANSMISSION OF A WIRE COMMUNICATION, TO INTERCEPT, DISCLOSE, OR USE THAT COMMUNICATION IN THE NORMAL COURSE OF HIS EMPLOYMENT WHILE ENGAGED IN ANY ACTIVITY WHICH IS A NECESSARY INCIDENT TO THE RENDITION OF HIS SERVICE OR TO THE PROTECTION OF THE RIGHTS OR PROPERTY OF SUCH TELEGRAPH OR TELEPHONE COMPANY WHOSE FACILITIES ARE USED IN THE TRANSMISSION OF SUCH COMMUNICATION: PROVIDED, THAT SAID TELEGRAPH OR TELEPHONE COMPANY SHALL NOT UTILIZE SERVICE OBSERVING OR RANDOM MONITORING EXCEPT FOR MECHANICAL OR SERVICE QUALITY CONTROL CHECKS.

IT SHALL NOT BE UNLAWFUL UNDER SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE FOR A PERSON ACTING UNDER COLOR OF LAW TO INTERCEPT A WIRE OR ORAL COMMUNICATION, WHERE SUCH PERSON IS A PARTY TO THE COMMUNICATION OR ONE OF THE PARTIES TO THE COMMUNICATION HAS GIVEN PRIOR CONSENT TO SUCH INTERCEPTION.

IT SHALL NOT BE UNLAWFUL UNDER SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE FOR A PERSON NOT ACTING UNDER COLOR OR LAW TO INTERCEPT A WIRE OR ORAL COMMUNICATION WHERE SUCH PERSON IS A PARTY TO THE COMMUNICATION OR WHERE ONE OF THE PARTIES TO THE COMMUNICATION HAS GIVEN PRIOR CONSENT TO SUCH INTERCEPTION UNLESS SUCH COMMUNICATION IS INTERCEPTED FOR THE PURPOSE OF COMMITTING ANY CRIMINAL OR TORTIOUS ACT IN VIOLATION OF THE CONSTITUTION OR LAWS OF THIS STATE, THE UNITED STATES, OR OF ANY OTHER STATE, OR FOR THE PURPOSE OF COMMITTING ANY OTHER ACT DANGEROUS TO LIFE, LIMB OR PROPERTY.

Sec. 2933.53. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE ANY PERSON WHO WILLFULLY MANUFACTURES, ASSEMBLES, SELLS OR OTHERWISE DISTRIBUTES, ADVERTISES, OR POSSESSES ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE, KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS, SHALL BE FINED NOT MORE THAN TEN THOUSAND DOLLARS OR IMPRISONED NOT LESS THAN ONE NOR MORE THAN FIVE YEARS, OR BOTH.

IT SHALL NOT BE UNLAWFUL UNDER THIS SECTION FOR:

(A) A TELEGRAPH OR TELEPHONE COMPANY OR AN OFFICER, AGENT, OR EMPLOYEE OF, OR A PERSON UNDER CONTRACT WITH, A TELEGRAPH OR TELEPHONE COMPANY, IN THE NORMAL COURSE OF THE TELEGRAPH OR TELEPHONE COMPANY'S BUSINESS; OR

(B) AN OFFICER, AGENT, OR EMPLOYEE OF, OR A PERSON UNDER CONTRACT WITH, THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE, THE UNITED STATES, OR OF ANY OTHER STATE, OR POLITICAL SUBDIVISION THEREOF, IN THE NORMAL COURSE OF THE ACTIVITIES OF THIS STATE, OR POLITICAL SUBDIVISION, THE UNITED STATES, OR OF ANY OTHER STATE, OR POLITICAL SUBDIVISION THEREOF;
TO MANUFACTURE, ASSEMBLE, SELL OR OTHERWISE DISTRIBUTE, ADVERTISE, OR POSSESS ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS.

Sec. 2933.54. ANY ELECTRONIC, MECHANICAL, OR OTHER DEVICE USED, SENT, CARRIED, MANUFACTURED, ASSEMBLED, POSSESSED, SOLD, OR ADVERTISED IN VIOLATION OF SECTION 2933.52 OR SECTION 2933.53 OF THE REVISED CODE MAY BE SEIZED AND FORFEITED TO THIS STATE.

Sec. 2933.55. WHENEVER IN THE JUDGMENT OF THE ATTORNEY GENERAL OR A COUNTY PROSECUTING ATTORNEY THE TESTIMONY OF ANY WITNESS, OR THE PRODUCTION OF BOOKS, PAPERS, OR OTHER EVIDENCE BY ANY WITNESS, IN ANY CASE OR PROCEEDING BEFORE ANY GRAND JURY OR COURT OF THIS STATE INVOLVING ANY VIOLATION OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE OR ANY OF THE OFFENSES ENUMERATED IN SECTION 2933.57 OF THE REVISED CODE, IS NECESSARY TO THE PUBLIC INTEREST, SUCH ATTORNEY GENERAL OR COUNTY PROSECUTING ATTORNEY SHALL MAKE APPLICATION TO THE COURT THAT THE WITNESS SHALL BE INSTRUCTED TO TESTIFY OR PRODUCE EVIDENCE SUBJECT TO THE PROVISIONS OF THIS SECTION, AND UPON ORDER OF THE COURT SUCH WITNESS SHALL NOT BE EXCUSED FROM TESTIFYING OR FROM PRODUCING BOOKS, PAPERS, OR OTHER EVIDENCE ON THE GROUND THAT THE TESTIMONY OR EVIDENCE REQUIRED OF HIM MAY TEND TO INCRIMINATE HIM OR SUBJECT HIM TO A PENALTY OF FORFEITURE. NO SUCH WITNESS SHALL BE PROSECUTED OR SUBJECTED TO ANY PENALTY OR FORFEITURE FOR OR ON ACCOUNT OF ANY TRANSACTION, MATTER OF THING CONCERNING WHICH HE IS COMPELLED, AFTER HAVING CLAIMED HIS PRIVILEGE AGAINST SELF-INCRIMINATION, TO TESTIFY OR PRODUCE EVIDENCE, NOR SHALL TESTIMONY SO COMPELLED BE USED AS EVIDENCE IN ANY CRIMINAL PROCEEDING (EXCEPT IN A PROCEEDING DESCRIBED IN THE NEXT SENTENCE) AGAINST HIM IN ANY COURT OF THIS STATE. NO WITNESS SHALL BE EXEMPT UNDER THIS SECTION FROM PROSECUTION FOR PERJURY OR CONTEMPT COMMITTED WHILE GIVING TESTIMONY OR PRODUCING EVIDENCE UNDER COMPULSION AS PROVIDED IN THIS SECTION.

Sec. 2933.56. WHENEVER ANY WIRE OR ORAL COMMUNICATION HAS BEEN INTERCEPTED, NO PART OF THE CONTENTS OF SUCH COMMUNICATION

AND NO EVIDENCE DERIVED THEREFROM MAY BE RECEIVED IN EVIDENCE IN ANY TRIAL, HEARING, OR OTHER PROCEEDING IN OR BEFORE ANY COURT, GRAND JURY, DEPARTMENT, OFFICER, AGENCY, REGULATORY BODY, LEGISLATIVE COMMITTEE, OR OTHER AUTHORITY OF THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE IF THE DISCLOSURE OF THAT INFORMATION WOULD BE IN VIOLATION OF THIS CHAPTER.

Sec. 2933.57. THE ATTORNEY GENERAL OR A COUNTY PROSECUTING ATTORNEY, OR ANY ASSISTANT ATTORNEY SPECIALLY DESIGNATED BY THE SAID OFFICIALS MAY AUTHORIZE AN APPLICATION TO A COURT OF COMMON PLEAS OF COMPETENT JURISDICTION FOR, AND SUCH JUDGE MAY GRANT IN CONFORMITY WITH SECTION 2933.59 OF THE REVISED CODE AN ORDER AUTHORIZING OR APPROVING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS BY INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS HAVING RESPONSIBILITY FOR THE INVESTIGATION OF THE OFFENSE AS TO WHICH THE APPLICATION IS MADE WHEN SUCH INTERCEPTION MAY PROVIDE OR HAS PROVIDED EVIDENCE OF:

(A) THE COMMISSION OF THE OFFENSE OF MURDER, KIDNAPPING, BURGLARY, GAMBLING, ROBBERY, BRIBERY, EXTORTION, EMBEZZLEMENT, CONSPIRACY UNDER SECTION 2921.14 OF THE REVISED CODE, OR DEALING IN NARCOTIC DRUGS AS DEFINED IN SECTION 3719.01 OF THE REVISED CODE, MARIJUANA AND OTHER DANGEROUS DRUGS, AND ANY OFFENSE PUNISHABLE BY DEATH OR BY IMPRISONMENT FOR MORE THAN ONE YEAR.

(B) ANY CONSPIRACY TO COMMIT ANY OF THE FOREGOING OFFENSES.

Sec. 2933.58. (A) ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER WHO, BY ANY MEANS AUTHORIZED BY SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, HAS OBTAINED KNOWLEDGE OF THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, MAY DISCLOSE SUCH CONTENTS TO ANOTHER INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OF THIS STATE, OR ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OF THE UNITED STATES OR OF ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF, IF AUTHORIZED BY LAW TO RECEIVE SUCH CONTENTS, TO THE EXTENT THAT SUCH DISCLOSURE IS APPROPRIATE TO THE PROPER PERFORMANCE OF THE OFFICIAL DUTIES OF THE OFFICER MAKING OR RECEIVING THE DISCLOSURE.

(B) ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER MAY RECEIVE, AND USE, THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, INTERCEPTED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, FROM ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OF THIS STATE, OR ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OF THE UNITED STATES OR OF ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF, TO THE EXTENT THAT SUCH RECEPTION, AND USE, IS APPROPRIATE TO THE PROPER PERFORMANCE OF THE OFFICIAL DUTIES OF THE OFFICER RECEIVING, OR USING, THE CONTENTS OF SUCH COMMUNICATION.

Exhibit IV

(C) ANY PERSON WHO HAS RECEIVED, BY ANY MEANS AUTHORIZED BY SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, ANY INFORMATION CONCERNING A WIRE OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, INTERCEPTED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, MAY DISCLOSE THE CONTENTS OF THAT COMMUNICATION OR SUCH DERIVATIVE EVIDENCE WHILE GIVING TESTIMONY UNDER OATH OR AFFIRMATION IN ANY CRIMINAL CASE OR PROCEEDING IN ANY STATE OR FEDERAL COURT OR IN ANY STATE OR FEDERAL GRAND JURY PROCEEDING.

(D) NO OTHERWISE PRIVILEGED WIRE OR ORAL COMMUNICATION INTERCEPTED IN ACCORDANCE WITH, OR IN VIOLATION OF, THE PROVISIONS OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, SHALL LOSE ITS PRIVILEGED CHARACTER.

(E) WHEN AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER, WHILE ENGAGED IN INTERCEPTING WIRE OR ORAL COMMUNICATIONS IN THE MANNER AUTHORIZED HEREIN, INTERCEPTS WIRE OR ORAL COMMUNICATIONS RELATING TO OFFENSES OTHER THAN THOSE SPECIFIED IN THE ORDER OF AUTHORIZATION, THE CONTENTS THEREOF, AND EVIDENCE DERIVED THEREFROM, MAY BE DISCLOSED, RECEIVED, OR USED AS PROVIDED IN SUBSECTIONS (A) AND (B) OF THIS SECTION. SUCH CONTENTS AND ANY EVIDENCE DERIVED THEREFROM MAY BE USED UNDER SUBSECTION (C) OF THIS SECTION WHEN AUTHORIZED BY A JUDGE OF COMPETENT JURISDICTION WHERE SUCH JUDGE FINDS ON SUBSEQUENT APPLICATION THAT THE CONTENTS WERE OTHERWISE INTERCEPTED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE. SUCH APPLICATION SHALL BE MADE AS SOON AS PRACTICABLE.

Sec. 2933.59. (A) EACH APPLICATION FOR AN ORDER AUTHORIZING THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION SHALL BE MADE IN WRITING UPON OATH OR AFFIRMATION TO A JUDGE OF COMPETENT JURISDICTION AND SHALL STATE THE APPLICANT'S AUTHORITY TO MAKE SUCH APPLICATION. EACH APPLICATION SHALL INCLUDE THE FOLLOWING INFORMATION:

(1) THE IDENTITY OF THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER MAKING THE APPLICATION, AND THE ATTORNEY GENERAL OR THE COUNTY PROSECUTING ATTORNEY AUTHORIZING THE APPLICATION;

(2) A FULL AND COMPLETE STATEMENT OF THE FACTS AND CIRCUMSTANCES RELIED UPON BY THE APPLICANT, TO JUSTIFY HIS BELIEF THAT AN ORDER SHOULD BE ISSUED, INCLUDING:

(a) DETAILS AS TO THE PARTICULAR OFFENSE THAT HAS BEEN, IS BEING, OR IS ABOUT TO BE COMMITTED;

(b) A PARTICULAR DESCRIPTION OF THE NATURE AND LOCATION OF THE FACILITIES FROM WHICH OR THE PLACE WHERE THE COMMUNICATION IS TO BE INTERCEPTED;

(c) A PARTICULAR DESCRIPTION OF THE TYPE OF COMMUNICATION SOUGHT TO BE INTERCEPTED;

Exhibit IV

(d) THE IDENTITY OF THE PERSON, IF KNOWN, COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED;

(3) A FULL AND COMPLETE STATEMENT AS TO WHETHER OR NOT OTHER INVESTIGATIVE PROCEDURES HAVE BEEN TRIED AND FAILED OR WHY THEY REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED OR TO BE TOO DANGEROUS;

(4) A STATEMENT OF THE PERIOD OF TIME FOR WHICH THE INTERCEPTION IS REQUIRED TO BE MAINTAINED. IF THE NATURE OF THE INVESTIGATION IS SUCH THAT THE AUTHORIZATION FOR INTERCEPTION SHOULD NOT AUTOMATICALLY TERMINATE WHEN THE DESCRIBED TYPE OF COMMUNICATION HAS BEEN FIRST OBTAINED, A PARTICULAR DESCRIPTION OF FACTS ESTABLISHING PROBABLE CAUSE TO BELIEVE THAT ADDITIONAL COMMUNICATIONS OF THE SAME TYPE WILL OCCUR THEREAFTER;

(5) A FULL AND COMPLETE STATEMENT OF THE FACTS CONCERNING ALL PREVIOUS APPLICATIONS KNOWN TO THE INDIVIDUAL AUTHORIZING AND MAKING THE APPLICATION, MADE TO ANY JUDGE FOR AUTHORIZATION TO INTERCEPT WIRE OR ORAL COMMUNICATIONS INVOLVING ANY OF THE SAME PERSONS, FACILITIES OR PLACES SPECIFIED IN THE APPLICATION, AND THE ACTION TAKEN BY THE JUDGE ON EACH SUCH APPLICATION; AND

(6) WHERE THE APPLICATION IS FOR THE EXTENSION OF AN ORDER, A STATEMENT SETTING FORTH THE RESULTS THUS FAR OBTAINED FROM THE INTERCEPTION, OR A REASONABLE EXPLANATION OF THE FAILURE TO OBTAIN SUCH RESULTS.

(B) THE JUDGE MAY REQUIRE THE APPLICANT TO FURNISH ADDITIONAL TESTIMONY OR DOCUMENTARY EVIDENCE IN SUPPORT OF THE APPLICATION.

(C) UPON SUCH APPLICATION THE JUDGE MAY ENTER AN EX PARTE ORDER, AS REQUESTED OR AS MODIFIED, AUTHORIZING INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE COURT IN WHICH THE JUDGE IS SITTING, IF THE JUDGE DETERMINES ON THE BASIS OF THE FACTS SUBMITTED BY THE APPLICANT THAT:

(1) THERE IS PROBABLE CAUSE FOR BELIEF THAT AN INDIVIDUAL IS COMMITTING, HAS COMMITTED, OR IS ABOUT TO COMMIT AN OFFENSE ENUMERATED IN SECTION 2933.57 OF THE REVISED CODE;

(2) THERE IS PROBABLE CAUSE FOR BELIEF THAT PARTICULAR COMMUNICATIONS CONCERNING THAT OFFENSE WILL BE OBTAINED THROUGH SUCH INTERCEPTION;

(3) NORMAL INVESTIGATIVE PROCEDURES HAVE BEEN TRIED AND HAVE FAILED OR REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED OR TO BE TOO DANGEROUS;

(4) THERE IS PROBABLE CAUSE FOR BELIEF THAT THE FACILITIES FROM WHICH, OR THE PLACE WHERE, THE WIRE OR ORAL COMMUNICATIONS ARE TO BE INTERCEPTED ARE BEING USED, OR ARE ABOUT TO BE USED, IN CONNECTION WITH THE COMMISSION OF SUCH OFFENSE, OR ARE LEASED TO, LISTED IN THE NAME OF, OR COMMONLY USED BY SUCH PERSON.

(D) EACH ORDER AUTHORIZING THE INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION SHALL SPECIFY:

(1) THE IDENTITY OF THE PERSON, IF KNOWN, WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED;

(2) THE NATURE AND LOCATION OF THE COMMUNICATIONS FACILITIES AS TO WHICH, OR THE PLACE WHERE, AUTHORITY TO INTERCEPT IS GRANTED;

(3) A PARTICULAR DESCRIPTION OF THE TYPE OF COMMUNICATION SOUGHT TO BE INTERCEPTED, AND A STATEMENT OF THE PARTICULAR OFFENSE TO WHICH IT RELATES;

(4) THE IDENTITY OF THE AGENCY AUTHORIZED TO INTERCEPT THE COMMUNICATIONS, AND OF THE ATTORNEY GENERAL OR THE COUNTY PROSECUTING ATTORNEY AUTHORIZING THE APPLICATION; AND

(5) THE PERIOD OF TIME DURING WHICH SUCH INTERCEPTION IS AUTHORIZED, INCLUDING A STATEMENT AS TO WHETHER OR NOT THE INTERCEPTION SHALL AUTOMATICALLY TERMINATE WHEN THE DESCRIBED COMMUNICATION HAS BEEN FIRST OBTAINED.

(E) NO ORDER ENTERED UNDER THIS SECTION MAY AUTHORIZE THE INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION FOR ANY PERIOD LONGER THAN IS NECESSARY TO ACHIEVE THE OBJECTIVE OF THE AUTHORIZATION, NOR IN ANY EVENT LONGER THAN THIRTY DAYS. EXTENSIONS OF AN ORDER MAY BE GRANTED, BUT ONLY UPON APPLICATION FOR AN EXTENSION MADE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION AND THE COURT MAKING THE FINDINGS REQUIRED BY SUBSECTION (C) OF THIS SECTION. THE PERIOD OF EXTENSION SHALL BE NO LONGER THAN THE AUTHORIZING JUDGE DEEMS NECESSARY TO ACHIEVE THE PURPOSES FOR WHICH IT WAS GRANTED AND IN NO EVENT FOR LONGER THAN THIRTY DAYS. EVERY ORDER AND EXTENSION THEREOF SHALL CONTAIN A PROVISION THAT THE AUTHORIZATION TO INTERCEPT SHALL BE EXECUTED AS SOON AS PRACTICABLE, SHALL BE CONDUCTED IN SUCH A WAY AS TO MINIMIZE THE INTERCEPTION OF COMMUNICATIONS NOT OTHERWISE SUBJECT TO INTERCEPTION UNDER THIS CHAPTER, AND MUST TERMINATE UPON ATTAINMENT OF THE AUTHORIZED OBJECTIVE,OR IN ANY EVENT IN THIRTY DAYS.

(F) WHENEVER AN ORDER AUTHORIZING INTERCEPTION IS ENTERED PURSUANT TO SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE, THE ORDER MAY REQUIRE REPORTS TO BE MADE TO THE JUDGE WHO ISSUED THE ORDER SHOWING WHAT PROGRESS HAS BEEN MADE TOWARD ACHIEVMENT OF THE AUTHORIZED OBJECTIVE AND THE NEED FOR CONTINUED INTERCEPTION. SUCH REPORTS SHALL BE MADE AT SUCH INTERVALS AS THE JUDGE MAY REQUIRE.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF SECTION 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE THE ATTORNEY GENERAL, OR A COUNTY PROSECUTING ATTORNEY OR ANY ASSISTANT ATTORNEY SPECIALLY DESIGNATED BY SAID OFFICIALS WHO REASONABLY DETERMINES THAT:

(1) AN EMERGENCY SITUATION EXISTS WITH RESPECT TO CONSPIRATORIAL ACTIVITIES THREATENING THE NATIONAL SECURITY INTEREST OR TO CONSPIRATORIAL ACTIVITIES CHARACTERISTIC OF ORGANIZED CRIME THAT REQUIRES A WIRE OR ORAL COMMUNICATION TO BE INTERCEPTED BEFORE AN ORDER AUTHORIZING SUCH INTERCEPTION CAN WITH DUE DILIGENCE BE OBTAINED, AND

(2) THERE ARE GROUNDS UPON WHICH AN ORDER COULD BE ENTERED UNDER SECTION 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE TO AUTHORIZE SUCH INTERCEPTION,
MAY INTERCEPT SUCH WIRE OR ORAL COMMUNICATION IF AN APPLICATION FOR AN ORDER APPROVING THE INTERCEPTION IS MADE IN ACCORDANCE WITH THIS SECTION WITHIN FORTY-EIGHT HOURS AFTER THE INTERCEPTION HAS OCCURRED, OR BEGINS TO OCCUR. IN THE ABSENCE OF AN ORDER, SUCH INTERCEPTION SHALL IMMEDIATELY TERMINATE WHEN THE COMMUNICATION SOUGHT IS OBTAINED OR WHEN THE APPLICATION FOR THE ORDER IS DENIED, WHICHEVER IS EARLIER. IN THE EVENT SUCH APPLICATION FOR APPROVAL IS DENIED, OR IN ANY OTHER CASE WHERE THE INTERCEPTION IS TERMINATED WITHOUT AN ORDER HAVING BEEN ISSUED, THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION INTERCEPTED SHALL BE TREATED AS HAVING BEEN OBTAINED IN VIOLATION OF SECTION 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE AND AN INVENTORY SHALL BE SERVED AS PROVIDED FOR IN SUBSECTION (H) (4) OF THIS SECTION ON THE PERSON NAMED IN THE APPLICATION.

(H)(1) THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION INTERCEPTED BY ANY MEANS AUTHORIZED BY SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE SHALL, IF POSSIBLE, BE RECORDED ON TAPE OR WIRE OR OTHER COMPARABLE DEVICE. THE RECORDING OF THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION UNDER THIS SUBSECTION SHALL BE DONE IN SUCH WAY AS WILL PROTECT THE RECORDING FROM EDITING OR OTHER ALTERATIONS. IMMEDIATELY UPON THE EXPIRATION OF THE PERIOD OF THE ORDER, OR EXTENSIONS THEREOF, SUCH RECORDINGS SHALL BE MADE AVAILABLE TO THE JUDGE ISSUING SUCH ORDER AND SEALED UNDER HIS DIRECTIONS. CUSTODY OF THE RECORDINGS SHALL BE WHEREVER THE JUDGE ORDERS. THEY SHALL NOT BE DESTROYED EXCEPT UPON AN ORDER OF THE ISSUING JUDGE AND IN ANY EVENT SHALL BE KEPT FOR TEN YEARS. DUPLICATE RECORDINGS MAY BE MADE FOR USE OR DISCLOSURE PURSUANT TO THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF SECTION 2933.58 OF THE REVISED CODE FOR INVESTIGATIONS. THE PRESENCE OF THE SEAL PROVIDED FOR BY THIS SUBSECTION, OR A SATISFACTORY EXPLANATION FOR THE ABSENCE THEREOF, SHALL BE A PREREQUISITE FOR THE USE OR DISCLOSURE OF THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION OR EVIDENCE DERIVED THEREFROM UNDER SUBSECTION (C) OF SECTION 2933.58 OF THE REVISED CODE.

(2) APPLICATIONS MADE AND ORDERS GRANTED UNDER THIS CHAPTER SHALL BE DISCLOSED TO THE TELEGRAPH OR TELEPHONE COMPANY WHOSE FACILITIES ARE INVOLVED AND THEREAFTER SHALL BE SEALED BY THE JUDGE. CUSTODY OF THE APPLICATIONS AND ORDERS SHALL BE WHEREVER THE JUDGE DIRECTS. SUCH APPLICATIONS AND ORDERS SHALL BE DISCLOSED SUBSEQUENT TO HAVING BEEN SEALED ONLY UPON A SHOWING OF

GOOD CAUSE BEFORE A JUDGE OF COMPETENT JURISDICTION AND SHALL NOT BE DESTROYED EXCEPT ON ORDER OF THE ISSUING JUDGE, AND IN ANY EVENT SHALL BE KEPT FOR TEN YEARS.

(3) ANY VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE PUNISHED AS CONTEMPT BY THE ISSUING JUDGE.

(4) WITHIN A REASONABLE TIME BUT NOT LATER THAN NINETY DAYS AFTER THE TERMINATION OF THE PERIOD OF AN ORDER OR EXTENSION THEREOF, THE ISSUING JUDGE SHALL CAUSE TO BE SERVED, ON THE PERSONS NAMED IN THE ORDER OR THE APPLICATION, AND SUCH OTHER PARTIES TO INTERCEPTED COMMUNICATIONS AS THE JUDGE MAY DETERMINE IN HIS DISCRETION THAT IS IN THE INTEREST OF JUSTICE, AN INVENTORY WHICH SHALL INCLUDE NOTICE OF:

(a) THE FACT OF THE ENTRY OF THE ORDER;

(b) THE DATE OF THE ENTRY AND THE PERIOD OF AUTHORIZED INTERCEPTION; AND

(c) THE FACT THAT DURING THE PERIOD WIRE OR ORAL COMMUNICATIONS WERE OR WERE NOT INTERCEPTED.
THE JUDGE, UPON THE FILING OF A MOTION, MAY IN HIS DISCRETION MAKE AVAILABLE TO SUCH PERSON OR HIS COUNSEL FOR INSPECTION SUCH PORTIONS OF THE INTERCEPTED COMMUNICATIONS, APPLICATIONS AND ORDERS AS THE JUDGE DETERMINES TO BE IN THE INTEREST OF JUSTICE. ON AN EX PARTE SHOWING OF GOOD CAUSE TO A JUDGE OF COMPETENT JURISDICTION THE SERVING OF THE INVENTORY REQUIRED BY THIS SUBSECTION MAY BE POSTPONED.

(I) THE CONTENTS OF ANY INTERCEPTED WIRE OR ORAL COMMUNICATION OR EVIDENCE DERIVED THEREFROM SHALL NOT BE RECEIVED IN EVIDENCE OR OTHERWISE DISCLOSED IN ANY TRIAL, HEARING, OR OTHER PROCEEDING IN ANY COURT OF THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE UNLESS EACH PARTY, NOT LESS THAN TEN DAYS BEFORE THE TRIAL, HEARING, OR PROCEEDING, HAS BEEN FURNISHED WITH A COPY OF THE COURT ORDER, AND ACCOMPANYING APPLICATION, UNDER WHICH THE INTERCEPTION WAS AUTHORIZED. THIS TEN-DAY PERIOD MAY BE WAIVED BY THE JUDGE IF HE FINDS THAT IT WAS NOT POSSIBLE TO FURNISH THE PARTY WITH THE ABOVE INFORMATION TEN DAYS BEFORE THE TRIAL, HEARING, OR PROCEEDING AND THAT THE PARTY WILL NOT BE PREJUDICED BY THE DELAY IN RECEIVING SUCH INFORMATION.

(J) ANY AGGRIEVED PERSON IN ANY TRIAL, HEARING, OR PROCEEDING IN OR BEFORE ANY COURT, DEPARTMENT, OFFICER, AGENCY, REGULATORY BODY, OR OTHER AUTHORITY OF THIS STATE OR POLITICAL SUBDIVISION OF THIS STATE, MAY MOVE TO SUPPRESS THE CONTENTS OF ANY INTERCEPTED WIRE OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, ON THE GROUNDS THAT:

(1) THE COMMUNICATION WAS UNLAWFULLY INTERCEPTED;

(2) THE ORDER OF AUTHORIZATION UNDER WHICH IT WAS INTERCEPTED IS INSUFFICIENT ON ITS FACE; OR

(3) THE INTERCEPTION WAS NOT MADE IN CONFORMITY WITH THE ORDER OF AUTHORIZATION.
SUCH MOTION SHALL BE MADE BEFORE THE TRIAL, HEARING, OR PROCEEDING UNLESS THERE WAS NO OPPORTUNITY TO MAKE SUCH MOTION OR THE PERSON WAS NOT AWARE OF THE GROUNDS OF THE MOTION. IF THE MOTION IS GRANTED, THE CONTENTS OF THE INTERCEPTED WIRE OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, SHALL BE TREATED AS HAVING BEEN OBTAINED IN VIOLATION OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE. THE JUDGE, UPON THE FILING OF SUCH MOTION BY THE AGGRIEVED PERSON, MAY IN HIS DISCRETION MAKE AVAILABLE TO THE AGGRIEVED PERSON OR HIS COUNSEL FOR INSPECTION SUCH PORTIONS OF THE INTERCEPTED COMMUNICATION OR EVIDENCE DERIVED THEREFROM AS THE JUDGE DETERMINES TO BE IN THE INTEREST OF JUSTICE.

Sec. 2933.60. (A) WITHIN TWENTY DAYS AFTER THE EXPIRATION OF AN ORDER ENTERED UNDER SECTION 2933.59 OF THE REVISED CODE, OR THE DENIAL OF AN ORDER APPROVING AN INTERCEPTION, THE ATTORNEY GENERAL, OR THE COUNTY PROSECUTING ATTORNEY SHALL REPORT TO THE ISSUING OR DENYING JUDGE THE FOLLOWING:

(1) THE FACT THAT AN ORDER OR EXTENSION WAS APPLIED FOR;

(2) THE KIND OF ORDER OR EXTENSION APPLIED FOR;

(3) THE FACT THAT THE ORDER OR EXTENSION WAS GRANTED AS APPLIED FOR, WAS MODIFIED, OR WAS DENIED;

(4) THE PERIOD OF INTERCEPTIONS AUTHORIZED BY THE ORDER, AND THE NUMBER AND DURATION OF ANY EXTENSIONS OF THE ORDER;

(5) THE OFFENSE SPECIFIED IN THE ORDER OR APPLICATION, OR EXTENSION OF AN ORDER;

(6) THE IDENTITY OF THE APPLYING INVESTIGATIVE OR LAW ENFORCEMENT OFFICER AND AGENCY MAKING THE APPLICATION AND THE PERSON AUTHORIZING THE APPLICATION: AND

(7) THE NATURE OF THE FACILITIES FROM WHICH OR THE PLACE WHERE COMMUNICATIONS WERE TO BE INTERCEPTED.

(B) A COPY OF SAID REPORT SHALL BE SENT TO THE ADMINISTRATIVE ASSISTANT OF THE SUPREME COURT OF OHIO WITHIN THE TIME SPECIFIED IN DIVISION (A) OF THIS SECTION. THE ISSUING OR DENYING JUDGE SHALL HAVE THE RESPONSIBILITY TO REPORT UNDER SECTION 2519 (1) OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, 82 STAT. 222 (1968).

(C) THE ATTORNEY GENERAL OR THE COUNTY PROSECUTING ATTORNEY

SHALL MAKE HIS REPORT UNDER SECTION 2519 (2) OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, 82 STAT. 222 (1968), BY SENDING THE REPORT IN DUPLICATE TO THE ADMINISTRATIVE ASSISTANT OF THE SUPREME COURT OF OHIO BY JANUARY 20 OF EACH YEAR. THE ADMINISTRATIVE ASSISTANT OF THE SUPREME COURT OF OHIO SHALL FORWARD THE COMPOSITE REPORT ACCORDING TO SECTION 2519 (2) OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, 82 STAT. 222 (1968).

Sec. 2933.61. ANY PERSON WHOSE WIRE OR ORAL COMMUNICATION IS INTERCEPTED, DISCLOSED, OR USED IN VIOLATION OF SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE SHALL:

(A) HAVE A CIVIL CAUSE OF ACTION AGAINST ANY PERSON WHO INTERCEPTS, DISCLOSES, OR USES, OR PROCURES ANY OTHER PERSON TO INTERCEPT, DISCLOSE, OR USE SUCH COMMUNICATIONS: AND

(B) BE ENTITLED TO RECOVER FROM ANY SUCH PERSON:

(1) ACTUAL DAMAGES BUT NOT LESS THAN LIQUIDATED DAMAGES COMPUTED AT THE RATE OF ONE HUNDRED DOLLARS A DAY FOR EACH DAY OF VIOLATION OR ONE THOUSAND DOLLARS, WHICHEVER IS HIGHER;

(2) PUNITIVE DAMAGES; AND

(3) A REASONABLE ATTORNEY'S FEE AND OTHER LITIGATION COSTS REASONABLY INCURRED.
A GOOD FAITH RELIANCE ON A COURT ORDER SHALL CONSTITUTE A COMPLETE DEFENSE TO ANY CIVIL OR CRIMINAL ACTION BROUGHT UNDER SECTIONS 2933.51 TO 2933.61, INCLUSIVE, OF THE REVISED CODE.

Sec. 4931.26. No person connected with a ~~telegraph or~~ messenger company, incorporated or unincorporated, ~~operating a telegraph line or~~ engaged in the business of receiving and delivering messages, shall willfully divulge the contents or the nature of the contents of a private communication entrusted to him for ~~transmission or~~ delivery. ~~, willfully refuse or neglect to transmit or deliver it, willfully delay its transmission or delivery, or willfully forge the name of the intended receiver to a receipt for such message, communication, or article of value entrusted to him by said company, with intent to injure, deceive, or defraud the sender or intended receiver thereof or such telegraph or messenger company, or to benefit himself or any other person.~~

NO PERSON CONNECTED WITH A TELEGRAPH OR MESSENGER COMPANY, INCORPORATED OR UNINCORPORATED, OPERATING A TELEGRAPH LINE OR ENGAGED IN THE BUSINESS OF RECEIVING AND DELIVERING MESSAGES, SHALL WILLFULLY REFUSE OR NEGLECT TO TRANSMIT OR DELIVER THE CONTENTS OR THE NATURE OF THE CONTENTS OF A PRIVATE COMMUNICATION ENTRUSTED TO HIM FOR TRANSMISSION OR DELIVERY, WILLFULLY DELAY ITS TRANSMISSION OR DELIVERY, OR WILLFULLY FORGE THE NAME

OF THE INTENDED RECEIVER TO A RECEIPT FOR SUCH MESSAGE, COMMUNICATION, OR ARTICLE OF VALUE ENTRUSTED TO HIM BY SAID COMPANY, WITH INTENT TO INJURE, DECEIVE, OR DEFRAUD THE SENDER OR INTENDED RECEIVER THEREOF OR SUCH TELEGRAPH OR MESSENGER COMPANY, OR TO BENEFIT HIMSELF OR ANY OTHER PERSON.

Sec. 4931.28. No person shall willfully and maliciously cut , OR break ~~, tap, or make connection with~~ OR TAMPER WITH OR OTHERWISE DAMAGE OR DESTROY a telegraph or telephone wire , ~~or read or copy in an unauthorized manner, a telegraphic message or communication from or upon a telegraph or telephone line, or cable, so cut or tapped, or make unauthorized use thereof,~~ CABLE, OR LINE OR OTHER TELEGRAPH OR TELEPHONE EQUIPMENT OR FACILITIES or willfully and maliciously prevent, obstruct, or delay the sending, conveyance, or delivery of an authorized telegraphic message or communication by or through a line, cable, or wire, under the control of a telegraph or telephone company.

Sec. 4931.29. No person connected with a telephone company, incorporated or unincorporated, operating a telephone line or engaged in the business of transmitting to, from, through, or in this state, telephone messages, in any capacity, shall ~~willfully divulge a private telephone message or the nature of such message, or a private conversation between persons communicating over the wires of such company, or willfully~~ delay the transmission of a telephonic message or communication, with intent to injure, deceive, or defraud the sender or receiver thereof or any other person, or any such telephone company, or to benefit himself or any other person.

Section 2. That existing sections 4931.26, 4931.28, and 4931.29 of the Revised Code are hereby repealed.

EXHIBIT V

A B I L L

To Amend Section 2951.04 of the Ohio Revised Code dealing with persons not eligible for probation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That section 2951.04 be amended to read as follows:

Sec. 2951.04. No person convicted of murder, arson, burglary of an inhabited dwelling house, incest, sodomy, rape without consent, assault with intent to rape, or administering poison shall be placed on probation.

NO PERSON CONVICTED OF ANY OFFENSE OTHER THAN A TRAFFIC OFFENSE WHO AT THE TIME THE OFFENSE WAS COMMITTED HAD A FIREARM OF ANY DESCRIPTION IN HIS POSSESSION SHALL BE PLACED ON PROBATION.

EXHIBIT VI

A B I L L

To Amend section 3II.04 of the Ohio Revised Code relating to deputy sheriffs.

Be it enacted by the General Assembly of the State of Ohio that section 3II.04 of the Ohio Revised Code be amended to read as follows:

SECTION 3II.04 - Deputy sheriffs.

The sheriff may appoint, in writing, one or more deputies. Thereupon such writing shall be filed by the sheriff with the clerk of the court of common pleas, who shall enter it upon the journal of such court. The clerk's fees for such filing and journal entry shall be paid by the sheriff. * * I * * In cases of emergency the sheriff may request of the sheriff of another county the aid of qualified deputies serving in such other counties of the state, and if the consent of the sheriff of such other county is received, the deputies while so assigned shall be deemed to be the deputies of the sheriff of the county requesting aid. No judge of a county court or mayor shall be appointed a deputy.

* * I * * Each deputy so appointed shall be a qualified elector of such county, except that in

EXHIBIT VII

A B I L L

To Enact section 3II.0II of the Ohio Revised Code dealing with the qualifications of candidates for the office of sheriff.

Be it enacted by the General Assembly of Ohio:

SECTION I: That section 3II.0II of the Ohio Revised Code be enacted to read as follows:

Sec. 3II.0II. (A) No person shall be eligible as a candidate for the office of sheriff, or shall be elcted or appointed to such office, who does not possess the following minimum qualifications:

(I) a high school diploma or a General Educational Development equivalency certificate;

(2) be at least twenty-five (25) years of age but not more than sixty (60) years of age;

(3) four (4) years of general law enforcement experience in the enforcement of federal, state and/or local laws; provided that a bachelor of arts or bachelor of sciences degree in an area of study directly related to law enforcement be substituted for two years of general law enforcement experience.

(B) The provisions of section (A) above shall not apply to any person who has been elected or appointed to the office of sheriff prior to July I, I970.

EXHIBIT VIII

A B I L L

To amend sections 121.02 and 121.03; sections 5119.01 through 5119.74, inclusive; sections 5143.01 to 5143.25, inclusive; sections 5145.01 to 5145.28, inclusive; 5147.01 to 5147.06, inclusive, and sections 5147.12 to 5147.27, inclusive; sections 5149.01 to 5149.23, inclusive, of the Revised Code, and to enact sections 5115.01 to 5115.25, inclusive of the Revised Code, to provide for the establishment of a department of correction.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5115.01 to 5115.25, inclusive, of the Revised Code be enacted to read as follows:

Sec. 5115.01. There is hereby established a department of correction. The director of correction shall be the executive head of the department of correction and all duties conferred on the various divisions and institutions of the department by law or by order of the director shall be performed under such rules and regulations as he prescribes, and shall be under his control. The director shall have power to control the transfers of inmates between the several state adult correctional institutions, and shall supervise the administration of all institutions, facilities, and services under the jurisdiction of the department.

Sec. 5115.02. The department of correction, with the approval of the governor, may assign labor of prisoners of adult correctional institutions under the administration of the department on any public work of the state.

Sec. 5115.03. The director of correction shall appoint such employees as are required for the efficient conduct of the department of correction and the institutions and facilities under its jurisdiction. He shall prescribe the duties and titles of all personnel so appointed and the regulations governing the transfer of employees from one institution or division of the department to another. The director shall be responsible for the development and administration of training programs for personnel at all levels of management within the department

and he shall have authority, subject to the provisions of Chapter 143 of the Revised Code, to suspend, discharge or otherwise discipline personnel for cause. The director shall promulgate regulations as to the carrying and use of firearms by correctional officers assigned to institutions and facilities under the control of the department.

Sec. 5115.04. The director of correction may, with the approval of the governor, change the name or the purpose of any institution under the control of the department of correction, and he may designate a new or another use for such institution for the purposes of improved rehabilitation and efficiency of administration.

The department may receive from the youth commission any children in the custody of the commission, committed to the department by the commission, upon such terms and conditions as may be agreed upon by the department and the commission. The director of correction shall designate certain institutions under the control of the department to receive custody of children committed to the department and require such institutions to maintain facilities for children separate from those provided for adult prisoners.

Sec. 5115.05. The department of correction shall have the following powers and duties:

(A) Maintain, operate, manage and govern the adult penal and reformatory institutions and services of the state;

(B) Manage and control the prison industries in the state institutions;

(C) Provide facilities for intake analysis and classification of all persons committed to the department;

(D) Provide for the designation and administration of specific functional roles of rehabilitation to be carried out by the institutions and facilities of the department;

(E) Develop a program of research and statistical analysis to determine the effectiveness of performance of current rehabilitative programs, and establish planning criteria for the improved rehabilitative treatment of persons committed to the department;

(F) Establish and operate an educational program of academic, vocational, moral and religious training for persons committed to the department;

(G) Coordinate the work of the adult parole authority with the functions and services of the department;

(H) Apply for, receive, accept, contract for, and administer federal or state subsidy programs which may be made available for the purposes of studying, developing or establishing projects, programs, facilities or installations which may be in furtherance of improved rehabilitation of persons committed to the department. The department may do all things necessary to qualify for, receive and administer such assistance in accordance with the laws and administrative rules of the United States as may be consistent and in accordance with the laws of this state;

(I) Provide consultation assistance, training services and administrative guidance for adult correctional and rehabilitative programs operated by the counties and municipalities of this state.

Sec. 5115.06. The following divisions are established in the department of correction:

(A) Division of business administration;
(B) Institutional services division;
(C) Bureau of examination and classification;
(D) Research analysis division;
(E) Adult parole authority;
(F) Training and education division;
(G) Psychiatric criminology division.

The director may establish additional divisions and prescribe their powers and duties.

Sec. 5115.07. Under the supervision and control of the director of correction, the division of business administration shall:

(A) Submit budgets for the department as prepared by the respective division chiefs to the director of correction. The director, with the assistance of the chief of the division of business administration, shall compile a departmental budget containing all proposals submitted to the chief of the division, and shall forward the same to the governor with such comments and recommendations as he deems necessary;

(B) Maintain such accounts and records and compile such statistics as the director prescribes;

(C) Under the control of the director, co-ordinate the necessary purchases and requisitions for the department and its constituent divisions;

(D) Maintain a proper and complete set of books and accounts with each institution, which shall clearly show the nature and amount of each expenditure authorized, and which shall contain an account of all appropriations made by the General Assembly and of all other funds, together with the disposition of such funds;

(E) Examine the condition of all buildings, grounds and other property connected with the institution under the control of the department of correction;

(F) Establish a method of bookkeeping and storekeeping relating to management of institution property;

(G) Prescribe the form of vouchers, records, and methods of keeping uniformity at each institution;

(H) The department may authorize any of the department's bookkeepers, accountants, or employees to examine and check the records, accounts and vouchers and take an inventory of the property of any institution;

(I) Exercise such other powers and perform such other duties as may be assigned to it by the director.

Sec. 5115.08. (A) The department of correction shall accept and hold on behalf of the state, if it is for the public interest any grant, gift, devise, or bequest of money or property made to or for the use or benefit of any institution described in Chapter 5115 of the Revised Code. The department shall keep such gift, grant, devise, or bequest as a distinct property or fund, and shall invest the same, if in money, in the manner provided by law. The department may deposit in a proper trust company or savings bank any fund left in trust during a specified life or lives, and shall adopt rules and regulations governing the deposit, transfer, withdrawal or investment of such funds and income thereof. The department shall, upon the expiration of any trust according to its terms, dispose of the funds or property held thereunder in the manner provided in the instrument creating the trust, except that if the instrument creating the trust failed to make any terms of disposition, or if no trust was in evidence, then the decedent inmate moneys, savings or commercial deposits, dividends, bonds, or any other interest bearing debt certificate or stamp issued by the United States government shall escheat to the state. All such unclaimed intangible personal property of a former inmate shall be retained by the managing officer in such instution for the period of one year during which every possible effort shall be made to find such former inmate or his legal representative. If after a period of one year from the time such inmate has left such institution or has died, the managing officer being unable to locate such person or his legal representative then upon proper notice of such fact the director of the department of correction shall at that time formulate in writing a method of disposition on the minutes of the department authorizing the managing officer of the institution to convert the same to cash to be paid into the treasury of the state to the credit of the general revenue fund. The department shall include in the annual report a statement of all such funds and property and the terms and conditions relating thereto.

Moneys or property deposited with managing officers of institutions by relatives, guardians, conservators and friends for the special benefit of any inmate, shall remain in the hands of such officers for use accordingly. Such funds shall be deposited in a personal deposit fund. Each such managing officer shall keep an itemized book account of the receipt and disposition thereof, which book shall be open at all times to the inspection of the department. The department of correction shall adopt rules and regulations governing the deposit, transfer, withdrawal or investment of such funds and the income thereof.

(B) Whenever, any inmate confined in any state institution subject to the jurisdiction of the department of correction, described in Chapter 5115 of the Revised Code, dies, escapes, or is discharged or paroled from such institution and any personal funds of such person remain in the hands of the managing officer thereof and no demand is made upon such managing officer, by the owner of the funds or his legally appointed representative, the managing officer shall hold the funds in

the personal deposit fund for at least one year during which time the managing officer shall make every effort possible to locate the owner or his legally appointed representative.

If, at the end of this period, no demand has been made for the funds, the managing officer shall deposit said funds to the credit of the institution's local rotary fund account designated as "industrial and entertainment" fund.

(C) Whenever an inmate, in any state institution subject to the jurisdiction of the department of correction dies, escapes, or is discharged or paroled from such institution, and any personal effects of such person remain in the hands of the managing officer thereof and no demand is made upon such managing officer by the owner of the property or his legally appointed representative, the managing officer shall hold and dispose of such property as follows:

All of the miscellaneous personal effects shall be held for a period of at least one year, during which time the managing officer shall make every effort possible to locate the owner or his legal representative. If at the end of the period no demand has been made by the owner of the property or his legal representative, the managing officer shall file with the county recorder of the county of commitment of said owner, all deeds, wills, contract mortgages, or assignments. The balance of the personal effects shall be sold at public auction after being duly advertised, and the funds turned over to the treasurer of state for credit to the general revenue fund. If any of the property is not of a type to be filed with the county recorder and is not salable at public auction, then the managing officer of the institution shall destroy such property.

Sec. 5115.09. Each managing officer of an institution under the jurisdiction of the department of correction as described in Chapter 5115 of the Revised Code and with the approval of the director of the department of correction, may establish local institution funds designated as follows:

(A) Industrial and entertainment fund created and maintained for the entertainment and welfare of inmates of institutions under the jurisdiction of the department of correction. The director shall establish rules and regulations for the operation of the industrial and entertainment fund;

(B) Commissary fund created and maintained for the benefit of inmates in the institution under the jurisdiction of the department of correction. Commissary revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund operations shall be paid into the industrial and entertainment fund and used only for the entertainment and welfare of inmates. The director shall establish rules and regulations for the operation of the commissary fund;

(C) May establish, with the approval of the director,

such other sundry funds as may be deemed necessary for the efficient management and operation providing health, welfare and moral improvements of the inmates and employees of the institution. The director shall establish rules and regulations for the operation of the sundry funds.

Sec. 5115.10. The treasurer of the state shall have charge of all funds under the jurisdiction of the department of correction and shall pay out the same only in accordance with sections 5115.08, 5115.09 and 5115.14 of the Revised Code.

The department of correction shall cause to be furnished a contract of indemnity to cover all moneys and funds received by it or by its managing officer, employees or agents while such money or funds are in the possession of such managing officer, employees or agents. Such funds are designated as follows:

(A) Funds which are due and payable to the treasurer of state as provided by Chapter 131 of the Revised Code;

(B) Those funds which are held in trust by the managing officer, employees or agents of the institution as local rotary funds under the jurisdiction of the department of correction.

Such contract of indemnity shall be made payable to the state and the premium of such contract of indemnity may be paid from any of the moneys received for the use of the department of correction under Chapters 5115, 5143, 5145, 5147, and 5149, of the Revised Code.

Sec. 5115.11. The bureau of examination and classification shall conduct or provide for sociological, psychological, and psychiatric examinations of each person committed to the department of correction as a part of the intake process, as soon after committment as may be practicable, for the purpose of classifying the inmate's correctional needs and recommending the most appropriate rehabilitative program. The bureau may, at periodic intervals, provide for further examination and recommend changes or alterations in the individual's rehabilitative treatment program. The bureau may collect such social and other information as will aid in the interpretation of its examinations.

It shall keep a record of the health, activities and behavior of such inmate while he is in the custody of the state. Such records, including the findings and recommendations of the bureau, shall be made available to the adult parole authority and the parole board for use in granting parole and in making parole and rehabilitation plans for the inmate when he leaves the institution, and to the department for its use in approving transfers of inmates from one institution to another.

Sec. 5115.12. Persons sentenced or committed to any institution, division or place under the control and management of

the department of correction, are committed to the control, care and custody of such department. The director of correction may direct that persons sentenced or committed to the department, or to any institution or place within the department, under the laws of this state shall be conveyed to the appropriate facility or bureau established and maintained by the department, for examination and classification of the persons so sentenced or committed.

When such examination and classification has been completed by such facility or bureau and a written report thereof filed with the committment papers, the director of correction shall assign such person to the institution or place maintained by the department which is best suited to provide for the treatment, training and rehabilitation of the classification designated for that person. Any person sentenced, committed, or assigned to any one of the institutions or places maintained by the department may, by order of the department duly recorded, be transferred to any other institution of the department. No person shall be transferred from a benevolent institution to a penal institution.

The department of correction may transfer a person committed to the department to any other state institution, hospital, or facility for necessary care occasioned by the mental or physical condition of such person, upon such terms and conditions as may be agreed upon by the director of correction and the executive head of the department which maintains such institution, hospital, or facility. Upon the completion of treatment, the person so transferred will be returned to the control and custody of the department of correction. The department shall make rules and regulations for the proper execution of the provisions of this section, and may change such rules as necessity demands.

Sec. 5115.13. The department of correction may assign among the correctional and penal institutions under its control the industries to be carried on by such institutions, having due regard to the location and convenience of such industries, other institutions to be supplied, to the machinery therein, and to the number and character of inmates employed in such industries.

The department of correction, subject to the approval of the department of finance, shall fix the prices at which all labor performed and all articles manufactured in correctional and penal institutions shall be furnished to the state and its institutions. Such prices shall be uniform to all and not higher than the usual market price for like labor and articles.

Sec. 5115.14. The "manufacturing fund" is a special appropriation for:

(A) The purchase of material, supplies, and equipment and the erection and extension of buildings used in manufacturing industries;

(B) The purchase of lands and buildings necessary to

carry on or extend said industries, upon the approval of the governor;

(C) The payment of compensation to employees necessary to carry on said industries;

(D) A fund out of which prisoners confined in penal and reformatory institutions may be paid a portion of their earnings.

Receipts from the sales of manufactured articles shall be turned into the state treasury, and shall be credited to said fund, to be used for the purposes provided in this section and for payments of compensation to convicts or their families. The department of correction shall make a monthly report of the products, sales, receipts, disbursements, and payments into and from said fund to the auditor of state.

The department may place to the credit of each prisoner such amount of his earnings as is equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he was imprisoned, and his general deportment. Such credit shall not exceed the difference between the cost of maintaining such prisoner and the amount his labor, in the opinion of the department, is reasonably worth. The earnings so credited to such prisoner shall be paid to him or his family at such time, in such manner, and in such amounts as the department directs. The department may cancel all or any portion of the earnings credited to a prisoner, for violation of rules, want of propriety, or any other reason which justifies such action.

Sec. 5115.15. The department of correction shall, with the advice and consent of the department of finance, classify public buildings, offices and institutions and determine the kinds, patterns, designs, and qualities of articles to be manufactured for use therein, which shall be uniform for each class, so far as practicable.

Whenever the director of correction gives written notice to the department of finance that the department of correction is prepared to supply such articles from any institution under its control, the department of finance shall make any needed purchases of said articles from such institution. If the department of finance requires such articles within thirty days from the day of making such request and so states upon the face of such request, the chief officer of such institution or the department of correction shall forthwith advise the department of finance if it is impossible to furnish such articles within such time, in which case the department of finance may purchase such articles in the open market as in other cases.

The department of correction shall require the proper officials of the state and the institutions thereof, to report estimates for the ensuing year of the amount of supplies required by them, of the kinds which are produced by the

department's correctional and penal institutions. It may promulgate regulations for such reports and provide the manner in which such estimates shall be made.

Sec. 5115.16. The department of finance shall purchase all supplies needed for the proper support and maintenance of the institutions under the control of the department of correction by competitive bidding under such rules and conditions as the department of finance may prescribe pursuant to Chapter 125 of the Revised Code.

Sec. 5115.17. Subject to federal acreage allotments the department of correction shall determine and direct what lands belonging to institutions under its control shall be cultivated, the crops to be raised, and the use to be made thereof, and may distribute the products among the different institutions of the state. The department may require its institutions, when they have proper lands and labor, to undertake intensive agriculture, and may rent lands for the production of supplies by any of its institutions which have surplus labor, when it can be done to advantage.

The department may direct the purchase of any materials, supplies, or other articles for any institution subject to its management from any other such institution at a reasonable market value to be fixed by the department, and payments therefor shall be made as between institutions in the manner provided for payment of supplies.

The department may require the bureau of inspection and supervision of public offices to provide and maintain a system of accounting for such transactions and accounts.

The department of agriculture, the department of health and the Ohio State university shall cooperate with the department of correction and the managing officer of each institution engaged in such agricultural activities, in making such cooperative tests as are necessary to determine the quality, strength and purity of supplies, of the value and use of farm lands, or conditions and needs of mechanical equipment.

Sec. 5115.18. The department of correction shall keep in its office, accessible only to its designated employees, except by the consent of the director or the order of the judge of a court of record, a record showing the name, residence, sex, age, nativity, occupation, condition and date of entrance or commitment of every person committed to the department in the several institutions governed by it, the date, cause and terms of discharge and the condition of such person at the time of leaving, and also the record of all transfers from one institution to another, and, if such person is dead, the date and cause of death. These and such other facts as the department requires shall be furnished by the managing officer of each institution within ten days after commitment, entrance, death or discharge of the person.

In case of accident or injury or peculiar death of an inmate the managing officer shall make a special report to the department within twenty-four hours thereafter, giving the circumstances as fully as possible.

Sec. 5115.19. The department of correction may make such investigations as are necessary to the performance of its duties and the director shall have power to administer oaths and to enforce the attendance and testimony of witnesses and the production of books, records and papers.

The department shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned or examined together with a summary of their testimony, and its conclusions and findings as applicable.

In matters involving the conduct of an officer or employee, a stenographic report of the evidence shall be taken and a copy of such report, with all documents or certified copies thereof introduced, kept on file in the office of the department.

The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, but no officer or employee of the department or institution is entitled to such fees. No witness subpoenaed at the instance of the officer or employee whose work is under investigation, shall be entitled to compensation from the state for attendance or travel, unless the director certifies that the testimony of such witness was material to the matter investigated.

Any judge of a court of common pleas either in term or in vacation, upon application of the director, may compel the attendance of witnesses, the production of books, records or papers, and the giving of testimony before the department, by a judgment for contempt or otherwise in the same manner as in cases before said court.

Sec. 5115.20. The director of correction may, with the approval of the governor, provide for the procurement of assistance or services from any department, institution or agency of the state or of its political subdivisions, in the performance of the duties and responsibilities of the department of correction. The director, when authorized to procure such assistance or services, shall arrange for such terms, conditions, and compensation, if any, as may be mutually agreeable to the department of correction and the department, institution or agency providing the assistance or services.

Sec. 5115.21. The department of correction shall make rules and regulations for the non-partisan management of the institutions under its control. Any officer or employee of the department or any officer or employee of any institution under its control, who, by solicitation or otherwise, exerts his influence directly or indirectly to induce any other officer or employee of any such institutions to adopt his political views

or to favor any particular person or candidate for office, or who in any manner contributes money or other thing of value to any person for election purposes, shall be removed from his office or position, by the department in case of an office or employee and by the governor in case of the director of correction. Neither the director nor any officer or employee of the department shall recommend or in any other way seek to secure the appointment, employment, or promotion of any person at any institution.

Sec. 5115.22. Subject to the rules and regulations of the department of correction, each institution under the jurisdiction of the department shall be under the control of a managing officer to be known as a superintendent or by other appropriate title. Such managing officer shall be appointed by the director of correction, and shall be in the unclassified service and serve at the pleasure of the director. Appointment to the position of managing officer of an institution shall be made from persons holding positions in the classified service in the department of correction. A person so appointed shall retain the right to resume the position and status held by him in the classified service immediately prior to his appointment as managing officer of an institution. Upon being relieved of his duties as managing officer of an institution such person shall be reinstated to the position in the classified service held by him immediately prior to his appointment to the position of managing officer of an institution, or to another position, certified by the director with approval of the state department of personnel as being substantially equal to such position. Service as a managing officer of an institution shall be counted as service in the position in the classified service held by such person immediately preceding his appointment as managing officer of an institution. When such person is reinstated to a position in the classified service, as provided in this section, he shall be entitled to all rights and emoluments accruing to such position during the time of his service as managing officer of an institution.

The managing officer, under the director, shall have entire executive charge of the institution for which such managing officer is appointed. Subject to civil service rules and regulations, the managing officer shall appoint the necessary employees and he or the director may remove such employees for cause. A report of all appointments, resignations, and discharges shall be filed with the appropriate division at the close of each month.

After conference with the managing officer of each institution, the director shall determine the number of employees to be appointed to the various institutions.

Sec. 5115.23. The chief of the division of psychiatric criminology shall be responsible to the director of correction for the coordination of the work of the division within the department of correction. The division shall:

CONTINUED

1 OF 3

(A) Receive, diagnose, classify, study, treat, detain, care of, and maintain mentally disturbed offenders at those institutions which have been designated by the director of correction as appropriate for the purpose of receiving, diagnosing, classifying, studying, treating, detaining, caring for and maintaining mentally disturbed offenders;

(B) Assist in evaluating parole eligibility when requested by the adult parole authority, and when authorized by the chief of the division of psychiatric criminology;

(C) Render periodic reports and recommendations to the director of correction for the improved care and treatment of mentally disturbed offenders.

Sec. 5115.24. The director of correction shall report annually to the governor on the status of the department of correction and the condition of the institutions under the control of the department. The report shall include recommendations for the improvement of correctional and rehabilitative methods and programs and estimates of requirements for the improvement of institutional facilities by incremental steps of planned programming for future development, together with periodic assessments thereof.

The annual report shall provide statistical information on the number of inmates at each institution and an analysis of the efficiency and quality of the rehabilitative process performed by the state correctional institutions as revealed by departmental research effort. The report shall also include a complete financial statement of the institutions under the control of the department, and as to each such institution whether:

(A) The moneys appropriated have been economically and judiciously expended;

(B) The objects and functions of the several institutions have been accomplished;

(C) The laws in relation to such institutions have been fully complied with.

Such annual reports shall be accompanied by the reports of the managing officers, and such other information and recommendations as the department deems proper.

Sec. 5115.25. All employees in the classified civil service in the former department of mental hygiene and correction whose duties are transferred to the department of correction, as department of state personnel, shall be automatically transferred to the department of correction with the same civil service rights, seniority, length of service and compensation in effect at the time of transfer.

SECTION II. That sections 121.02 and 121.03 of the Revised Code be enacted to read as follows:

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The department of finance, which shall be administered by the director of finance;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of public works, which shall be administered by the superintendent of public works as director thereof;

(D) The department of highways, which shall be administered by the director of highways;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of industrial relations, which shall be administered by the director of industrial relations;

(I) The department of public welfare, which shall be administered by the director of public welfare;

(J) The department of liquor control, which shall be administered by the director of liquor control;

(K) The department of highway safety, which shall be administered by the director of highway safety;

(L) The department of mental hygiene **1**, which shall be administered by the director of mental hygiene **2**;

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;

(N) The department of development, which shall be administered by the director of development;

(O) The youth commission, which shall be administered by the director of the youth commission;

(P) The department of urban affairs, which shall be administered by the director of urban affairs;

(Q) <u>The department of correction which shall be administered by the director of correction</u>.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. (A) The following administrative department heads shall be appointed by the governor, with the consent of the senate, and shall hold their offices during the term of the appointing governor but subject to removal at the pleasure of the governor:

(1) The director of finance;
(2) The director of commerce;
(3) The director of highways;
(4) The director of agriculture;
(5) The director of industrial relations;
(6) The director of public welfare;
(7) The director of liquor control;

(8) The director of highway safety;
(9) The superintendent of insurance;
(10) The director of development;
(11) The tax commissioner;
(12) The director of state personnel;
(13) The administrator of workmen's compensation;
(14) The administrator of the bureau of unemployment compensation;
(15) The director of natural resources;
(16) The director of mental hygiene **3**;
(17) The director of health;
(18) The director of the youth commission;
(19) The director of urban affairs;
(20) The director of correction.

(B) The director of public works shall be appointed by the governor, with the consent of the senate, and shall hold his office for a term of one year from date of appointment.

The following matter eliminated from the present law -- see corresponding numbers with asterisks in body of bill:

1. and correction
2. and correction
3. and correction

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Note 1. Chapter 5119 should be amended to eliminate reference to the department of mental hygiene and correction and change to department of mental hygiene. The department of mental hygiene and correction should be consulted as to substantive changes in the sections of this Chapter resulting from the separation of functions in providing for a separate department of correction.

Note 2. Chapter 5125 should be amended to have read, wherever it appears the words "department of mental hygiene" vice the "department of mental hygiene and correction" the latter should be consulted as to substantive changes required to assure that transfer of patients between the department of mental hygiene and the department of correction remains well coordinated without conflict as to jurisdiction over the offender.

Note 3. Chapters 5143, 5145, 5147 and 5149 should be amended to substitute the words "department of correction" for the words "department of mental hygiene and correction" wherever appearing.

EXHIBIT IX

A B I L L

To amend sections 2947.06 and 2951.03 of the Revised Code dealing with presentence investigations and reports.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1: That sections 2947.06 and 2951.03 of the Revised Code be amended to read as follows:

Sec. 2947.06. BEFORE PRONOUNCING SENTENCE, THE COURT MAY ORDER THE DEPARTMENT OF PROBATION OF THE COUNTY WHEREIN THE DEFENDANT RESIDES, ITS OWN REGULAR PROBATION OFFICER, OR A STATE PROBATION OFFICER ASSIGNED TO THE COUNTY, TO PREPARE A WRITTEN REPORT OF INVESTIGATION; PROVIDED THAT THE COURT MUST ORDER THAT SUCH INVESTIGATION AND REPORT BE MADE IN ALL FELONY CASES, IN ALL CASES WHERE THE DEFENDANT IS LESS THAN TWENTY-TWO (22) YEARS OF AGE, AND IN ALL CASES WHERE THE DEFENDANT HAS NOT BEEN PREVIOUSLY CONVICTED OF A CRIMINAL OFFENSE. THE PROBATION OFFICER SHALL INQUIRE INTO THE CIRCUMSTANCES OF THE OFFENSE, CRIMINAL RECORD, SOCIAL HISTORY, AND PRESENT CONDITION OF THE DEFENDANT. SUCH REPORT OF INVESTIGATION SHALL BE CONFIDENTIAL, EXCEPT THAT THE PROSECUTING ATTORNEY AND THE DEFENDANT OR HIS COUNSEL SHALL BE PERMITTED TO EXAMINE THE REPORT UPON REQUEST. WHEN PERMITTING THE DEFENDANT TO EXAMINE THE REPORT THE COURT MAY DELETE SUCH MATTER AS CONSISTS OF DIAGNOSTIC OPINION THE DISCLOSURE OF WHICH MIGHT DISRUPT A PROGRAM OF REHABILITATION AND THE SOURCES OF SUCH INFORMATION THAT HAS BEEN OBTAINED ON A PROMISE OF CONFIDENTIALITY. WHENEVER THE PROBATION OFFICER CONSIDERS IT ADVISABLE, SUCH INVESTIGATION MAY INCLUDE A PHYSICAL AND MENTAL EXAMINATION OF THE DEFENDANT. IF THE DEFENDANT IS COMMITTED TO ANY INSTITUTION, THE REPORT OF SUCH INVESTIGATION SHALL ACCOMPANY THE DEFENDANT AT THE TIME OF ADMISSION TO THE INSTITUTION.

The trial court may hear testimony of mitigation of a sentence at the term of conviction or plea, or at the next term. The prosecuting attorney may offer testimony on behalf of the state, to give the court a true understanding of the case. The court shall determine whether sentence ought immediately to be imposed or the defendant placed on probation. ~~The court of its own motion may direct the department of probation of the county wherein the defendant resides, or its own regular probation officer, to make such inquiries and reports as the court requires concerning the defendant, and such reports shall be confidential and need not be furnished to the defendant or his counsel or the prosecuting attorney, unless the court, in its discretion, so order.~~

The court may appoint not more than two psychologists or psychiatrists who shall make such reports concerning the defendant as the court requires for the purpose of determining the disposition of the case. Each such psychologist or psychiatrist shall receive a fee to be fixed by the court and taxed in the costs of the case. Such reports shall be made in writing, in open court, in the presence of the defendant, except in misdemeanor cases in which sentence may be pronounced in the absence of the defendant. A copy of each such report of a psychologist or psychiatrist may be furnished to the defendant, if present, who may examine the persons making the same, under oath, as to any matter or thing contained therein.

Sec. 2951.03. No person who has pleaded guilty of or has been convicted of a felony shall be placed on probation until a written report of investigation MADE by a probation officer IN ACCORDANCE WITH SECTION 2947.06 OF THE REVISED CODE has been considered by the court. ~~The probation office shall inquire into the circumstances of the offense, criminal record, social history, and present condition of the defendant. Such written report of investigation by the probation officer shall be confidential and need not be furnished to the defendant or his counsel or the prosecuting attorney unless the court in its discretion, so orders. Whenever the probation officer considers it advisable, such investigation may include a physical and mental examination of the defendant. If a defendant is committed to any institution, the report of such investigation shall be sent to the institution with the entry of commitment.~~

OHIO CRIME COMMISSION

DRAFT OF REVISION OF OHIO STATUTES

PERTAINING TO

JUVENILE COURTS AND JUVENILE CORRECTIONS

FEBRUARY 12, 1969

EXHIBIT X

INDEX TO BILL

CHAPTER 2151:

CHAPTER 2152:

EXHIBIT X

A B I L L

To amend section 2151.99 of the Revised Code; and to enact new sections 2151.01 to 2151.61, inclusive, and section 2151.75, and 2152.01 of the Revised Code; and to enact sections 2151.76 to 2151.89, inclusive, and sections 2152.02 to 2152.17, inclusive, sections 2152.30 to 2152.35, inclusive, and sections 2152.50 to 2152.69, inclusive, of the Revised Code; and to repeal sections 2151.01 to 2151.80, inclusive, of the Revised Code, relative to courts dealing which children.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I: That section 2151.99 and sections 2151.01 to 2151.61, inclusive, sections 2151.75 to 2151.89, inclusive, sections 2152.01 to 2152.17, inclusive, sections 2152.30 to 2152.35, inclusive, and sections 2152.50 to 2152.69, inclusive, of the Revised Code be enacted to read as follows:

Sec. 2151.01. (A) As used in the Revised Code:

(1) "Juvenile court" means the division of the court of common pleas having jurisdiction under Chapter 2151 of the Revised Code.

(2) "Judge" or "juvenile judge" means a judge of the court of common pleas having jurisdiction under Chapter 2151 of the Revised Code.

(B) As used in Chapters 2151 and 2152 of the Revised Code:

(1) "Child" means a person who is under the age of eighteen years.

(2) "Adult" means an individual eighteen years of age or older.

(3) "Minor" means an individual who is under the age of twenty-one years.

(4) "Detention" means the temporary care of children in restricted facilities pending court adjudication or disposition.

(5) "Shelter" means the temporary care of children in physically unrestricting facilities pending court adjudication or disposition.

(6) "Foster home" means a family home in which any child is received apart from his parents for care, supervision, or training.

(7) "Certified foster home" means a foster home operated by persons holding a permit in force, issued pursuant to sections 5103.03 to 5103.05, inclusive, of the Revised Code.

(8) "Approved foster care" means facilities approved by the youth commission under Sections 5139.36 to 5139.40, inclusive, of the Revised Code.

(9) "Organization" means any institution, public, semi-public, or private, and any private association, society or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.

(10) "Certified organization" means any organization mentioned under division (B) (9) of this section which holds a certificate in force, issued pursuant to sections 5103.03 to 5103.05, inclusive, of the Revised Code.

(11) "legal custody" means a legal status created by court order which vests in the custodian the right to have physical care and control of the child and to determine where and with whom he shall live, and the right and duty to protect, train, and discipline him and to provide him with food, shelter, education, and medical care, all subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights, privileges and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the Revised Code or by the court.

(12) "Residual parental rights, privileges and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody or guardianship of the person, including but not necessarily limited to the privilege or reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(13) "Legal custody for purpose of adoption" means legal custody and the exclusive authority to exercise the residual right of consent to adoption.

(14) "Commitment" means the transfer of legal custody by court order, subject to revocation of the order and return of the child to the court at the discretion of the court.

(15) "Probation" means a legal status created by court order, following an adjudication that a child is delinquent or unruly, whereby the child is permitted to remain in the home of the parents, guardian, or custodian subject to supervision, or under the supervision of any agency designated by the court, and subject to be returned to the court for violation of probation at any time during the period of probation.

(16) "Protective supervision" means a legal status created by court order whereby the child is permitted to remain in the home of the parents, guardian, or custodian under supervision and subject to return to the court during the period of protective supervision.

(17) "Delinquent child" includes:

(a) Any child who violates any federal or state law, or municipal ordinance, which would be a crime if committed by an adult, or any minor who prior to having become eighteen years of age violates any federal or state law or municipal ordinance, which

would be a crime if commited by an adult;

(b) Any child who has been determined by a juvenile court to be an 'unruly child.' and who has violated an order of the court made in connection with such determination;

(c) Any child who has been determined by a juvenile court to be a 'juvenile traffic offender', and who has habitually violated an order of the court made in connection with such determination.

(18) 'Unruly child' includes any child:

(a) Who refuses to submit himself to reasonable supervision, management, control, or discipline of his parents, custodian, teacher, or other lawful authority;

(b) Who attempts to enter the marriage relation without the consent of his parents, custodian, legal guardian, or other legal authority;

(c) Whose behavior is so injurious to his own or others' welfare, that he is a substantial danger to himself or to others' welfare, as long as the child is not within the definition of delinquent child;

(d) Who engages in an occupation prohibited by law;

(e) Who is an habitual truant from home or school;

(f) Who otherwise has committed a law violation applicable only to a child.

(19) 'Dependent child' or 'neglected child' includes any child:

(a) Who is abandoned by his parents, guardian, or custodian;

(b) Whose parents, guardian, or custodian neglects or refuses or fails through no fault of their own, to provide him with proper or necessary subsistence, the education required by law, medical or surgical care, or other care necessary for his health or physical well-being;

(c) Whose condition or environment is such as to warrant the state, in the interests of the child, in assuming his guardianship;

(d) Whose parents or legal guardian or custodian have placed or attempted to place such child in violation of sections 5103.16 or 5103.17 of the Revised Code.

Sec. 2151.02. Chapters 2151 and 2152 of the Revised Code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes:

(A) To provide for the care, protection and mental and physical development of children subject to Chapter 2151 of the Revised Code;

(B) Consistent with the protection of the public interest, to remove the consequences of criminal behavior and from children committing delinquent acts the taint of criminality and to substitute therefor a program of supervision, care, and rehabilitation;

(C) To achieve the foregoing purposes, whenever possible, in a family environment, separating the child from his parents only when necessary for his welfare or in the interests of public safety;

(D) To provide judicial procedures through which Chapter 2151 of the Revised Code is executed and enforced and in which the parties are assured of a fair hearing and their constitutional and other legal rights are recognized and enforced.

Sec. 2151.03. Under Chapters 2151 and 2152 of the Revised Code, a child's residence or legal settlement shall be determined in the following order:

(A) Parents or legal guardian;

(B) Custodian who stands in the relation of loco parentis.

Sec. 2151.04. The juvenile court is a court of record and shall be within the division of domestic relations or probate division of the court of common pleas, except that the juvenile court of Cuyahoga county and of Hamilton county shall be a separate division of the court of common pleas.

Sec. 2151.05. In Hamilton county the powers and jurisdiction of the juvenile court shall be exercised by that judge of the court of common pleas whose term begins on January 1, 1957, and his successors, and that judge of the court of common pleas whose term begins on February 14, 1967, and his successors, as provided by Section 2301.03 of the Revised Code. This conferral of powers and jurisdiction on such judges constitutes the creation of a separate division of the court of common pleas. Such judges shall serve in each and every position where the statutes permit or require a juvenile judge to serve.

Sec. 2151.06. Juvenile courts shall have a seal which shall consist of the coat of arms of the state within a circle one and one-fourth inches in diameter and shall be surrounded by the words "Juvenile Court, County, Ohio."

Sec. 2151.07. The courts of common pleas, division of domestic relations, exercising powers and jurisdiction conferred in Chapters 2151 and 2152 of the Revised Code, shall have the same terms as courts of common pleas. Separate and independent juvenile courts shall have the terms provided by law for said courts. Juvenile courts within the probate court shall have the same terms as the probate court. All actions and other business under such sections pending at the expiration of any term of court is automatically continued without further order. The judge may adjourn court or continue any case from

day to day in the same term or any day in the next term whenever, in his opinion, such continuance is warranted.

Sessions of the court may be held at such places throughout the county as the judge shall from time to time determine.

Sec. 2151.08. Except as otherwise provided by rules promulgated by the supreme court, the juvenile court may prescribe rules regulating the docketing and hearing of causes, motions, demurrers, and such other matters as are necessary for the orderly conduct of its business and the prevention of delay, and for the government of its officers and employees, including their conduct, duties, hours, expenses, leaves of absence, and vacations.

Sec. 2151.09. The board of county commissioners shall appropriate such sum of money each year as will meet all the administrative expense of the juvenile court, including reasonable expenses of the juvenile judge or judges and such officers and employees as he may designate, in attending conferences at which juvenile or welfare problems are discussed, and such sum each year as will provide for the maintenance and operation of the detention home, the care, maintenance, education, and support of children within the jurisdiction of the court, other than children entitled to aid under Sections 5107.01 to 5107.16, of the Revised Code, necessary orthopedic, surgical, and medical treatment, and special care as may be ordered by the court. All disbursements from such appropriations shall be upon specifically itemized vouchers, certified by the judge.

Sec. 2151.10. Upon the advice and recommendation of the juvenile judge, the board of county commissioners may provide by purchase, lease, or otherwise a separate building and site to be known as the "juvenile court" at a convenient location within the county, which shall be appropriately constructed, arranged, furnished, and maintained for the convenient and efficient transaction of the business of the court and all parts thereof and its employees, including adequate facilities to be used as laboratories, dispensaries, or clinics for the use of scientific specialists connected with the court.

Sec. 2151.11. The juvenile judge may appoint such bailiffs, probations officers, referees, and other employees as are necessary and may designate their titles and fix their duties, compensation, and expense allowances. The juvenile court may, by entry on its journal, authorize any deputy clerk to administer oaths when necessary in the discharge of his duties. Such employees shall serve during the pleasure of the judge.

The compensation and expenses of all employees and the salary and expenses of the judge shall be paid in semimonthly installments by the county treasurer from the money appropriated for the operation of the court, upon the warrant of the county auditor, certified by the judge.

The judge may require any employee to give bond in the sum of not less than one thousand dollars, conditioned for the honest and faithful performance of his duties. The sureties on such bonds shall be approved in the manner provided by Section 2151.12 of the Revised Code. The judge shall not be personally liable for the default, misfeasance, or nonfeasance of any employee from whom a bond has been required.

Sec. 2151.12. Whenever the courts of common pleas, division of domestic relations, exercise the powers and jurisdictions conferred in Chapters 2151 and 2152 of the Revised Code, the clerks of courts of common pleas shall keep the records of such courts. In all other cases the juvenile judge shall be the cler,k of his own court unless the judge appoints a clerk under Section 2151.11 of the Revised Code.

In counties in which the juvenile judge is clerk of his own court, before entering upon the duties of his office as such clerk, he shall execute and file with the county treasurer a bond in a sum to be determined by the board of county commissioners, with sufficient surety to be approved by said board, conditioned for the faithful performance of his duties as clerk. Said bond shall be given for the benefit of the county, the state or any person who may suffer loss by reason of a default in any of the conditions of said bond.

Sec. 2151.13. Whenever the juvenile judge of the juvenile court is absent from the county, or is unable to attend court, or the volume of cases pending in court necessitates it; upon the request of said judge, the presiding judge of the court of common pleas shall assign a judge of the court of common pleas of the county to act in his place or in conjunction with him. If no such judge is available for said purpose, the chief justice of the supreme court shall assign a judge of the court of common pleas, a juvenile judge, or a probate judge from some other county to act in the place of such judge or in conjunction with him, who shall receive such compensation and expenses for his services as provided by law.

Sec. 2151.14. A juvenile court may participate with other public or private agencies of the county served by the court in programs which have as their objectives the prevention of delinquency and control of a child who has violated a state law or municipal

ordinance. The juvenile judge may assign employees of the court, as part of their regular duties, to work with organizations concerned with combatting conditions known to contribute to delinquency, providing adult sponsors for children who have been found to be delinquent or unruly and developing wholesome youth programs.

The juvenile judge may accept and administer on behalf of the court gifts, grants, bequests, and devised made to the court for the purpose of preventing or controlling delinquency.

Sec. 2151.15. The juvenile court shall maintain records of all official cases brought before it, including an appearance docket, a journal and a cashbook. The court shall maintain a separate docket for traffic offenses, in which case, all traffic cases shall be recorded theron instead of on the general appearance docket.

Not later than June of each year, the court shall prepare an annual report covering the preceding calendar year showing the number and kinds of cases that have come before it, the dispostion thereof, and such other data pertaining to the work of the court as the juvenile judge directs or as the department of public welfare requests or such information as the youth commission requests. Copies of such report shall be filed with such department and with the board of county commissioners. With the approval of such board, copies may be printed for distribution to persons and agencies interested in the court. The number of copies ordered printed and the estimated cost of each printed copy shall appear on each copy of such report printed for distribution.

Sec. 2151.16. The juvenile court shall establish and maintain a juvenile probation department with all of the powers and duties provided in Section 2151.17 of the Revised Code. In counties in which a county department of probation has been or is hereafter established the judge may transfer to such department all or any part of the powers and duties of his own probation department; provided that all juvenile cases shall be handled within a county department of probation exclusively by an officer or division separate and distinct from the officers or division handling adult cases.

Sec. 2151.17. For the purpose of carrying out the objectives and provisions of Chapters 2151 and 2152 of the Revised Code, court probation officers and the probation department shall have the power and duty to:

(A) Furnish to any person placed on probation a statement of the conditions of probation and shall instruct him regarding them;

(B) Make appropriate referrals of cases presented to him to other private or public

agencies of the community where their assistance appears to be needed or desirable;

(C) Make predisposition studies and submit reports and recommendations as directed by the court;

(D) Supervise and assist in the rehabilitation process of a child placed on probation and under his supervision by order of the court;

(E) Take into custody and place in detention or shelter care a child who is under his supervision when the probation officer has reasonable cause to believe that the child has violated the conditions of his probation or protective supervision or that his health or safety is in imminent danger, or that he may flee from the jurisdiction of the court;

(F) Serve the process of the cout within or outside the county, and may take a child into custody pursuant to Section 2151.26 of the Revised Code and perform such other duties, incident to his office, as the judge directs. All sheriffs, deputy sheriffs, constables, marshals, chiefs of police, and other police officers shall render assistance to probation officers in the performance of their duties when requested to do so by any probation officer;

(G) Keep full records of its work, keep accurate and complete accounts of money collected from persons under its supervision, give receipts therefore, and make reports thereon as the judge directs;

(H) Perform any other functions authorized to the juvenile court probation officers by the Revised Code.

Sec. 2151.18. The juvenile court shall have exclusive original jurisdiction in proceedings:

(A) Concerning any child or minor who is alleged to be a delinquent child;

(B) Concerning any child who is alleged to be a juvenile traffic offender;

(C) Concerning any child who is alleged to be an unruly child;

(D) Concerning any child who is alleged to be a dependent or neglected child;

(E) To determine the custody of a child not a ward of another court of this state;

(F) For the adoption of a child pursuant to sections 3107.10 to 3107.14, inclusive, of the Revised Code, who is otherwise within the jurisdiction of the court;

(G) For judicial consent to military enlistment of a minor, when such consent is required by law;

(H) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122 and Chapter 5125, Revised Code, of a child who

is mentally ill as defined by Section 5122.01, of the Revised Code, or mentally retarded as defined by Section 5125.11 of the Revised Code;

(I) For the care and supervision of a crippled or otherwise physically handicapped child;

(J) To determine all cases of misdemeanor charging adults with an act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(K) In proceedings to establish paternity of a child alleged to have been born out of wedlock and to provide for the support of such child;

(L) Under the interstate compact on juveniles in Section 2152.30 of the Revised Code;

(M) Under the uniform support of dependents act in Chapter 3115 of the Revised Code;

(N) The juvenile court shall have the jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including modification of the judgments and decrees of the common pleas court;

(O) Such court has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if such child is found to be within the jurisdiction of the court as defined by this section;

(P) For judicial consent to marry pursuant to Section 3101.04 of the Revised Code.

In any case within subsection (J) of this section the court may waive its jurisdiction and certify the defendant for criminal proceedings to a court which has jurisdiction over the offense charged, without the recipient court's consent to the certification.

Sec. 2151.19. A child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or of any subdivision of this state, shall be designated as a "juvenile traffic offender" and the issuance of a traffic citation or summons shall be sufficient to invoke the jurisdiction of the court, which may proceed to dispose of such a case with or without preliminary investigation and the filing of a petition.

Sec. 2151.20. The juvenile court has the same jurisdiction in contempt as courts of common pleas.

Sec. 2151.21. (A) Jurisdiction obtained by the juvenile court in the case of a

child shall be retained by it, unless earlier terminated, until he becomes twenty-one years of age;

(B) If a minor already under jurisdiction of the court is convicted of a crime in a criminal court, such conviction shall terminate the jurisdiction of the juvenile court.

Sec. 2151.22. (A) A hearing shall be conducted only by a judge, if the hearing is one to determine whether a case shall be transferred for criminal prosecution as provided by Section 2151.53 of the Revised Code.

(B) All other hearings may be conducted by a referee. Any referee appointed after June 31, 1970 shall be an attorney licensed to practice law in the state. The duties and responsibilities of the referee in the hearings are as follows:

(1) Administer oaths;

(2) Issue subpoenas, warrants, citations and notices authorized in Chapters 2151 and 2152 of the Revised Code;

(3) Dispose of procedural requests or similar matters;

(4) Rule upon the evidence presented by excluding any irrelevant, immaterial and unduly repetitious evidence;

(5) Regulate the course of the hearing;

(6) Make written reports to the judge setting forth separately his finding of facts, and his conclusions on the violation of Chapter 2151 of the Revised Code and his recommendations for dispositions.

(C) Upon the conclusion of a hearing before a referee, he shall transmit his findings, conclusions and recommendations for disposition, in writing to the judge, together with all papers relating to the case. Prompt written notice of the findings, conclusions and recommendations together with copies thereof, shall be given to the parties of the proceeding or their representatives. The written notice shall also inform them of the right to a rehearing before the judge.

(D) A rehearing may be ordered by the judge at any time, and shall be ordered if any party files a written request wtihin three days after receipt of the referee's written ntoice. If a rehearing is requested by any party or ordered by thecourt, a rehearing shall be upon the same record heard before the referee, provided that new evidence may be admitted in the discretion of the judge.

(E) If a hearing before a judge is not requested or ordered or the right thereto is waived, the findings, conclusions and recommendations or the referee, when confirmed by an order of the judge, shall become the decree of the court.

Sec. 2151.23. A proceeding under Section 2151.18 of the Revised Code shall be

commenced in the county where the child resides, or in the county where the alleged conduct was committed. If the child is alleged to be a dependent or neglected child proceedings may also be brought in the county where the child is found.

Sec. 2151.24. If the child resides in a county of the state and the proceeding is commenced in a juvenile court of another county, that court, on its own motion or a motion of a party, at any time prior to final disposition, but not until the determination under Section 2151.32 of the Revised Code has been completed, may transfer the proceeding to the county of the child's residence for such further action or proceeding as the juvenile court receiving the transfer may deem proper. Transfer may also be made if the residence of the child changes. The proceeding shall be so transferred if other proceedings involving the child are pending in the juvenile court of the county of his residence.

Certified copies of all legal and social records pertaining to the case shall accompany the transfer. The originals and the certified copies are subject to the provisions of Section 2151.55 of the Revised Code.

Sec. 2151.25. If it appears to a court in a criminal proceeding that a defendant was under the age of eighteen years at the time the offense charged is alleged to have been committed, the court shall immediately transfer the case to the juvenile court, together with a copy of the pleadings and other papers, documents, and transcripts of testimony relating to the case. An indictment against the child shall be dismissed and a complaint shall be filed in juvenile court. The court shall order, in accordance with Section 2151.29 of the Revised Code, that the defendant be taken immediately to a place of detention designated by the juvenile court or to that court itself, or shall release him to the custody of his parent or guardian, custodian, or other person legally responsible for him, to be brought before the juvenile court at a time designated by the court. The original pleadings, documents and other papers, and transcripts of testimony relating to the case are subject to the provisions of Section 2151.55 of the Revised Code.

Sec. 2151.26. A child may be taken into custody:

(A) Pursuant to the order of a court;

(B) Pursuant to the laws of arrest;

(C) By a law enforcement officer or probation officer when he has reasonable grounds to believe that the child is in immediate danger in his surroundings, and that his removal is necessary;

(D) By a law enforcement officer or probation officer when he has reasonable

grounds to believe that the child has run away from his parents, guradian, or custodian.

Taking a child into custody shall not be deemed an arrest. When a child or an individual who appears to be under the age of eighteen years, is taken into custody, the officer taking such child shall promptly notify the court with a written report of the condition or situation which cuased the child to be taken into custody and the officer or the court shall notify the parents, guardian or other custodian of the custody of the child within a reasonable period of time, if they can be found.

Sec. 2151.27. (A) A person taking a child into custody pursuant to Section 2151.26 of the Resived Code shall, with all reasonable speed and without first taking the child elsewhere:

(1) Release the child to his parents, guradian or custodian upon their written promise to bring the child before the court when requested by the court, unless his placement in detention or shelter care appears required under Section 2151.29 of the Revised Code;

(2) Bring the child to the court or deliver the child to a place of detention or shelter care designated by the court and promptly give written notice thereof, together with a statement of the reason for taking the child into custody, to parent, guardian, or custodian and to the court;

(B) If a parent, guardian or custodian fails, when requested to bring the child before the court, as provided by this section, the court may issue a warrant directing that the child be taken into custody and brought before the court.

Sec. 2151.28. (A) When a child is brought to the juvenile court or delivered to a place of detention or shelter care designated by the court, the intake officer or other person authorized by the court shall immediately review the request for detention or shelter care and shall release the child unless it appears that such child's detention or shelter care is required under the provisions of Section 2151.29 of the Revised Code.

(B) If he is not so released, a complaint in conformity with Section 2151.31 of the Revised Code shall be executed and filed forthwith without further inquiry. A detention or shelter care hearing shall be held promptly, and not later than seventy-two hours after the filing of the petition, to determine whether detention or shelter care is required under Section 2151.29 of the Revised Code. Oral or written notice, stating the time, place and purpose of the hearing shall be given to the child and if they can be found, his parents, guardian, or custodian.

If a parent, guardian or custodian has not been so notified and did not appear or

waive appearance at the hearing the court shall rehear the matter without unnecessary delay upon his filing of an affidavit stating facts so showing.

Sec. 2151.29. A child taken into custody shall not be placed in a detention or shelter care by a court unless such placement is required:

(A) To protect the person or property of others;

(B) To protect the child;

(C) Because the child will abscond or be removed from the jurisdiction of the court; or

(D) Because he has no parents, guardian or custodian or other person able and willing to provide supervision and care for him and return him to the court when required.

Sec. 2151.30. Any person having knowledge of a minor whose conduct or circumstances appears to be within the jurisdiction of the juvenile court may file a sworn complaint.

Sec. 2151.31. (A) In cases involving children, the complaint and all subsequent court documents shall be suitably entitled so as to indicate that the proceeding is in the interest of rather than against the child involved.

(B) The complaint shall be verified and statements may be made upon information and belief. It shall set forth plainly:

(1) A detailed statement of the alleged facts which bring the child or minor within the purview of Section 2151.18 of the Revised Code;

(2) The name, age and residence of the cild or minor;

(3) The names and residences of the parents, and the spouse if applicable, or the name and residence of his legal guardian if there be one, of the person or persons having custody or control of the child, or of the nearest known relative if no parent, guardian or custodian can be found. If any of the facts herein required are not known by the complainant, the complaint shall so state;

(4) The complaint shall contain a prayer for an order of legal custody for purpose of adoption if the petitioner will move for a legal custody for purpose of adoption order during the hearing.

Sec. 2151.32. (A) After a complaint has been filed, the court shall fix a time for the hearing, which if the child is in detention, shall be not later than seven days after the filing of the petition if Section 2151.35 of the Revised Code will not be violated, and shall order the issuance of a summons directed to the child, and the parent, guardian or

custodian, or other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear before the court at the time fixed to answer the allegations of the petition. A copy of the petition or a summary of its allegations shall accompany the summons;

(B) The court may endorse upon the summons an order that a law enforcement or probationary officer shall serve the summons and shall take the child into custody and bring him immediately to court;

(C) A party may waive service of summons by written stipulation or by voluntary appearance at the hearing;

(D) After hearing the evidence on the complaint, the court shall render an opinion as to whether or not the allegations in the petition have been proven by clear and convincing evidence. If the court finds that the allegations have not been established, it shall dismiss the complaint and order the child discharged from any detention or shelter care ordered by the court. When the complaint alleges the child to be neglected or dependent, the issue of such dependency or neglect shall be determined as of the date charged in the complaint or the date of filing thereof.

Sec. 2151.33. Upon application of a party, the juvenile judge or the referee or the clerk of the court shall issue, and the court's own motion may issue, subpoenas requiring attendance and the testimony of witnesses and production of papers at any hearing, and other juvenile court writs. Witnesses subpoenaed shall be paid the same witness fees as are allowed in the court of common pleas.

Sec. 2151.34. All sections of the Revised Code with reference to summons and actual and constructive service, except by publication, in the court of common pleas shall apply to the juvenile court. The authority of the court to issue summons and the authority of persons to serve the summons shall be as provided in Chapters 2151 and 2152 of the Revised Code.

Whenever it appears from affidavit that a parent, guardian, or other person having the custody of such child resides or has gone out of the state or that his place of residence is unknown so that such citation cannot be served on him, the clerk shall publish such citation once in a newspaper published in the county and of general circulation throughout the county, if there is one published. The citation shall state the substance and the time and place of the hearing, which shall be held at least one week later than the date of the publication. A copy of such citation shall be sent by registered or certified mail to the last known address of such parent, guardian, or other person having custody of such child,

unless said affidavit shows that a reasonable effort has been made without success to ascertain such address. The certificate of the clerk that such publication has been made or such citation mailed shall be sufficient evidence thereof. When such period of one week from the time of publication has elapsed, the juvenile court shall have full jurisdiction to deal with such child as provided by Chapters 2151 and 2152 of the Revised Code.

Sec. 2151.35. (A) At the time the summons is served or a child is placed in detention or at his first court appearance, the child, his parents, guardian, or other person in the relation of loco parentis to such child shall be advised by the court or by an authorized representitive of the court that the child may be represented at all subsequent court proceedings either by counsel of his own choice or by counsel appointed by the court if he is unable without undue financial hardship to employ one. If counsel is not retained to represent the child's interest, counsel shall be appointed for such child prior to or at his first court appearance, if counsel has not been competently and intelligently waived. Counsel shall be provided for a child not represented by his parent, guardian, or custodian. The court may continue the case to enable the child to obtain counsel. If the interests of two or more such parties conflict, separate counsel shall be provided for each of them.

The juvenile court shall extend to such child all the rights and privileges of section 2935.14 of the Revised Code. Such attorney at law, the parents, guardian or custodian of such child, and any attorney at law representing them, shall be entitled to visit such child at any reasonable time and to be present at any hearing involving the child and shall be given reasonable notice of such hearing.

Counsel so assigned to represent a child, or his parents, guardian or custodian shall be paid for their services by the county, and shall receive therefor such compensation as the juvenile court may approve, not exceeding four hundred dollars and expenses as the juvenile court may approve.

The fees and expenses approved by the court under this section shall be taxed as part of the costs. The county auditor shall draw his order on the county treasurer for the payment of such counsel in the amount fixed by the court, plus expenses as the court may fix, and certified by the court to the auditor.

(B) Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

Sec. 2151.36. (A) Hearings shall be conducted by the court without a jury in

an informal manner and separate from other proceedings, except in cases under Section 2151.82 of the Revised Code.

(B) The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate means.

(C) Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings, and only the parties, their counsel, witnesses and other persons requested by a party, and such other persons as the court finds to have a proper interest in the case or in the work of the court, shall be admitted by the court. If the court finds that it is in the best interest and welfare of the child, he may be temporarily excused, except when the allegations of his violation of the law or the allegation that he is in need of supervision are being heard.

(D) In hearings conducted by the court, all evidence not irrelevant, immaterial and unduly repetitious, including oral and written reports, may be received by the court and may be relied upon to extent of its probative value in determining the questions presented.

(E) On the request of the court, the prosecuting attorney shall represent the complainant at any hearing concerning a delinquent, unruly, dependent or neglected child or a juvenile traffic offender.

Sec. 2151.37. (A) After the determinations under Section 2151.32 of the Revised Code have been completed, the court shall order a predisposition study and a report of the study to be made to the court in writing concerning the child, his family, his environment and other matters relevant to the disposition of the case by a probation officer or a qualified agency designated by the court. No such report shall be used as evidence in any contested hearing concerning facts alleged in a complaint. If the determinations under 2151.32 of the Revised Code have been made by a referee and a rehearing has been requested, a predisposition study shall not be ordered until the judge has made the determinations.

(B) As part of the predisposition study, the court may order the child to be examined at a suitable place by a physician, surgeon, psychiatrist, or psychologist. Such examination shall be conducted on an out-patient basis unless the child needs to be detained.

(C) The court may at any time after a petition has been filed order medical or surgical treatment of a child who is suffering from a grave physical condition or illness which in the opinion of a licensed physician requires immediate treatment even though the parent, guardian or custodian has not been given notice of a hearing, if not available,

or without good cause informs the court of their refusal to give consent to the treatment.

Sec. 2151.38. (A) Upon its own motion or upon that of a party the court shall have a hearing, after the determinations under Section 2151.32 of the Revised Code have been completed, to receive reports and other evidence bearing on the disposition or need for treatment. In such event the court may make an appropriate order for detention, shelter care, or supervision pending the court's disposition decision. If the court finds that the child is not in need of supervision, care or rehabilitation, it shall dismiss the proceeding and discharge the child from any detention or other temporary care previously ordered. In scheduling investigations and hearings, the court shall give priority to proceedings in which a child is in detention or has otherwise been removed from his home before an order of disposition has been made.

Sec. 2151.39. (A) If the child is found to be a dependent child or neglected child, the court may make any of the following orders of disposition most suited to protect the immediate and future welfare of the child:

(1) Permit the child to remain with his parents, guardian, or custodian, subject to such conditions and limitations as the court may prescirbe;

(2) Temporarily transfer the child to the youth commission for diagnostic study;

(3) Transfer legal custody or legal custody for purpose of adoption to any of the following:

(a) Certified foster home;

(b) Certified organization;

(c) A public or private child-placing agency or any public or private agency, organized or facility approved by the division of welfare as fit to receive and provide care for such child;

(d) A relative or other individual who, after study by the probation officer or other agency designated by the court, is found by the court to be qualified to receive, care forsand supervise such child except for the purpose of adoption;

(4) Any other order of disposition authorized by the provisions in the Revised Code for such children.

(B) An order vesting legal custody for the purpose of adoption shall not be ordered until the division of welfare services, county welfare department, county child welfare board, certified organization or persons show upon reliable information that the parent, guardian or custodian cannot or will not exercise parental responsibilities.

(C) No child found to be a dependent child or neglected child shall be committed or confined to an institution or facility designed for the care and treatment of delinquent or unruly children unless such child shall also be found to be a delinquent child or unruly child.

Section 2151.40 (A) If a child is found to be an unruly child the court may make any of the following orders of disposition best suited to his care, supervision and rehabilitation:

(1) Place the child under protective supervision or on probation;

(2) Temporarily transfer the child to the youth commission for diagnostic study;

(3) Transfer legal custody to any of the following:

(a) Certified foster home;

(b) Certified organization;

(c) Approved foster care facility;

(d) A public or private agency, organization or facility approved by the department of public welfare, division of welfare services as fit to receive, provide care for, supervise and rehabilitate such child;

(e) A relative or other individual who, after study by the probation officer or any agency designated by the court, is found by the court to be qualified to receive, and care for, and supervise such child;

(4) Any other order of disposition authorized by the provisions in the Revised Code for such children.

(B) No child found to be an unruly child shall be committed or confined to an institution or facility designed for the care and treatment of delinquent children unless such child has also been found to be a delinquent child.

Sec. 2151.41. (A) If the child is found to be a delinquent child, the court may make any of the following orders of disposition best suited to his supervision, care and rehabilitation:

(1) Impose a fine not to exceed fifty dollars and costs;

(2) Place the child under protective supervision or on probation;

(3) As a condition on probation or protective supervision the court may require the child to make restitution of property, the physical damage to property or physical injury to persons;

(4) Temporarily transfer the child to the youth commission for diagnostic study;

(5) Transfer legal custody to any of the following:

(a) Certified foster home;

(b) Certified organization;

(c) Approved foster care facility;

(d) A public or private agency, organization or facility approved by the department of public welfare, division of welfare services as fit to receive, provide care for and supervise such child;

(e) A relative or other individual who, after study by the probation officer or any agency designated by the court is found to be qualified to receive, care for and supervise the child;

(6) Commit the child to the youth commission;

(7) Any other order of disposition authorized by the provisions in the Revised Code for such child.

When a chil is committed to the youth commission, pursuant to Section 2151.41 (A) (5) of the Revised Code, the juvenile court shall transmit to the youth commission all records and reports pertaining to such child in such form as the youth commission shall designate.

Sec. 2151.42. If the child is found to be a juvenile traffic offender, the court may make any of the following orders of disposition:

(A) Reprimand or counsel the child and parents;

(B) Suspend the child's operator's or chauffeur's license or the registration of all motor vehicles registered in the name of such child for such period as the court may prescribe, or revoke such license or registration;

(C) Require the child to attend a traffic school for a reasonable time;

(D) Impose a fine not to exceed $50.00, and costs;

(E) Place the child on probation, or under protective supervision;

Sec. 2151.43. If the child is found to be a crippled or otherwise physically handicapped child, and has not personally been found to be in violation of Chapters 2151 and 2152 of the Revised Code, the court may commit the child to the division of welfare services of the department of public welfare or to any agency in this state authorized and qualified to provide or secure and care, treatment or placement required for the child.

Sec. 2151.44. (A) The court shall at the time of making any order which removes a child from his own home determine which school district must bear the cost of educating such child, if the school district is within the jurisdiction of the court. Such

determination shall be made a part of the order which provides for the child's placement or commitment.

(B) Whenever a child is placed in a detention home, institution, school, residential treatment center, or other facility, public or private, within or outside this state, his school district as determined by the court under Division (A) of this section shall pay the cost of educating said child based on the per capita cost of the educational facility within such detention home, institution, residential treatment center or other facility.

Sec. 2151.45. (A) An order of disposition or other adjudication in proceedings shall not be deemed a conviction of a crime, or impose any civil disabilities ordinarily resulting from such conviction, or operate to disqualify the child in any civil service application or appointment.

(B) A child by virtue of such order or adjudication, shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime, except pursuant to Section 5139.24 of the Revised Code.

(C) The adjudication or disposition of a child given in a hearing shall not be admissible as evidence against him in any case or proceeding in any court, other than a juvenile court, except in sentencing proceedings after conviction of a felony for the purposes of a pre-sentence study and report.

Sec. 2151.46. (A) An order vesting legal custody of a child in an agency, institution, or individual may be for an indeterminate period, but shall not remain in force after the child attains the age of twenty-one years. When the child is committed to an institution or agency, the legal custody order shall be terminated if the child is permanently released by the institution or agency before the child is twenty-one years of age.

(B) An order of probation or protective supervision shall remain in force for two years from the date entered unless the child is sooner released by the probation officer or agency providing the supervision, with the consent of the court;

(C) Unless legal custody, probation, or protective supervision is ordered by the court, all other orders of supervision and control over children shall be temporary and shall continue for such period as designated by the court in its order or until terminated or modified by the court or until the child attains the age of twenty-one years.

(D) Before any temporary order is changed to an order of legal custody, the court shall fix a time and place for hearing and shall cause notice thereof to be served upon the parents, guardian or custodian of the child as provided in Section 2151.34 of the Revised Code.

Sec. 2151.47. In any proceeding wherein a child or parent has been adjudged to have violated one or more of the provisions in Chapter 2151 of the Revised Code, on the application of a party or the court's own motion the court may make an order restraining or otherwise controlling the conduct of any person, party, parent, guardian or custodian if the court finds that such an order is necessary to:

(A) Control any conduct or relationship that will be detrimental or harmful to the child, or

(B) Control any conduct or relationship that will tend to defeat the execution of the order of disposition made or to be made.

Due notice of the application or motion and the grounds therefor, and an opportunity to be heard shall be given to the person against whom such order is directed.

Sec. 2151.48. If it appears at the hearing of a child that any person has abused or has aided, induced, caused, encouraged, or contributed to the dependency, neglect, unruliness or delinquency of a child or acted in a way tending to cause delinquency in such child, or that a person charged with the care, support, education or maintenance of any child has failed to support or sufficiently contribute toward the support, education, and maintenance of such child, the juvenile judge may order a complaint filed against such person and proceed to hear and dispose of the case as provided in Chapter 2151 of the Revised Code.

On request of the judge, the prosecuting attorney shall prosecute all adults charged with violating such sections.

Sec. 2151.49. When a child has been adjudicated as provided by Chapter 2151 of the Revised Code, the juvenile court may make an examination regarding the income of the parents, guardian, or person charged with such child's support, and may then order that such parent, guardian, or person pay for the care, maintenance, and education of such child and for expenses involved in providing orthopedic, medical or surgical treatment, or special care of such child. The court may enter judgment for the money due and enforce such judgment by execution as in the court of common pleas. Provided that whenever a child which has a legal settlement in another county comes within the jurisdiction of the court, the court may certify such examination and determination to the juvenile court of the county of legal settlement for further proceedings, and such court shall thereafter proceed as if the original complaint had been filed in said court.

Any expenses incurred for the care, support, maintenance, education, medical or surgical treatment, special care of a child, which has a legal settlement in another county,

shall be at the expense of the county of legal settlement, if the consent of the juvenile judge of the county of legal settlement is first obtained. When such consent is obtained, the board of county commissioners of the county in which such child has a legal settlement shall reimburse the committing court for such expense out of its general fund. If the department of public welfare deems it to be in the best interest of any delinquent, unruly, dependent or neglected child which has a legal settlement in a foreign state or country, that such child be returned to the state or county of legal settlement, such child may be committed to the department for such return.

Any expense ordered by the court for the care, maintenance, and education of dependent, unruly, neglected, or delinquent children, or for orthopedic, medical or surgical treatment, or special care of such children under Chapters 2151 and 2152 of the Revised Code, except such part thereof as may be paid by the state or federal government, shall be paid from the county treasury upon specifically itemized vouchers, certified by the judge. The court shall not be responsible for any expense resulting from the transfer of children to any home, county department of welfare which has assumed the administration of child welfare, county child welfare board, certified organization, or other institution, association, or agency, unless such expense has been authorized by the court at the time of commitment.

Sec. 2151.50. A parent or guardian having custody of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such child. In any case where a child is found to be a delinquent child or unruly child and has been placed on probation, or protective supervision, if the court finds at the hearing that the parent or guardian having custody of such child has failed or neglected to subject him to reasonable parental control and authority, and that such failure or neglect is the proximate cause of the act or acts of the child upon which the finding of the violation is based, the court may require such parent or guardian to enter into a recognizance with sufficient surety, in an amount of not more than five hundred dollars, conditioned upon the faithful discharge of the conditions of probation or protective supervision of such child. If the child thereafter commits a second act and is by reason thereof found to be a delinquent child or unruly child, or to have violated the conditions of probation or protective supervision, and the court finds at the hearing that the failure or neglect of such parent or guardian to subject him to reasonable parental control and authority or to faithfully discharge the conditions of probation or protective supervision of such child on the part of such parent or guardian, is the proximate cause of the act or acts of the child upon which such second finding of the violation is based, or upon which such child is found to have violated the conditions of his probation or protective supervision, the court may declare all

or part of the recognizance forfeited and the amount of such forfeited recognizance shall be applied in payment of any damages which may have been caused by such child, if there be such damages, otherwise, the proceeds therefrom, or part remaining after the payment of damages aforesaid, shall be paid into the county treasury.

The provisions of this section as it relates to failure or neglect of parents or guardian to subject a child to reasonable parental control and authority shall be in addition to and not in substitution for any other sections of this chapter relating to failure or neglect to exercise such parental control or authority. The provisions of this section shall not apply to foster parents who are not vested with legal custody of the child.

Sec. 2151.51. At any time the juvenile judge may require from an association receiving or desiring to receive children, such reports, information, and statements as he deems necessary. He may at any time require from an association or institution reports, information, or statements concerning any child committed to it by such judge under Chapters 2151 and 2152 of the Revised Code.

Sec. 2151.52. (A) No child under eighteen years of age shall be placed in or commited to any prison, jail, or lockup, nor shall such child be brought into any police station, vehicle, or other place where such child can come in contact or communication with any adult convicted of a crime or under arrest and charged with crime; provided that a child fourteen years of age or older may, for good cause shown, and with the consent of the juvenile judge or a person designated by him, be placed in a place of detention for adults, but in a room or ward separate from adults.

In no case after June 30, 1972 shall a child be placed in any building which is used as a jail, prison, reformatory or lockup for adults.

(B) All children under eighteen years of age, when confined in such places of juvenile detention after adjudication shall not be detained for more than 60 days during which time a social history can be prepared to include court record, family history, personal history, school and attendance records, and such other pertinent studies and material as will be of assistance to the juvenile court in its disposition of the charges against such juvenile offenders.

Sec. 2515.53. (A) If, at a hearing held pursuant to Section 2151.38 of the Revised Code, the evidence indicates that the child is menatlly retarded or mentally ill, the court may order the child detained if required and shall direct the appropriate authority to initiate proceedings under Section 2151.18 (H) of the Revised Code, according

to the procedure set forth in Chapters 5122 or 5125 of the Revised Code.

(B) A hearing under section 2151.18 (H) shall follow the procedure set forth in Chapters 5122 or 5125 of the Revised Code.

(C) The jurisdiction obtained under Section 2151.18 (H) of the Revised Code shall be transferred to the probate court of the county in which the transferring court is located, when the child reaches the age of twenty-one years.

Sec. 2151.54. (A) After a petition has been filed alleging that a child is within division (B) (17) (a) of Section 2151.01 of the Revised Code the court at a hearing may, before hearing the petition on its merits, transfer the case for criminal prosecution to the appropriate court having jurisdiction of the offense, after making in order, the following determinations:

(1) The child was sixteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;

(2) The court determines that there is probable cause to believe that the child committed the act alleged;

(3) The court determines, after a mental and physical examination of such child has been made by the Ohio youth commission, or by some other public or private agency, or by a person(s) qualified to make such examination, that there are reasonable grounds to believe that:

(a) He is not commitable to an institution for the mentally deficient or mentally ill;

(b) That he is not amenable to care or rehabilitation in any facility designed for the care, supervision, and rehabilitation of delinquent children;

(c) The safety of the community requires that he be placed under legal restraint, including, if necessary, for a period extending beyond his majority. A study and report to the court in writing relevant to the findings shall be made by the probation officer or a qualified agency designated by the court. A transfer terminates the jurisdiction of the court over the child with respect to the conduct alleged in the petition;

(B) Notice in writing of the time, place and purpose of such hearing shall be given to the child and his parents, guardian or other custodian and his counsel at least three days prior to the hearing.

(C) No child, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense committed prior to becoming eighteen unless the case has been transferred as provided in this section.

Exhibit X

(D) Upon such transfer the court shall state the reasons therefor and order such child to enter into a recognizance with good and sufficient surety for his appearance before the appropriate court for such disposition as such court is authorized to make for a like act committed by an adult. Such transfer terminates the jurisdiction of the court with respect to the delinquent acts alleged in the complaint.

Sec. 2151.55. (A) The court shall appoint a guardian ad litem to protect the interest of a cild in any proceeding concerning an alleged or adjudicated delinquent, unruly, dependent, neglected or crippled child when either:

(1) The child has no parents, guardian or custodian;

(2) The court finds that there is a conflict of interest between the child and his parent, guardian or custodian;

(3) The parent appears to be mentally incompetent;

(4) The parent is under eighteen (18) years of age.

A parent who is eighteen years of age or older and is not mentally incompetent, shall be deemed sui juris for the purpose of any proceeding relative to his child in juvenile court. A party to the proceeding, or his employee or representative shall not be appointed as guardian ad litem.

(B) The court shall require such guardian ad litem to faithfully discharge his duties, and upon the failure to faithfully discharge the duties, the court shall appoint another. The court may fix compensation for the service of the guardian ad litem which shall be paid from the treasury of the county.

(C) In any case wherein a parent of a child alleged to adjudicated to be a neglected, dependent or crippled child is under eighteen years of age, the parents of said parent shall be summoned to appear at any hearing concerning said grandchild.

Sec. 2151.56. (A) Law enforcment and court records and files concerning a child, and records and reports of predisposition studies of a child or his parents received or not received in evidence shall be kept separate from adult records and files. Unless a charge is transferred for criminal prosecution or the interest of national security require, or the court otherwise orders in the interest of the child, such records and files shall not be open to publid inspection nor their contents disclosed to the public.

(B) Inspection of such records and files is permitted by the following, without a court order:

(1) Any judge, officers or member of the professional staff of a juvenile court in performance of his official duty;

Exhibit X

(2) The parties to the proceedings and their counsel and representatives during and after all proceedings;

(3) Law enforcement officers, after showing to the court that it is necessary for the discharge of their official duties in regard to children;

(4) A court in which he is convicted of a criminal offense for the purpose of a pre-sentence report or other dispositional proceedings and the counsel for the defendant, or by officials of correctional institutions and other rehabilitation agencies to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision and treatment over him.

Sec. 2151.57. (A) No child under fourteen years of age shall be fingerprinted or photographed in the investigation of a crime except as provided in this section. Fingerprints and photographs of a child fourteen or more years of age, who is referred to the court, may be taken and filed by law enforcement officers investigating the commission of an act which would be a felony if committed by an adult when there is probable cause to believe that the child may have been involved in the felonious act being investigated.

(B) Fingerprint files of children shall be kept separate from those of adults under special security meansures limiting inspection to law enforcement officers when necessary for the discharge of their official duties, unless otherwise authorized by the court in individual cases upon a showing that it is necessary for the public interest. The prints shall be taken on a civilian and not a criminal card and shall be kept only in the civilian file.

(C) Copies of fingerprints may be maintained at a regional, state, or federal depository, subject to provision (D) of this section.

(D) Fingerprints of a child shall be removed from the file and destroyed if:

(1) A petitition is not filed or the proceedings are dismissed after a petition has been filed;

(2) The child reached twenty-one years of age and there has been no record that he committed a felony or misdemeanor offense after reaching eighteen years of age.

(E) If latent fingerprints are found during the investigation of an offense and a law enforcement officer has probable cause to believe that they are those of a particular child, he may fingerprint the child regardless of age or offense for purposes of immediate comparison with the latent fingerprints. If the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is under fourteen years of age and is referred to court, the fingerprint card and other copies of the fingerprints shall be delivered to the court for

disposition. If the child is not referred to the court, the print and all copies shall be immediately destroyed.

Sec. 2151.58. (A) Any person who is a subject of the records may petition the court or the court on its own motion may order the sealing of the files and records of the court in the case if it finds:

(1) Two years have elapsed since the final discharge of the person;

(2) He has not been convicted of a felony or adjudicated to be a delinquent child or a unruly child since his final discharge. The application or motion and the order may include the files and records under the protection of Sections 2151.56 or 2151.57 of the Revised Code.

(B) Reasonable notice of the sealing shall be given to:

(1) The prosecuting attorney;

(2) The authority which granted any discharge;

(3) The law enforcement officer of a police department having custody of the files and records if the files and records under the protection of Sections 2151.5t and 2151.57 of the Revised Code are included.

(C) Upon the entry of the order to seal the proceedings in the case shall be deemed not to have occurred, and all index references shall be deleted., and the court and law enforcement officers and departments shall reply, and the person may reply, that no record exists with respect to such person upon inquiry in the matter. Copies of the order shall be sent to each agency or official named therein and attached to the cover of the records.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon request or authorization by the person who is the subject of such records, and only by those designated in such authorization or request therein named.

Sec. 2151.59. Every county, township, or municipal official or department, including the prosecuting attorney, shall render all assistance and co-operation within his jurisdictional power which may further the objects of Sections 2151.01 to 2151.99, inclusive, of the Revised Code. All institutions, organizations or agencies to which the juvenile court sends any child shall give to the court or to any officer appointed by it such information concerning such child as said court or officer requires. The court may seek the co-operation of all societies or organizations having for their object the protection or aid of children.

Sec. 2151.60. No person or association of another state, incorporated or otherwise,

shall place a child in a family home within the boundaries of this state, either with or without indenture or for adoption, unless such person or association has furnished the department of pulbic welfare with such guaranty as it may require that no child having a contagious disease, deformity, feeble mind, or vicious character, shall be brought into this state by such person or association or its agents, and that such person or association will promptly receive and remove from the state a child brought into the state by such person or association or its agents, which becomes a public charge within five years thereafter.

Sec. 2151.61. An appeal on questions of law or fact from the judgment, order or decree does not stay the order, judgment, or decree appealed from. If the order, judgment, or decree appealed from grants the custody of the child to, or withholds it from one or more of the parties to the appeal, the appeal shall be heard at the earliest practicable time.

Sec. 2151.75. No person shall abuse a child or aid, abet, induce, cause, encourage, or contribute to the delinquency, unruliness, dependency or neglect of a child or a ward of the juvenile court or act in any way tending to cause delinquency in such child. No person shall aid, abet, induce, cause, or encourage a child or a ward of the court, committed to the custody of any person, department, public or private institution, to leave the custody of such person, department, public or private institution, without legal consent. Each day of such contribution to such delinquency, unruliness, dependency or neglect is a separate offense.

Sec. 2151.76. No person charged with the care, support, maintenance, or education of a legitimate or illegitimate child or no person being the father of an illegitimate child under eighteen years of age shall fail to care for, support, maintain, or educate such child, or shall abandon such child, or shall beat, neglect, injure, or otherwise illtreat such child, or cause or allow him to engage in common begging. No person charged with the care, support, maintenance, or education of a legititmate or illegitimate child under twenty-one years of age who is physically or mentally handicapped shall fail to care for, support, maintain, or educate such child. Such neglect, nonsupport, or abandonment shall be deemed to have been committed in the county in shich such child may be at the time of such neglect, nonsupport, or abandonment. Each day of such failure, neglect, or refusal shall constitute a separate offense.

Sec. 2151.77. Any physician, including a hospital intern or resident physician,

examining, attending, or treating a child less than eighteen years of age, or any registered nurse, visiting nurse, school teacher, or social worker, acting in his official capacity, having reason to believe that a child less than eighteen years of age has suffered any wound, injury, disability, or condition of such nature as to reasonably indicate abuse or neglect of such child, shall immediately report or cause reports to be made of such information to a municipal or county peace officer. Such reports shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report. Such reports shall contain:

(A) The names and addresses of the child and his parents or person or persons having cutody of such child, if known;

(B) The child's age and the nature and extent of the child's injuries or physical neglect, including any evidence of previous injuries or physical neglect;

(C) Any other information which might be helpful in establishing the cause of the injury or physical neglect.

When the attendance of the physician is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

Upon receipt of a report concerning the possible non-accidental infliction of a physical injury upon a child, the municipal or county peace officer shall refer such report to the appropriate county department of welfare or child welfare board in charge of children's services.

No child upon whom a report is made shall be removed from his parents, stepparents, guardian, or other persons having custody by a municipal or county peace officer without consultation with the county department of welfare unless, in the judgment of the reporting physician and the officer, immediate removal is considered essential to protect the child from further injury or abuse.

The county department of welfare or child welfare board shall investigate each report referred to it by a law enforcement officer to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible. Such investigation shall be made in cooperation with the law enforcement agency which shall have the primary responsibility for such investigations. The department or board shall submit a report of its investigation, in writing, to the law enforcement agency and shall provide such social services as are necessary to protect the child and preserve the family.

The county department of welfare or child welfare board shall make such recommendations to the county prosecutor or city attorney as it deems necessary to protect such children as are brought to its attention.

Anyone participating in the making of such reports, or anyone participating in a judicial proceeding resulting from such reports, shall be immune from any civil or criminal

liability that might otherwise be incurred or imposed as a result of such actions. Notwithstanding Section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries or physical neglect, or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

Nothing in this section shall be construed to define as a physically neglected child, any child who is under spiritual treatment through prayer in accordance with the tenets and practice of a well-recognized religion in lieu of medical treatment, and no report shall be required as to such child.

Sec. 2151.78. Sections 2947.25 to 2947.28, inclusive, of the Revised Code, relating to the psychiatric examination, court hearing, disposition of persons found guilty of certain offenses, and the placement of children under the care and custody of such persons shall apply to cases of adults trained and found guilty of the designated offenses in a juvenile court.

Sec. 2151.79. In cases against an adult under Chapters 2151 and 2152 of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107 or 5113 of the Revised Code, the county welfare department shall file charges against any person who fails to provide support as provided in Section 2151.76 and 2151.49 of the Revised Code, unless charges are filed under Section 3113.06 of the Revised Code.

In such prosecution an indictment by the grand jury or information by the prosecuting attorney shall not be required. The clerk shall issue a warrant for the arrest of the accused, who, when arrested, shall be taken before the juvenile judge and tried according to such sections.

The affidavit may be amended at any time before or during the trial.

The judge may bind such adult over to the grand jury, where the act complained of constitutes a felony.

Sec. 2151.80. When a person charged with the violation of Sections 2151.01 to 2151.89, inclusive, of the Revised Code, has fled to another state or territory, and the governor has issued a requisition for such person, the board of county commissioners shall pay from the general expense fund of the county to the agent designated in such requisition all necessary expenses incurred in pursuing and returning such prisoner.

Sec. 2151.81. Sections 2937.21 to 2937.45, inclusive, of the Revised Code, relating to bail in criminal cases in the court of common pleas, shall apply to adults committed or held under Sections 2151.01 to 2151.89, inclusive, of the Revised Code.

Sec. 2151.82. Any adult arrested under Section 2151.01 to 2151.89, inclusive, of the Revised Code, may demand a trial by jury, or the juvenile judge upon his own motion may call a jury. A demand for jury trial must be made in writing in not less than three days before the date set for trial, or within three days after counsel has been retained, whichever is later. Sections 2945.17 and 2945.22 to 2945.36, inclusive of the Revised Code, relating to the drawing and impaneling of jurors in criminal cases in the court of common pleas, other than in capital cases, shall apply to such jury trial. The compensation of jurors and costs of the clerk and sheriff shall be taxed and paid as in criminal cases in the court of common pleas.

Sec. 2151.83. When any female over the age of eighteen years is found guilty of a misdemeanor under Section 2151.18 (J) of the Revised Code, the juvenile judge may order such female confined to the women's reformatory at Marysville for the same term for which said female could be committed to a workhouse or jail.

Sec. 2151.84. In every case of conviction under Sections 2151.01 to 2151.89, inclusive of the Revised Code, where imprisonment is imposed as part of the punsihment, the juvenile judge may suspend sentence, before or during commitment, upon such condition as he imposes. In the case of conviction for non-support of a child who is receiving aid under Chapter 5107 or 5113 of the Revised Code, if the juvenile judge suspends sentence on condition that the person make payments for support, the payment shall be made to the county welfare department rather than to the child or custodian of the child.

Sec. 2151.85. When, as a condition of suspension of sentence under Section 2151.84 of the Revised Code, bond is required and given, upon the failure of a person giving such bond to comply with the conditions thereof, such bond may be forfeited, the suspension terminated by the juvenile judge, the original sentence executed as though it had not been suspended, and the term of any sentence imposed in such case shall commence from the date of imprisonment of such person after such forfeiture and termination of suspension. Any part of such sentence which may have been served shall be deducted from any such period of imprisonment. When such bond is forfeited the judge may issue execution thereon without further proceedings.

Sec. 2151.86. When an adult is sentenced to imprisonment for any violation of Section 2151.76 of the Revised Code, the county from which such person is sentenced, on the order of the juvenile judge, shall pay from the general revenue fund fifty cents for each day such prisoner is confined to the juvenile court of such county, for the maintenance of the dependent children of such prisoner. Such expenditure shall be made under the direction of the judge, who shall designate an employee for such purpose. The board of county commissioners of such county shall make an appropriation for such cases, and allowances therefrom shall be paid from the county treasury upon the warrant of the county auditor.

Sec. 2151.87. The sections of the Revised Code relating to appeals on questions of law from the court of common pleas, including the allowance and signing of bills of exceptions, shall apply to prosecutions of adults under Sections 2151.01 to 2151.89, inclusive of the Revised Code, and from such prosecutions and appeal on a question of law may be taken to the court of appeals of the county under laws governing appeals in other criminal cases to such court of appeals.

Sec. 2151.88. Any person coming within Sections 2151.01 to 2151.89, inclusive, of the Revised Code, may be subjected to a physical and mental examination by competent physicians, psychologists, and psychiatrists to be appointed by the juvenile court. Whenever any child is committed to any institution by virtue of such sections, a record of such examinations shall be sent with the commitment to such institution. The compensation of such physicians, psychologists, and psychiatrists and the expenses of such examinations shall be paid by the county treasurer upon specifically itemized vouchers, certified by the juvenile judge.

Sec. 2151.89. The juvenile court shall tax and collect the same fees and costs in adult cases as are allowed the clerk of the court of common pleas for similar services. No fees or costs shall be taxed in cases of delinquent, unruly, dependent, or neglected children other than those authorized by Section 2151.42 and Section 2151.41 of the Revised Code. The expense and transportation of children to places to which they have been committed, and the transportation of children to and from another state by police or other officers, acting upon order of the court, shall be paid from the county treasury upon specifically itemized vouchers certified to by the judge.

Sec. 2151.99. (A) Whoever violates Section 2151.75 of the Revised Code shall

be fined not less than five nor more than one thousand dollars or imprisoned not less than ten days nor more than one year, or both.

(B) Whoever violates Section 2151.76 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. The juvenile judge may order that such person stand committed until such fines and costs are paid; provided that if he pays promptly to the juvenile court each week or to a trustee named by such court a sum to be fixed by it for such purpose, sentence may be suspended.

(C) Whoever violates Sections 2151.52, 2151.53, 2151.54 or 2151.77 of the Revised Code shall be fined not less than five nor more than one hundred dollars or imprisoned not less than one nor more than ten days, or both.

Sec. 2152.01. The definitions set forth in Section 2151.01 of the Revised Code shall apply to Chapter 2152.

Sec. 2152.02. The board of county commissioners of each county shall provide, by purchase, lease, construction, or otherwise, a place to be known as a detention home, which shall be within a convenient distance of the juvenile court, and not used for the confinement of adult persons charged with criminal offenses, where a child may be detained until final disposition. Upon the joint advice and recommendation of the juvenile judges of two or more adjoining or neighboring counties, the board of county commissioners of such counties shall form themselves into a joint board, and proceed to organize a district for the establishment and support of a detention home for the use of the juvenile courts of such counties, where a child may be detained until final disposition, by using a site or buildings already established in one such county, or by providing for the purchase of a site and the erection of the necessary buildings thereon. Such detention home or district detention home facilities shall be subject to the approval of the youth commission which shall set standards and requirements for the physical plant and operations of such facilities. No facility shall be used to detain or for the shelter of children without the approval of the youth commission. The youth commission shall periodically inspect such facilities to ensure that maintenance and operation conduce to the care, supervision and rehabilitation of children.

During the period of establishing a detention home, or a district detention home, the board of county commissioners shall provide funds for the detention of such children

temporarily in certified foster homes or in uncertified foster homes for a period not exceeding sixty days, subject to the supervision of the court, or may arrange with any county department of welfare which has assumed the administration of child welfare, county child welfare board, or certified organizations to receive for temporary care children within the jurisdiction of the court. In order to have such foster homes available for service an agreed monthly subsidy may be paid and a fixed rate per day for care of children actually residing therein.

When the dentention home is established as an agency of the court, or a district detention home is established by the courts of several counties as hereinbefore provided, it shall be furnished and carried on, as far as possible, as a family home in charge of a superintendent or matron in a non-punitive neutral atmosphere. The judge, or the directing board of a district detention home, may appoint a superintendent, a matron, and other necessary employees for such home and fix their salaries. During the school year, an educational program with competent and trained staff shall be provided for those children of school age. A sufficient number of trained recreational personnel shall be included among the staff to assure wholesome and profitable leisure time activities. Medical and mental health services shall be made available to insure the courts that all possible treatment facilities shall be given to those children placed under their care. In the case of a county detention home, such salaries shall be paid in the same manner as is provided by Section 2151.11 of the Revised Code for other employees of the court, and the necessary expenses incurred in maintaining such detention home shall be paid by the county. In the case of a district detention home, such salaries and the necessary expenses incurred in maintaining such detention home shall be paid as provided in Sections 2152.03 to 2152.17, inclusive, of the Revised Code.

Sec. 2152.03. The joint boards of county commissioners of district detention homes shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such home.

Sec. 2152.04. When any person donates or bequeaths his real or personal estate or any part thereof to the use and benefit of a district detention home, the board of trustees of the home may accept and use such donation or bequest as they deem for the best interests of the institution, and consistent with the conditions of such bequest.

Sec. 2152.05. Immediately upon the organization of the joint board of county commissioners as provided by Section 2152.02, of the Revisedl Code, or so soon thereafter as practicable, such joint board of county commissioners shall appoint a board of

not less than five trustees, which shall hold office and perform its duties until the first annual meeting after the choice of an established site and buildings or after the selection and purchase of a building site, at which time such joint board of county commissioners shall appoint a board of not less than five trustees, one of whom shall hold office for a term of one year, one for the term of two years, one for the term of three years, half of the remaining number for the term of four years, and the remainder for the term of five years. Annually thereafter, the joint board of county commissioners shall appoint one or more trustees, each of whom shall hold office for the term of five years, to succeed the trustee or trustees whose term of office shall expire. A trustee may be appointed to succeed himself upon such board of trustees, and all appointments to such board of trustees shall be made from persons who are recommended and approved by the juvenile court judge or judges of the county of which such person is resident. The annual meeting of the board of trustees shall be held on the first tuesday in May each year.

Sec. 2152.06. A majority of the board of trustees appointed under Section 2152.05 of the Revised Code constitutes a quorum. Board meetins shall be held at least quarterly. The juvenile court judge of each of the counties of the district organized pursuant to Section 2152.05 of the Revised Code shall attend such meetings, or shall designate a member of his staff to do so. The members of the board shall receive no compensation for their services except their actual travelling expenses, which, when properly certified, shall be allowed and paid by the treasurer.

Sec. 2152.07. The board of trustees of the district detention home shall appoint the superintendent thereof. Before entering upon his duties such superintendent shall give bond to the board, in such sum as it fixes, with sufficient surety, conditioned upon the full and faithful accounting of the funds and properties coming into his hands.

The superintendent shall appoint all employees, who, except for the superintendent, shall be in the classified civil service.

The superintendent under the supervision and subject to the rules and regulations of the board, shall control, manage, operate and have general charge of the home, and shall have the custody of its property, files, and records.

The children to be admitted for care in such home, the period during which they shall be cared for in such home, and the removal and transfer of children from such home shall be determined by the juvenile courts of the respective counties.

Sec. 2152.08. District detention homes shall be established, operated, maintained

and managed in the same manner so far as applicable as county detention homes.

Sec. 2152.09. When the board of trustees appointed under Section 2152.05 of the Revised Code does not choose an established institution in one of the counties of the counties of this district, it may select a suitable site for the erection of a district detention home. Such site must be easily accessible, and when, in the judgment of the board, it is equally conducive to health, economy in purchasing or in building, and to the general interest of the home and inmates, such site shall be as near as practicable to the geographical center of the district. When only two counties form such district the site shall be as near as practicable to the dividing line between such counties.

Sec. 2152.10. Each county in the district, organized under Section 2152.02 of the Revised Code, shall be entitled to one trustee, and in districts composed of but two counties, each county shall be entitled to not less than two trustees. In districts composed of more than four counties, the number of trustees shall be sufficiently increased so that there shall always be an uneven number of trustees constituting such board. The county in which a district detention home is located shall have not less than two trustees, who, in the interim period between the regular meetings of the board of trustees. shall act as an executive committee in the discharge of all business pertaining to the home.

Sec. 2152.11. The joint board of county commissioners organized under Section 2152.05 of the Revised Code may remove any trustee appointed under Section 2152.05 of the Revised Code, but no such removal shall be made on account of the religious or political opinion of such trustee. The trustee appointed to fill any vacancy shall hold his office for the unexpired term of his predecessor.

Sec. 2152.12. In the interim, between the selection and purchase of a site, and the erection and occupancy of the district detention home, the joint board of county commissioners provided by Section 2152.02 of the Revised Code may delegate to the board of trustees appointed under Section 2152.05 of the Revised Code, such powers and duties as, in its judgment, will be of general interest or aid to the instituition. Such joint board of county commissioners may appropriate a trustee's fund, to be expended by the board of trustees in payment of such contracts, purchases, or other expenses necessary to the wants or requirements of the home, which are not otherwise provided for. The board of trustees shall make a complete settlement with the joint board of county commissioners once each

six months, or quarterly if required, and shall make a full report of the condition of the home and inmates, to the board of county commissioners and to the juvenile court of each of the counties.

Sec. 2152.13. The choice of an established site and buildings, or the purchase of a site, stock, implements and general farm equipment, should there be a farm, the erection of buildings, and the completion and furnishing of the district detention home for occupancy, shall be in the hands of the joint board of county commissioners organized under Section 2152.02 of the Revised Code. Such joint board of county commissioners may delegate all or a portion of these duties to the board of trustees provided for under Section 2152.05 of the Revised Code, under such restrictions and regulations as the joint board of county commissioners imposes.

Sec. 2152.14. When an established site and buildings are used for a district detention home the joint board of county commissioners organized under Section 2152.02 of the Revised Code shall cause the value of such site and buildings to be properly appraised. The appraisal value, or in the case of the purchase of a site, the purchase price and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county, as shown by its tax duplicate. The current expenses of maintaining the home and the cost of ordinary repairs thereto shall be paid by each such county in proportion to the number of children from such county who are maintained in the home during the previous year.

Sec. 2152.15. The board of county commissioners of any county within a detention home district may, upon the recommendation of the juvenile court of such county, withdraw from such district and dispose of its interest in such home by selling or leasing its right, title, and interest in the site, buildings, furniture, and equipment to any counties in the district, at such price and upon such terms as are agreed upon among the boards of county commissioners of the counties concerned. Section 307.10 of the Revised Code does not apply to this section. The net proceeds of any such sale or lease shall be paid into the treasury of the withdrawing county.

Members of the board of trustees of a district detention home who are residents of a county withdrawing from such district are deemed to have resigned their positions upon the completion of the withdrawal procedure provided by this section. Vacancies then creted shall be filled according to Sections 2152.05 and 2152.11 of the Revised Code.

Sec. 2152.16. The county auditors of the several counties composing a detention

home district, shall meet at the district detention home, not less than once in six months, to adjust accounts and to transact such other duties in connection with the institution as pertain to the business of their office.

Sec. 2152.17. Members of the board of county commissioners who meet by appointment to consider the organization of a district detention home, shall upon presentation of properly certified accounts, be paid their necessary expenses upon a warrant drawn by the county auditor of their county.

Sec. 2152.30. The governor is hereby authorized to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

THE INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

Article I - Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake co-operatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

Article II - Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

Article III - Definitions

That, for the purposes of this compact, "Delinquent juvenile" means any

juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court, "Probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "Court" means any court having jurisdiction over delinquent, neglected or dependent children; "State" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "Residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

Article IV - Return of Runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his runing away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless

of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer who the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cuase exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from

which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

(c) That "Juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

Article V - Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgement, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable

time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escapted from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishement of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of the state.

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for the payment of the transportation costs of such return.

Article VI - Voluntary Return Procedure

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel

or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

Article VII - Cooperative Supervision of Probationers and Parolees

(A) That the duly constituted judical and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desireability and necessity of returning such delinquent juvenile, the duly accredited officers of a sending state may enter a receiving

state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conslusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending aginst him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juvenile being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

Article VIII - Responsibility for Costs

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

Article IX - Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

Article X - Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatement and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such

care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guradian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provisions for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

Article XI - Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such docations, gifts and grants.

Article XII - Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XIII - Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

Article XIV - Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing

therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

Article XV - Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states, and in full force and effect as to the state affected as to all severable matters.

Article SVI - Additional Article

That this Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of the Article "Child", as used herein, means any minor within the jurisdiction age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

Sec. 2152.31. Pursuant to Section 2152.30 of the Revised Code, the governor is hereby authorized and empowered, with the advice and consent of the senate, to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Such compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government

of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

Sec. 2152.32. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require on contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Sec. 2152.33. The compact administrator, subject to the approval of the auditor of state, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Sec. 2152.34. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Sec. 2152.35. In addition to any procedure provided in Articles IV and VI of the compact for the return of any runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.

Sec. 2152.50. Upon the advice and recommendation of the juvenile judge, the board of county commissioners may provide by purchase, lease, construction, or otherwise, a school, forestry camp, or other facility or facilities where delinquent, dependent, or neglected chilcren or juvenile traffic offenders may be held for training, treatment, and rehabilitation. Upon the joint advice and recommendation of the juvenile judges of two or more adjoining or neighboring counties, the boards of county commissioners of such counties may form themselves into a joint board and proceed to organize a distrcit for the establishment and support of a school, forestry camp, or other facility or facilities for the use of the juvenile courts of such counties, where delinquent, dependent, or neglected children, or

juvenile traffic offenders may be held for treatment, training, and rehabilitation, by using a site or buildings already established in one such county, or by providing for the purchase of a site and the erection of the necessary buildings thereon. Such county or district shcool, forestry camp, or other facility or facilities shall be maintained as provided in Chapters 2151 and 2152 of the Revised Code. Children who are adjudged to be delinquent, unruly, dependent, neglected, or juvenile traffic offenders may be committed to any such school, forestry camp, or other facility or facilities for training, treatment, and rehabilitation.

The juvenile court shall determine:

(A) The children to be admitted to any school, forestry camp, or other facility maintained under this section;

(B) The period such children shall be trained, treated, and rehabilitated at such facility;

(C) The removal and transfer of children from such facility.

Sec. 2152.51. The board of county commissioners of a county which, either separately or as part of a district, is planning to establish a school, forestry camp, or other facility under Section 2152.50 of the Revised Code, to be used exclusively for the rehabilitation of male children between the ages of ten to eighteen years or female children between the ages of twelve to eighteen years, other than psychotic or mentally retarded children, who are designated delinquent by orde of a juvenile court as the reulst of having violated any law of this state, or the United States, or any ordinance of a subdivision of this state, may make application to the youth commission, created under division (B) of Section 5139.01 of the Revised Code, for financial assistance in defraying the county's share of the cost of acquisition or construction of such school, camp, or other facility, as provided in Section 5139.27 of the Revised Code. Such application shall be made on forms prescribed and furnished by the youth commission.

Sec. 2152.52. The board of county commissioners of a county or the board of trustees of a district maintaining a school, forestry camp, or other facility established under Section 2152.50 of the Revised Code, used exclusively for the rehabilitation of male children between the ages of ten to eighteen years or female children between the ages of twelve to eighteen years, other than psychotic or mentally retarded children, who are delinquent by order of a juvenile court as the result of having violated any law of this state, or the United States, or any ordinance of a sub-division of this state, may make application to the youth commission, created under division (B) of Section 5139.01 of the Revised

Code, for financial assistance in defraying the cost of operating and maintaining such school, forestry camp, or other facility, as provided in Section 5139.28 of the Revised Code.

Such application shall be made on forms prescribed and funsished by the youth commission.

Sec. 2152.53. The board of county commissioners of a county or the board of trustees of a district maintaining a school, forestry camp, or other facility established under Section 2152.50 of the Revised Code, shall provide a program of education for the youths admitted to such school, forestry camp, or other facility. Either of such boards and the board of education of any school district may enter into an agreement whereby such board of education provides teachers for such school, forestry camp, or other facility, or permits youths admitted to such school, forestry camp, or other facility to attend a school or schools within such school district, or both. Either of such boards may enter into an agreement with the appropriate authority of any university, college, or vocational institution to assist in providing a program of education for the youths admitted to such school, forestry camp, or other facility.

Sec. 2152.54. The board of county commissioners of a county or the board of trustees of a district maintaining a school, forestry camp, or other facility established under Section 2152.50 of the Revised Code may enter into an agreement with the board of county commissioners of a county which does not maintain such a school, forestry camp, or other facility, to admit to such school, forestry camp, or other facility a child from the county not maintaining such a school, forestry camp, or other facility.

Sec. 2152.55. The joint boards of county commissioners of district schools, forestry camps, or other facility or facilities created under Section 2152.50 of the Revised Code, shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such school, forestry camp, or other facility or facilities.

Sec. 2152.56. The board of county commissioners of a county or the board of trustees of a district maintaining a school, forestry camp, or other facility established or to be established under Section 2152.50 of the Revised Code may receive gifts, grants, devises, and bequests, either absolutely or in trust, and may receive any public moneys made available to it. Each of such boards shall use such gifts, grants, devises, bequests, and public moneys in whatever manner it determines is most likely to carry out the purposes for which such school, forestry camp, or other facility was or is to be established.

Sec. 2152.57. Immediately upon the organization of the joint board of county commissioners as provided by Section 2152.50 of the Revised Code, or so soon thereafter as practicable, such joint board of county commissioners shall appoint a board of not less than five trustees, which shall hold office and perform its duties until the first annual meeting after the choice of an established site and buildings, or after the selection and purchase of a building site, at which time such joint board of county commissioners shall appoint a board of not less than five trustees, one of whom shall hold office for a term of one year, one for the term of two years, one for the term of three years, half of the remaining number for the term of four years, and the remainder for the term of five years. Annually thereafter, the joint board of county commissioners shall appoint one or more trustees, each of whom shall hold office for the term of five years, to succeed any trustee whose term of office expires. A trustee may be appointed to succeed himself upon such board of trustees, and all appointements to such board of trustees shall be made from persons who are recommended and approved by the juvenile court judge or judges of the county of which such person is a resident. The annual meeting of the board of trustees shall be held on the first Tuesday in May in each year.

Sec. 2152.58. A majority of the trustees appointed under Section 2152.57 of the Revised Code constitutes a quorum. Board meetings shall be held at least quarterly. The presiding juvenile court judge on each of the counties of the district organized pursuant to Section 2152.50 of the Revised Code shall attend such meetings, or shall designate a member of his staff to do so. The members of the board shall receive no compensation for their services, except their actual traveling expenses, which, when properly certified, shall be allowed and paid by the treasurer.

Sec. 2152.59. The judge, in a county maintaining a school, forestry camp, or other facility or facilities created under Section 2152.50 of the Revised Code, shall appoint the superintendent of any such facility. In the case of a district facility created under such section, the board of trustees shall appoint the superintendent. A superintendent, before entering upon his duties, shall give bond with sufficient surety to the judge or to the board as the case may be, in such amount as may be fixed by the judge or the board, such bond being conditioned upon the full and faithful accounting of the funds and properties coming into his hands.

Compensation of the superintendent and other necessary employees of a school, forestry camp, or other facility or facilities shall be fixed by the judge in the case of a county facility, or by the board of trustees in the case of a district facility. Such compensation and other expenses of maintaining the facility shall be paid in the manner prescribed in Section 2151.11 of the Revised Code in the case of a county facility, or in accordance with rules and regulations provided for in Section 2152.66 of the Revised Code in the case of a district facility.

The superintendent of a facility shall appoint all employees of such facility. All such employees, except the superintendent, shall be in the classified civil service.

The superintendent of a school, forestry camp, or other facility shall have entire executive charge of such facility, under supervision of the judge, in the case of a county facility, or under supervision of the board of trustees, in the case of a district facility. The superintendent shall control, manage, and operate the facility, and shall have custody of its property, files, and records.

Sec. 2152.60. District schools, forestry camps, or other facilities created under Section 2152.50 of the Revised Code shall be established, operated, maintained, and managed in the same manner, so far as applicable, as county schools, forestry camps, or other facilities.

Sec. 2152.61. When the board of trustees appointed under Section 2152.57 of the Revised Code doesnot choose an established institution in one of the counties of the district, it may select a suitable site for the erection of a district school, forestry camp, or other facility or facilities created under Section 2152.50 of the Revised Code.

Sec. 2152.62. Each county in the district, organized under Section 2152.50 of the Revised Code, shall be entitled to one trustee, and in districts composed of but two counties, each countyshall be entitled to not less than two trustees. In districts composed of more than four counties, the number of trustees shall be sufficiently increased so that there shall always be an uneven number of trustees constituting such baord. The county in which a district school, forestry camp, or other facility crated under Section 2152.50 of the Revised Code is located shall have not less than two trustees, who, in the interim period between the regular meetings of the board of trustees, shall act as an executive committee in the discharge of all business pertaining to the school, forestry camp, or other facility.

Sec. 2152.63. The joing board of county commissioners organized under Section 2152.50 of the Revised Code may remove any trustee appointed under Section 2152.57 of the Revised Code, but no such removal shall be made on account of the religious or political convictions of such trustee. The trustee appointed to fill any vacancy shall hold his office for the unexpired term of his predecessor.

Sec. 2152.64. In the interim, between the selection and purchase of a site, and the erection and occupancy of a district school, forestry camp, or other facility or facilities created under Section 2152.50 of the Revised Code, the joint board of county commissioners provided by Section 2152.50 of the Revised Code may delegate to a board of trustees appointed under Section 2152.57 of the Revised Code, such powers and duties as, in its judgment, will be of general interest or aid to the institution. Such joint board of county commissioners may appropriate a trustees' fund, to be expended by the board of trustees in payment of such contracts, purchases, or other expenses necessary to the wants or requirements of the school, forestry camp, or other facility or facilities which are not otherwise provided for. The board of trustees shall make a complete settlement with the joint board of county commissioners once each six months, or quarterly if required, and shall make a full report of the condition of the school, forestry camp, or other facility or facilities and inmates, to the board of county commissioners, and to the juvenile court of each of the counties.

Sec. 2152.65. The choise of an established site and buildings, or the purchase of a site, stock, implements, and general farm equipment, should there be a farm, the erection of buildings, and the completion and furnishing of the district school, forestry camp, or other facility or facilities for occupancy, shall be in the hands of the joint board of county commissioners organized under Section 2152.50 of the Revised Code. Such joint board of county commissioners may delegate all or a portion of these duties to the board of trustees provided for under Section 2152.57 of the Revised Code, under such restrictions and regulations as the joint board of county commissioners imposes.

Sec. When an established site and buildings are used for a district school, forestry camp, or other facility or facilities created under Section 2152.50 of the Revised Code the joint board of county commissioners organized under Section 2152.50 of the Revised Code shall cause the value of such site and buildings to be properly appraised. This appraisal value, or in case of the purchase of a site, the purchase price and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county, as shown by its tax duplicate. The current expenses of maintaining the shcool, forestry camp, or other facility or facilities and the cost of ordinary reparis thereto shall be paid by each such county in proportion to the number of children from such county who are maintained in the school, forestry camp, or other facility or facilities during the year. The board of trustees provided for in Section 2152.57 of the Revised Code shall, with the approval of the

joint board of county commissioners, adopt rules and regulations for the management of funds used for the current expenses of maintaining the school, forestry camp, or other facility or facilities.

Sec. 2152.67. The board of county commissioners of any county within a school, forestry camp, or other facility or district may, upon the recommendation of the juvenile court of such county, withdraw from such district and dispose of its interest in such school, forestry camp, or other facility or facilities selling or leasing its right, title, and interest in the site, buildings, furniture, and equipment to any counties in the district, at such price and upon such terms as are agreed upon among the boards of county commissioners of the counties concerned. Section 307.10 of the Revised Code does not apply to this section. The net proceeds of any such sale or lease shall be paid into the treasury of the withdrawing county.

Members of the board of trustees of a district school, forestry camp, or other facility or facilities who are residents of a county withdrawing from such district are deemed to have resigned their positions upon the completion of the withdrawal procedure provided by this section. Vacancies then created shall be filled according to Sections 2152.57 and 2152.63 of the Revised Code.

Sec. 2152.68. The county auditors of the several counties composing a school, forestry camp, or other facility or facilities district, shall meet at the district school, forestry camp, or other facility or facilities not less than once in each six months, to adjust accounts and to transact such other duties in connection with the institution as pertain to the business of their office.

Sec, 2152.69. Each member of the board of county commissioners who meets by appointment to consider the organization of a district school, forestry camp, or other facility or facilities shall, upon presentation of properly certified accounts, be paid his necessary expenses upon a warrant drawn by the county auditor of his county.

SECTION 2. That existing sections 2151.01 to 2151.80, inclusive, of the Revised Code are hereby repealed.

EXHIBIT XI

A B I L L

To enact sections to , inclusive, of the Revised Code, to provide for the establishment of an on-going Ohio crime commission, and to prescribe the powers and duties of such commission.

SECTION 1. That sections to , inclusive, of the Revised Code be enacted to read as follows:

Sec. . There is hereby created the Ohio crime commission consisting of the attorney general as its ex officio chairman, and fourteen other members, no more than seven of whom shall be members of the same political party, and three alternate members, no more than two of whom shall be members of the same political party, to be appointed by the governor, with the advice and consent of the senate. The appointed members and alternate members shall be selected from among resident electors of this state who are representative of the broad categories of state and local law enforcement, including the police, criminal justice systems, and correctional and rehabilitative activities. Representation may also be derived from the fields of science and technology, education, community relations, labor, business, law, religion, and the news media.

No member or alternate member of the crime commission shall be disqualified from holding any public office or employment, nor shall any such member or alternate member forfeit any such office or employment by reason of his membership on the commission.

Of the members first appointed to the commission, four members and one alternate member shall be appointed for a term of two years; five members and one alternate member, for a term of four years; and five members and one alternate member, for a term of six years. Thereafter each appointment shall be for a six year term. No person who has served a full six year term is eligible for reappointment. Vacancies shall be filled for the unexpired term by appointments of the governor, with the advice and consent of the senate, except that the governor may at his discretion appoint an alternate member to fill a vacancy.

Sec. . The Ohio crime commission shall hold its first meeting at the call of the governor within two months after all members have been appointed and qualified. Meetings thereafter shall be called by the chairman in such manner and at such times as prescribed by rules adopted by the commission, but the commission shall meet at least once every three months. A majority of the commission shall constitute a quorum, except as otherwise determined by the commission when it convenes for special investigatory purposes. At its first meeting the commission shall select itw own vice chairman, secretary, and such officers as it deems necessary. The commission shall adopt rules for the conduct of its business, and provide for the term and election of its officers other than that of the chairman. The office of the commission shall be in Columbus in space provided by the director of public works, but meetings may be held at any other place at the discretion of the commission.

The records of the commission meetings shall be open for public inspection, except that the crime commission may provide for closed meetings and records when it determines that such procedure is in the public interest, notwithstanding sections 121.22 and 149.43 of the Revised Code.

Alternate members may attend all meetings and proceedings of the commission and are qualified to participate in the work of the commission, but they shall act as members of the commission only when they are assigned by the chairman to fulfill the duties of a member who has temporarily disqualified himself or who is otherwise temporarily absent or disabled.

Each member and alternate member of the crime commission, before entering on his official duties and after qualifying for office, shall take and subscribe to an oath of office, to uphold the constitution and laws of the United States and this state, and to perform the duties of his office honestly, faithfully and impartially.

Members and alternate members shall serve on the crime commission without compensation, but shall be reimbursed for actual and necessary expenses incurred in the conduct of commission business.

Sec. . (A). The Ohio crime commission shall appoint an executive director, who shall be the chief administrative assistant of the commission, to serve at the pleasure of the commission. The commission shall prescribe the duties and fix the compensation of the executive director and such other professional, administrative, and clerical employees and consultative assistance as may be necessary to the performance of the functions and duties of the commission.

(B). The attorney general shall provide for legal representation and legal advice and assistance to the commission.

Sec. . The Ohio crime commission shall have the duty to:

(A) Study the ways and means of achieving a more effective law enforcement and criminal justice in this state, including, but not limited to, the area of police protection and law enforcement facilities, the prosecution and defense of criminal actions, the court systems of the state and its political subdivisions, the corrective and rehabilitative facilities and functions of the state and its political subdivisions, and the coordination and standardization and qualifications, training, and procurement of officers and employees associated with these areas of interest;

(B) Make recommendations for the improvement, development, coordination, or innovation of programs and policies in law enforcement and criminal justice to the governor, the attorney general, the general assembly, and the supreme court;

(C) Advise and assist the governor and the general assembly in determining the social and economic factors which may cause or give give rise to the incidence of crime and criminal behavior in this state;

(D) Investigate criminal activity of an inter-county nature and of an inter-state nature involving violations of Ohio law, to include but not limited to matters of organized crime, dangerous drugs and narcotics traffic, conspiracy to defraud the state or a political subdivision, frauds and civil disorders, upon request quest of the governor, the attorney general, a prosecuting attorney, or a municipal law director;

(E) Investigate alleged instances of malfeasance or misfeasance of public officers at the instigation of the governor, the attorney general, a prosecuting attorney, a municipal law director, or of a private citizen;

(F) Inquire into and determine methods of improved cooperation and coordination in areas of law enforcement and criminal justice matters between the state of Ohio and other states, and to recommend to the governor and the general assembly appropriate measures for interstate agreements compacts leading to increased efficiency in the prevention, detection and prosecution of crime;

(G) Inspect annually the state correctional institutions and to report to the governor in November of each year the conclusions and recommendations of the commission resulting from such inspections;

(H) Make periodic appraisals of the law enforcement and criminal justice activities of the state and local political subdivisions, and to render reports of such appraisals to the responsible governmental executive authorities;

(I) Make an annual report to the governor and the general assembly concerning the work of the commission during the preceeding year, and such further interim reports to the governor, or to the governor and the general assembly, as it shall deem advisable, or as shall be required by the governor.

Sec. . In the performance of its duties, the Ohio crime commission shall:

(A) Prescribe rules and regulations for its organization and administration, and provide for the establishment of committees, sub-committees, steering groups, visiting boards and such other fact finding or study groups as the commission may deem appropriate. This authority shall not be subject to the rule adoption, amendment, or recision provisions of sections 119.01 to 119.13, inclusive, of the Revised Code.

(B) Adopt an official seal in conformance with section 5.10 of the Revised Code;

(C) Contract for specialized services, studies, analyses, collection of data, or other professional services;

(D) Inspect, examine, secure data or information, or procure assistance from any department, office, or institution of state government, within the meaning and direction of section 121.19 of the Revised Code;

(E) For the purposes of any investigation, hearing, or inquiry, the crime commission may subpoena witnesses and compel the production of such books, records, and papers as it desires, and it may take the depositions of witnesses within or without the state. The commission may punish as provided in sections 2317.20 to 2317.28, inclusive, of the Revised Code, for disobedience of subpoena, refusal to be sworn or to answer as a witness, or failure to produce books, records, and papers. In the course of any investigation, hearing, or inquiry, if a witness refuses to testify, the commission may, in writing, order the witness to testify about relevant matters and also order that such testimony shall not be used as evidence in a criminal proceeding against such witness, and that the witness shall not be prosecuted or subjected to a penalty or forfeiture on account of a transaction, matter, or thing concerning which he testifies or produces evidence. Such immunity shall not exempt a witness from the penalties for perjury.

(F) The commission may, by a majority vote of its members, require that an investigation be conducted in closed session, and the witnesses appearing before the commission in such session shall be examined privately. The commission shall not make public the particulars of such examination nor shall any member, alternate member, or employee of the commission be compelled to disclose the evidence derived in the course of such investigation.

(G) Whenever it shall appear to the commission that, as a result of its investigations, there is cause to obtain an indictment for the prosecution of a crime or to seek the removal of a public officer, the commission shall refer the evidence to such of the prosecuting attorneys as may have jurisdiction of the matter, and the commission may request of the governor or of the general assembly that the attorney general be required to obtain an indictment and conduct such prosecution or removal.

(H) Apply for, receive, accept, contract for, and administer funds from federal or state subsidy programs which may be made available for the purposes of studying, developing, or establishing projects, programs, facilities, agencies, or installations which may be in furtherance of improved law enforcement and criminal justice in this state. The commission may do all things necessary to qualify for, receive, and administer such assistance in accordance with the laws and administrative rules and regulations of the United States as may be appropriate and in accordance with the laws of this state.

(I) Cooperate and coordinate with other state and federal agencies in matters of law enforcement information directed to the improvement of prevention, detection, and prosecution of crime.

SECTION 2. The provisions of this act, or this act as it may be amended, and all appointments made thereunder, shall terminate on December 31, 1975 unless it be resolved by the general assembly prior to that date that this act, or this act as amended, remain in force for a further determinate period of time, or unless, by enactment of the general assembly, this act, or this act as amended, remain in force indefinitely.

APPENDIX A

OHIO CRIME COMMISSION

LAW ENFORCEMENT INFORMATION QUESTIONNAIRE

_____
(Name of Law Enforcement Agency)

_____ _____
(Name of Person in Charge) (Name of Person Reporting)

I. GENERAL (Description of your Law Enforcement Agency)

_____1. Type of Law Enforcement Agency.
1) City Police. 2) Sheriff. 3) Village Police.
4) Township Constable. 5) Campus Police.

_____2. Type of jurisdiction.
1) Suburban. 2) Residential. 3) Industrial.
4) Educational Facility. 5) Metropolitan Area.

_____3. Population of your jurisdiction.
1) Less than 5,000. 2) 5,000 to 25,000.
3) 25,000 to 100,000. 4) 100,000 to 500,000.
5) Over 500,000.

_____4. Is your jurisdiction primarily urban or rural; and if rural, how close are you to an Ohio city of 25,000 population or more?
1) Urban. 2) Rural and less than 25 miles.
3) Rural and 25 to 50 miles. 4) Rural and more than 50 miles.

II. PERSONNEL

_____5. What is the actual number of all personnel in your department, (include civilian personnel)?

_____6. What is the actual number of sworn officers in your department?

_____7. How many sworn officers are paid full-time?
1) Under 25%. 2) 25-50%. 3) 50-75%.
4) 75-90%. 5) 90-100%.

_____8. How many civilian personnel are paid full-time?
1) Under 25%. 2) 25-50%. 3) 50-75%.
4) 75-90%. 5) 90-100%.

_____9. Does your department use auxiliary officers?
1) Yes. 2) No.

_____10. If your department uses auxiliary officers, how many are sworn rather than merely honorary?
1) Up to 25%. 2) 25-50%. 3) 50-75%. 4) More than 75%.

_____11. Average age of sworn officers in your department?
1) Under 25. 2) 25-29. 3) 30-39. 4) 40-49. 5) Over 50.

_____12. Do you feel that your community has knowledge of the manpower needs of your department?
1) Adequate knowledge. 2) Some knowledge. 3) Very little knowledge. 4) No knowledge.

_____13. Do you feel that your community has the financial resources required to meet the need for any required increases in personnel?
1) Very definitely. 2) Might have the necessary resources. 3) Does not have necessary resources.

_____14. What per cent of your personnel are high school graduates?
1) Less than 10%. 2) 10-25%. 3) 25-50%. 4) 50-75%. 5) 75-100%.

_____15. What per cent of your personnel has had one or more years of college (including those with a degree)?
1) Less than 10%. 2) 10-25%. 3) 25-50%. 4) 50-75%. 5) 75-100%.

_____16. Do you attempt to recruit officers from college campuses?
1) Yes. 2) Sometimes. 3) Never.

_____17. Do you attempt to recruit from "inner city" neighborhoods?
1) Yes. 2) Sometimes. 3) Never.

_____18. Method of recruiting.
1) Posters and newspaper ads only. 2) Personal appearances at high schools and/or college campuses. 3) Both of above. 4) Neither. 5) Other.

_____19. Do sworn officers typically receive more training than the 120 hour minimum required by law?
1) Always. 2) Frequently. 3) Occasionally. 4) Never.

_____20. For sworn officers who typically receive more training than the 120 hour minimum required by law, is the additional training:
1) Completely within your department.

2) In conjunction with a police training school other than your department. 3) Both of the above. 4) Neither of the above. 5) No additional training above the 120 hours required.

_____21. Do you feel that the law enforcement could be more effective and officers better prepared for everyday problems if more police training were available to each man?
1) Yes. 2) No.

_____22. Do you favor a more uniform basic police training for all officers entering the law enforcement profession?
1) Yes. 2) No.

_____23. Does your current police budget provide funds for accelerated or additional police training such as the National Academy, etc.?
1) Yes. 2) No.

_____24. Does your department have an active program of at least two hours of training or practice per month for maintaining proficiency in the use of firearms?
1) Yes. 2) No.

_____25. Does your department have a program for maintaining physical fitness and/or hand-to-hand combat?
1) Yes. 2) No.

_____26. What percentage of your men are trained in riot control (you need not include members who have inside work only)?
1) Less than 10% of the force. 2) 10-35%. 3) 35-70%. 4) 70-90%. 5) 100%.

_____27. Do you use specially trained, highly mobile squads for crowd control at initial stages of riots?
1) Yes. 2) No.

_____28. Does your department have any means of measuring the moral, intellectual and emotional fitness of candidates for your department?
1) Yes. 2) No.

_____29. Does your department provide for early advancement in rank and pay based upon special training, college courses taken or merit (seniority notwithstanding)?
1) Yes. 2) No.

_____30. Would your department be able, operationally and economically, to cooperate in an incentive program

for an officer's self-improvement if college level courses were available in police technology and law enforcement operations?
1) Yes. 2) No.

_____31. How much experience does the chief or sheriff have in that position?
1) 1 year or less. 2) 1 to 5 years. 3) 5 to 10 years. 4) More than 10 years.

_____32. How much experience does the chief or sheriff have in all ranks of your department (total experience)?
1) 1 to 5 years. 2) 5 to 10 years. 3) 10 to 15 years. 4) 15 to 20 years. 5) Over 20 years.

_____33. Does your department make time and salary available so that an officer can further his training in law enforcement without undue strain on his income?
1) Yes, both time and salary. 2) Time only.
3) Salary only. 4) No.

III. SALARIES

What are the annual base salaries for sworn personnel who are primarily responsible for patrol duties (do not include fringe benefits, extra pay for night work, etc.)?

_____34. Chief:
1) Less than $5,000 year. 2) $5,000-$7,500.
3) $7,500-$10,000. 4) $10,000-$12,500.
5) $12,500-$15,000. 6) Over $15,000.

_____35. Captain:
1) Less than $5,000 year. 2) $5,000-$7,500.
3) $7,500-$10,000. 4) $10,000-$12,500.
5) $12,500-$15,000. 6) Over $15,000.

_____36. Lieutenant:
1) Less than $5,000 year. 2) $5,000-$7,500.
3) $7,500-$10,000. 4) $10,000-$12,000.
5) Over $12,000.

_____37. Sergeant:
1) Less than $5,000 year. 2) $5,000-$7,500.
3) $7,500-$10,000. 4) $10,000-$12,000.
5) Over $12,000.

_____38. Patrolman:
1) Less than $5,000 year. 2) $5,000-$6,500.
3) $6,500-$7,500. 4) $7,500-$8,500.
5) $8,500-$10,000. 6) Over $10,000.

_____39. Does your department have minimum requirements for supervisory or executive positions (such as seniority, prior experience with other departments, police training credits, etc.)?
1) Yes. 2) No.

_____40. If your department has such minimum requirements, please list those requirements in the space provided.

_____

_____

_____

_____

_____

_____

IV. OPERATING BUDGET

_____41. What percentage of your operating budget is allocated for personnel (salaries, etc.)?
1) Up to 20%. 2) 20-40%. 3) 40-60%.
4) 60-80%. 5) 80-100%.

_____42. What percentage of the budget goes for equipment repair, replacement, new equipment and schooling?
1) Up to 5%. 2) 5-10%. 3) 10-15%. 4) 15-20%.
5) 20-30%.

Does your department or local government provide:

_____43. Retirement (pension).
1) No. 2) Partial payment. 3) Total.

_____44. Life insurance.
1) No. 2) Partial payment. 3) Total.

_____45. False arrest insurance.
1) No. 2) Partial payment. 3) Total.

_____46. Hospitalization insurance.
1) No. 2) Partial payment. 3) Total.

_____47. Workmen's compensation.
1) No. 2) Partial payment. 3) Total.

_____48. Other injury compensation.
1) No. 2) Partial payment. 3) Total.

Does your department or local government provide: (Cont'd)

_____49. Uniform allowance.
1) No. 2) Partial Payment. 3) Total.

_____50. Guns, belts, cartridges.
1) No. 2) Partial payment. 3) Total.

_____51. Vacation pay.
1) No. 2) Partial payment. 3) Total.

_____52. Sick leave.
1) No. 2) Partial payment 3) Total.

_____53. Extra pay for night duty.
1) No. 2) Partial payment. 3) Total.

_____54. Extra pay for hazardous duty.
1) No. 2) Partial payment. 3) Total

_____55. How are officers compensated for overtime work?
1) Overtime pay. 2) Compensatory time off.
3) Combination of 1 and 2. 4) No compensation.

_____56. If you have departmental retirement (pension) system, what is the minimum age and/or years of service to qualify?
Age_____
1) No system. 2) 15 years minimum. 3) 20 years minimum. 4) 25 years minimum.

V. EQUIPMENT AND FACILITIES

How many of each of the following items does your department have?

_____57. Marked patrol cars?

_____58. Unmarked cars?

_____59. Radio equipped cars?

_____60. Boats, with or without motors?

_____61. Two wheel motorcycles?

_____62. Three wheelers?

_____63. Sets of body armor?

_____64. Machine guns?

_____65. Patrol wagons (paddy wagons or prisoner transports)?

How many of each of the following items does your department have? (Cont'd)

_____66. Cargo vans or equipment vans?

_____67. A mobile crime laboratory?

_____68. Horses (include all used at least once a year, whether owned or borrowed by department)?

_____69. Hand carried walkie-talkies, etc.?

_____70. Aircraft (including helicopters)?

_____71. Chemical maces?

_____72. Shot guns?

_____73. High powered rifles?

_____74. Gas guns (tear gas, etc.)?

_____75. Riot helmets?

_____76. Riot batons?

_____77. Face shields?

_____78. Gas masks?

_____79. Do you use dogs in riot control?
1) Yes. 2) No.

_____80. Do you use dogs in regular patrol work?
1) Yes. 2) No.

_____81. Do you have first aid equipment in cruisers?
1) Yes. 2) No.

_____82. Are officers required to be trained in use of first aid equipment?
1) Yes. 2) No.

_____83. Does your department maintain an up to date supply of tear gas cannisters or grenades?
1) Yes. 2) No.

_____84. Do you have photography equipment for accident scene, crime scene, etc.?
1) Yes. 2) No.

_____85. If you have radio patrol, how is frequency assigned?
1) FCC assigned. 2) Citizens band. 3) No radio patrol.

_____86. Do you monitor State Highway Patrol radio?
1) Yes. 2) No.

_____87. Do you share radio equipment with another department?
1) Yes. 2) No.

_____88. How many of your patrol cars are radio equipped for 2-way transmission of calls?

_____89. Where is your department headquarters located?
1) Publicly owned building. 2) Privately owned building. 3) Private residence.

_____90. When was the building housing your department headquarters originally built?
1) Before 1865. 2) 1865-1899. 3) 1900-1919. 4) 1920-1945. 5) 1945 to present.

_____91. How do you rate the adequacy of the department's building facilities (including whether you have enough floor space)?
1) Very adequate. 2) Adequate. 3) Inadequate. 4) Seriously inadequate.

_____92. Are there any definite plans for a new building to house your department?
1) Yes. 2) No.

_____93. During what hours is your headquarters open to the public?
1) 24 hours per day. 2) Open during normal daytime working hours. 3) No regular hours, but open part-time every day. 4) No headquarters where public may contact police.

How far is it from your headquarters to:

_____94. The nearest magistrate or judge?
1) Same building. 2) Less than 1 block.
3) 1-3 Blocks. 4) 3 blocks to one mile.
5) Over one mile.

_____95. Prosecutors office?
1) Same building. 2) Less than one block.
3) 1-3 blocks. 4) 3 blocks to one mile.
5) Over one mile.

How far is it from your headquarters to: (Cont'd)

_____96. County jail?
1) Same building. 2) Less than one block.
3) 1-3 blocks. 4) 3 blocks to one mile.
5) Over one mile.

VI. OPERATIONS

_____97. Does your department maintain a "spot" map showing locations of traffic accidents?
1) Yes. 2) No.

_____98. Does your department have a "community radio watch" or "crime alert" program in operation?
1) Yes. 2) No.

_____99. Some communities experience police problems as a result of an influx of non-resident people such as workers entering a community daily, or vacationers who come seasonally. The difficulties created by non-residents in your jurisdiction are:
1) No problem. 2) Not serious. 3) Serious.
4) Very serious.

_____100. The non-resident problem in your jurisdiction is basically:
1) No problem. 2) Daily. 3) Seasonal
4) Irregular.

_____101. Who creates non-resident problems?
1) Migratory workers. 2) College students.
3) Tourists. 4) Daily commuters.

_____102. What type of problem listed below best describes the problems your agency faces with non-residents?
1) Commuter problems, excess traffic congestion, etc. 2) Increased vandalism. 3) Increased felony and/or misdemeanor arrests. 4) Crowd control or riot problems. 5) No serious problems.

_____103. Does your department prepare a monthly report or summary of police arrests and activities?
1) Yes. 2) No.

_____104. Is this report publicly distributed on T.V., radio, in newspapers or otherwise?
1) Yes. 2) No.

_____105. Do you prepare an annual report?
1) Yes. 2) No.

_____106. Is this report publicly distributed on T.V., radio, in newspapers or otherwise?
1) Yes. 2) No.

Do you participate in any of the following reporting programs?

_____107. F.B.I. Uniform Crime Reporting.
1) Yes. 2) No.

_____108. Ohio State Police Traffic Accident Reports.
1) Yes. 2) No.

_____109. National Safety Council Annual Traffic Inventory.
1) Yes. 2) No.

_____110. LEIN (Law Enforcement Intelligence Network)
1) Yes. 2) No.

_____111. Do you feel that a more comprehensive and readily available (by phone or teletype, etc.) system of gathering and giving information on crime suspects would help your department?
1) Yes. 2) No.

What forms of identification do you keep for each of the following?

_____112. All arrests.
1) Finger print. 2) Physical description.
3) Both 1 and 2. 4) Neither 1 nor 2.

_____113. Felonies only.
1) Finger print. 2) Physical description.
3) Both 1 and 2. 4) Neither 1 nor 2.

_____114. Felonies involving juveniles.
1) Finger print. 2) Physical description.
3) Both 1 and 2. 4) Neither 1 nor 2.

_____115. Other juvenile arrests.
1) Finger print. 2) Physical description.
3) Both 1 and 2. 4) Neither 1 nor 2.

_____116. Civil identification (not connected with arrests).
1) Finger print. 2) Physical description.
3) Both 1 and 2. 4) Neither 1 nor 2.

What forms of identification do you keep for each of the following? (Continued)

_____117. All arrests.
1) Photo. 2) Modus Operandi (M.O.).
3) Both 1 and 2. 4) Neither 1 nor 2.

_____118. Felonies only.
1) Photo. 2) M.O. 3) Both 1 and 2.
4) Neither 1 nor 2.

_____119. Felonies involving juveniles.
1) Photo. 2) M.O. 3) Both 1 and 2.
4) Neither 1 nor 2.

Does your department keep a statistical summary (or "tally sheet") on any of the following activities?

_____120. Number of complaints received.
1) Yes. 2) No.

_____121. Number of criminal arrests.
1) Yes. 2) No.

_____122. Number of juvenile arrests.
1) Yes. 2) No.

_____123. Number of prisoners jailed.
1) Yes. 2) No.

_____124. Number of felonies committed.
1) Yes. 2) No.

_____125. Number of felonies solved.
1) Yes. 2) No.

_____126. Number of traffic summons issued.
1) Yes. 2) No.

_____127. Number of parking tickets issued.
1) Yes. 2) No.

_____128. Number of miles travelled by patrol vehicles.
1) Yes. 2) No.

_____129. Number of miles travelled by all vehicles.
1) Yes. 2) No.

_____130. Number of persons arrested on warrants.
1) Yes. 2) No.

_____131. Hours of off-duty court time by your officers.
1) Yes. 2) No.

Does your department keep a statistical summary (or "tally sheet") on any of the following activities? (Continued)

_____132. Hours of on-duty court time by your officers.
1) Yes. 2) No.

_____133. Record of court dispositions.
1) Yes. 2) No.

VII. COMMUNITY RELATIONS

_____134. Do you have a community relations committee which cooperates with community officials in community service functions?
1) Yes. 2) No.

_____135. For minority group neighborhoods, does your department or that precinct have a citizen's advisory committee meeting regularly with police officers to work out solutions to problems of conflict between police and the community?
1) Yes. 2) No. 3) No minority group neighborhoods.

_____136. If your community has a substantial minority population, do you actively attempt to recruit minority group officers?
1) Yes. 2) No. 3) No substantial minority population.

_____137. Does your department provide a regular procedure for processing citizen's grievances and complaints about the conduct of police officers or employees?
1) Yes. 2) No.

_____138. Do you feel that cooperative efforts between citizens and police officials, such as community relations committees and citizens grievances committees do, or would, aid your performance of law enforcement duties?
1) Yes. 2) No.

VIII. INTER-AGENCY RELATIONSHIPS

With which of the following agencies do you share information and assistance and which ones notify your department when they operate in your area? (Answer either 1 or 2 and either 3 or 4)

_____139. City police (Village).
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____140. Township police.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____141. Sheriff's office.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____142. State Highway Patrol.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____143. State Liquor Control.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____144. Private police.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____145. Military police.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____146. F.B.I.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____147. U.S. Treasury Agents (Including alcohol, tobacco tax, Coast Guard, etc.)
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____148. Immigration and Naturalization.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____149. Department of Corrections.
_____ 1) Regularly give and receive. 2) Seldom or never give and receive. 3) Normally notify us when in the area. 4) Seldom or never notify us when in the area.

_____150. Within the past year, how often have you been made aware that another police agency has arrested and released a person <u>not knowing</u> that such person was "wanted" by your department?
1) Never to our knowledge. 2) Rarely. 3) A few times. 4) Often. 5) A serious communication problem.

_____151. In the past year, how often have you found that your department has released persons <u>not knowing</u> that they were wanted in other jurisdictions?
1) Never to our knowledge. 2) Rarely. 3) A few times. 4) Often. 5) Serious communication problem.

_____152. Occasionally a criminal act or acts overlap jurisdictional boundaries and requires work of two or more agencies. In these cases, some confusion may arise regarding which local, state or federal agency has the primary responsibility for investigation and arrest. Has your department been involved in such an inter-agency investigation within the last two years?
1) Never. 2) Rarely. 3) Occasionally. 4) Often.

_____153. If your answer to question 152 was "occasionally" or "often", which of the following most closely describes your experiences?
1) Never a problem. 2) Sometimes is difficult to work well, but the job gets done eventually. 3) On occasion, confusion of two or more departments working the same case has jeopardized our department's work. 4) This is a serious problem for which some solution is immediately needed.

Have any of the following agencies (<u>other than</u> your department) made one or more investigations or arrests in <u>your</u> jurisdiction during the past year, either on their own or in cooperation with your department (do not include normal traffic arrests by Highway Patrol)?

_____154. Village or City Police Department.
1) Yes. 2) No.

_____155. Township Police Department.
1) Yes. 2) No.

_____156. Sheriff.
1) Yes. 2) No.

_____157. State Highway Patrol.
1) Yes. 2) No.

_____158. State Liquor Control.
1) Yes. 2) No.

_____159. Private Detectives.
1) Yes. 2) No.

_____160. F.B.I.
1) Yes. 2) No.

_____161. Treasury Agents
(Include alcohol, tobacco tax, Coast Guard, etc.)
1) Yes. 2) No.

_____162. Immigration & Naturalization.
1) Yes. 2) No.

_____163. Customs.
1) Yes. 2) No.

Many Ohio police agencies receive via mail announcements of vital interest to law enforcement, (i.e. wanted circulars, stolen cars, missing persons, etc.). In addition to announcements of continuing law enforcement education techniques, etc. Does <u>your</u> department <u>regularly</u> receive:

_____164. Nationally "wanted" lists of law breakers.
1) Yes. 2) No.

_____165. Ohio law breakers wanted list.
1) Yes. 2) No.

_____166. Missing persons (adult and juvenile).
1) Yes. 2) No.

_____167. Lost or stolen property lists.
(Including cars, trucks, jewelry, etc.)
1) Yes. 2) No.

_____168. Announcements of opportunity to further police training <u>in Ohio</u>.
1) Yes. 2) No.

_____169. New developments in techniques (Crime Laboratory techniques, riot control techniques, simple finger printing devices.)
1) Yes. 2) No.

_____170. New trends in Police Administration.
(New forms of organization, better organization of office space, etc.).
1) Yes. 2) No.

Comments: (Feel free to add any additional comments that you have regarding law enforcement problems.)

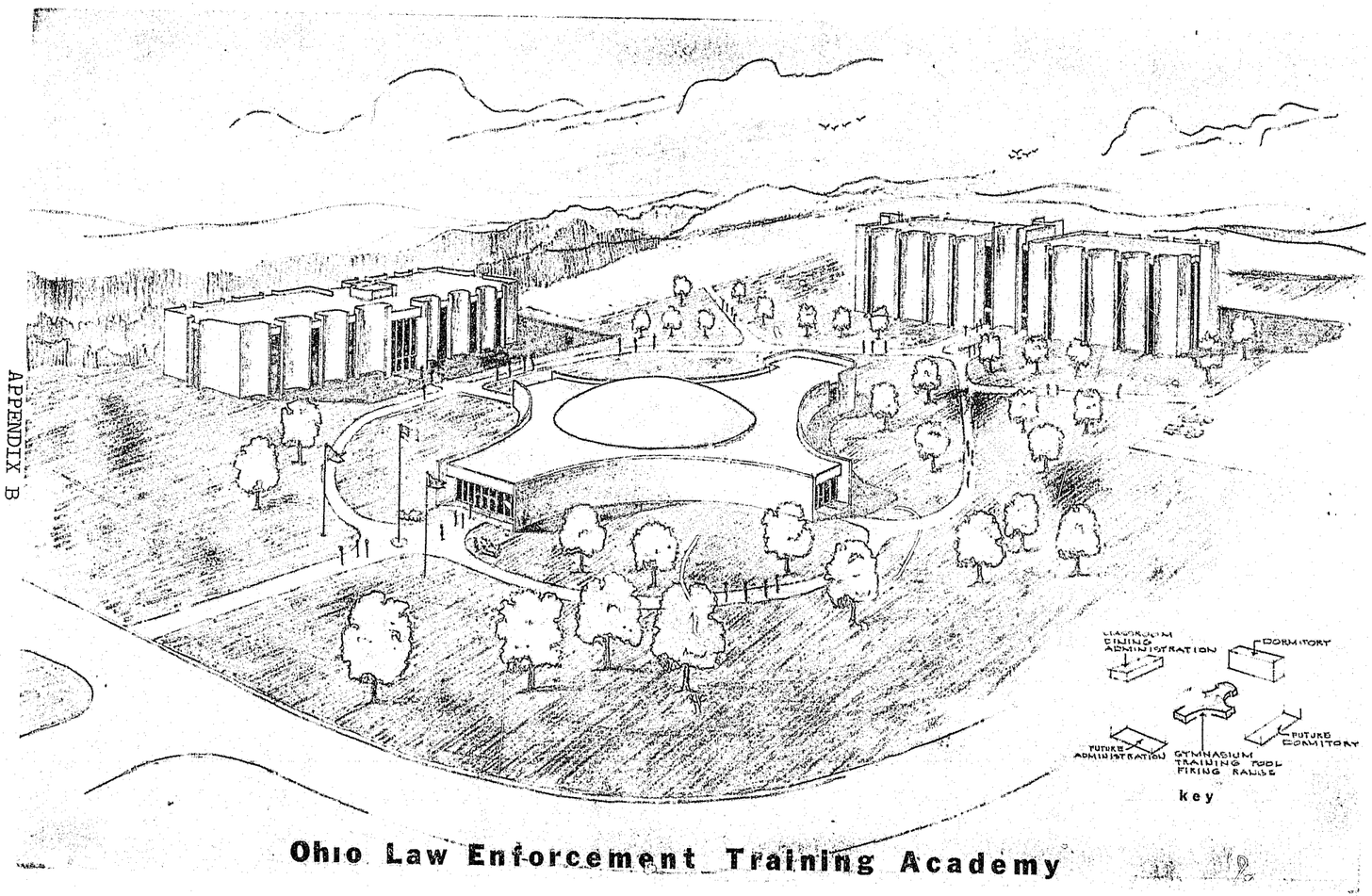
APPENDIX B

PROGRAM

OF REQUIREMENTS FOR

OHIO LAW ENFORCEMENT

TRAINING ACADEMY



Ohio Law Enforcement Training Academy

STATE OF OHIO
DEPARTMENT OF PUBLIC WORKS
DIVISION OF STATE ARCHITECT AND ENGINEER
705 OHIO DEPARTMENTS BUILDING
COLUMBUS, OHIO 43215

JAMES A. RHODES
GOVERNOR

ALFRED C. GIENOW
DIRECTOR

Re: Program Conferences

Conferees:

Robert Macklin	- Office of the Attorney General
Anson Cook	- Ohio Peace Officer Training Council
Wayne Miller	- Ohio Peace Officer Training Council
Carl Bentz	- Department of Public Works Div. of SA. & E.
Donald Welsch	- Department of Public Works Div. of SA. & E.

An initial planning conference was held on January 23, 1969, and a long range planning program was presented by the representatives of the Ohio Peace Officer Training Council. It was apparent that the scope of this program was beyond immediate funding and a second conference was set for January 29, 1969, to allow time for the Architects to review the program for suggested reductions. At the second conference the Architects presented a reduced program and an estimate of probable project costs. The presentation following in this report represents this program.

Submitted by:

CARL E. BENTZ
State Architect

CEB:DCW:bh

APPENDIX B

INDEX

1
INITIAL PROGRAM

Three structures are included in the initial program.

1. Classroom, dining and administration building
2. Gymnasium, training pool and firing range building
3. Dormitory
4. Summary

1. Classroom, dining and administration building

	net sq. ft.
5 classrooms of 60 each 60 @ 20 x 5 =	6,000
1 lecture room for 100 @ 10	1,000
1 auditorium to seat 1,000 - use gym (seat 1400)	------
1 crime scene room	600
1 1st aid room	500
10 administration offices 10 @ 160	1,600
2 conference rooms @ 600	1,200
Reception, business office, etc.	2,000
1 photo lab	800
1 library	800
1 museum	600
Total net sq. ft.	15,100
Gross sq. ft. $\frac{15,000}{.65}$ =	23,100
Kitchen cafeteria, seat 300 @ 30	9,000
Total gross sq. ft.	32,000

2. Gymnasium, training pool and firing range building

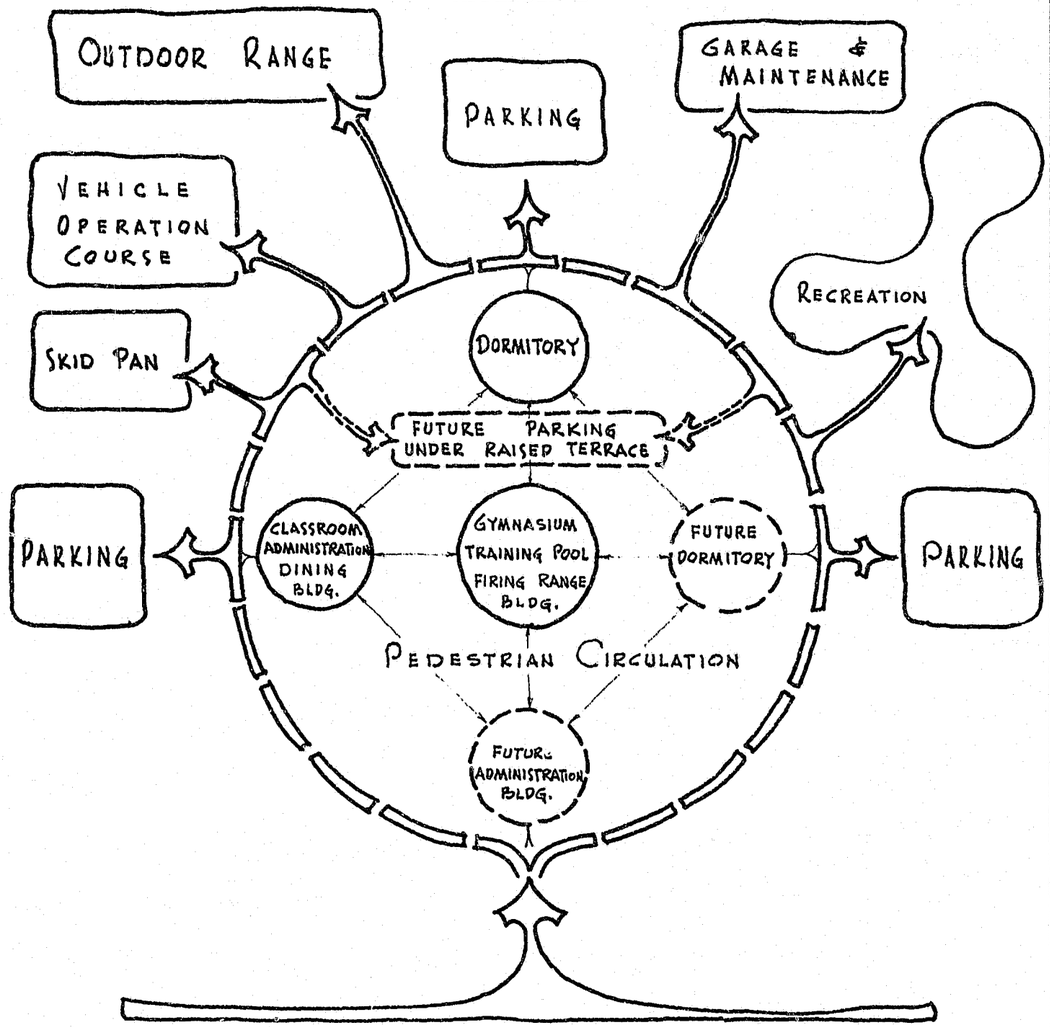
	net. sq. ft.
gym 84 x 50 (high school size)	4,200
pool 36 x 75 (college size)	2,700
indoor range 100 x 60 (20 lanes)	6,000
indoor range office	200
gun repair and cleaning	400
weapons storage	400
ammo. storage	150
equipment storage	400
Total net sq. ft.	14,450
Gross sq. ft. 14,450 / .50	29,000

3. Dormitory building

Dorm to house 600 @ 133	80,000 gross sq. ft.

4. Summary

1. Classroom dining and ad. bldg.	32,100
2. Gym, pool and range bldg.	29,000
3. Dorm	80,000
Total gross sq. ft.	141,100



ORGANIZATIONAL DIAGRAM OF TOTAL PROGRAM

PREPARED BY .....
DEPARTMENT OF PUBLIC WORKS
DIVISION OF STATE ARCHITECT AND ENGINEER

2

3 ESTIMATE

Estimate of Probable Costs

141,000 sq. ft. @ $30.00	$4,235,000
site development	200,000
fees, equipment & Misc.	840,000
	$5,275,000

Land acquisition not included

4 PLAN CONCLUSIONS

The initial program is designed to fit a limited budget. It will provide priority needs for 600 trainees. There are no provisions for a vheicle garage and maintenance building, an outdoor firing range, a vehicle operation course and a skid pan. These facilities would have to be provided at a later date.

The original design concept includes a future dorm, administration building and garage and maintenance building. Approximately 4,800 sq. ft. will be available for expansion of the academic program when a separate administration building is constructed. The original dormitory will require three men per room and this could be reduced to two men per room when a second dormitory is constructed.

APPENDIX C

A PLAN FOR IMPROVEMENT

Provision of a police service in Ohio, staffed with well-trained and educated personnel, fully competent to perform their myriad tasks, is a grave responsibility.

> Reviewing the tasks we expect of our law enforcement officers, it is my impression that their complexity is perhaps greater than that of any other profession. On the one hand we expect our law enforcement officer to possess the nurturing, caretaking, sympathetic, empathizing, gentle characteristics of physician, nurse, teacher, and social worker as he deals with school traffic, acute illness and injury, juvenile delinquency, suicidal threats and gestures, and missing persons. On the other hand, we expect him to command respect, demonstrate courage, control hostile impulses, and meet great physical hazards.... He is to control crowds, prevent riots, apprehend criminals, and chase after speeding vehicles. I can think of no other profession which constantly demands such seemingly opposite characteristics.1/

The above analysis, although accurate, reflects only the needs of the generalist police officer, with no attention to the different knowledge requirements of the specialist, supervisor, commander, and administrator in the police service.

Attempts to meet this heterogeneity of complex needs through simplistic, homogenous training and education programs have not only proved ineffective, they have, as well, hindered the development of adequate education and training programs. Too often, there has been faculty dissent and lack of program acceptance because institutions of higher education have not recognized that "the orientation of the police science program must be compatible with the general 2/ philosophy of the institution in which it is housed." Law enforcement education programs have been further rendered inadequate by a failure to identify objectively the actual education and training needs of personnel in the police service, from patrolman to chief.

Although the specifics of education and training needs have not been clearly identified, several observations appear valid:

1/ Statement of Dr. Ruth Levy, Director, Peace Officers Research Project, Health Department, City of San Jose, California. Presented at the Conference for Police Professors, Michigan State University, April, 1966.

2/ Police Science Degree Programs: A Conference Report, Dissemination Document Project 67-28 (Washington, D.C.: Department of Justice, 1967), p.91.

1. Technical skill training, e.g., manual traffic control, ticket issuance, and gunnery, is most needed at the operational level (level of execution) and decreases in importance, ultimately almost to the vanishing point, in relation to other training needs as the police employee rises in the organizational hierarchy.

2. Technical skill training is not, by itself, sufficient for the development of a competent police officer who, in the routine of his work, deals with difficult, complex, and important aspects of human behavior.

3. The educational component of most recruit training programs is minimal; primary emphasis is on technical skill training. Step by step, as the hours of required training are increased, the educational content, however, will constitute a larger and larger percentage of the total offering.

4. The need for a liberal education exists at all levels within the police service because "sworn personnel, who in various unpredictable situations, are required to make difficult judgments, should possess a sound knowledge of society and human behavior."3/

5. There exists a body of professional police knowledge, e.g., theories and concepts, undergirding the practices of the police service, that needs to be researched, analyzed, restructured where necessary, and broadly disseminated. Enlargement and refinement of knowledge are imperative to successful management of the police service.

6. Specialists within the police service, e.g., criminalists, legal officers, crime and traffic analysts, computer programmers, community relations officers, systems analysts, and budget officers, need education and training quite different from that required by the generalist police officer. Often, education in academic disciplines such as chemistry, law, physics, sociology, management, and business is necessary in order to satisfy fully the requirements of the individual specialty.

3/ _____, Task Force Report: The Police (Washington, D.C.: U.S.Government Printing Office, 1967), p.126.

7. Training needs exist at all levels and in all positions of police departments; however, the needs are largely dissimilar.

8. General education needs exist at all levels of departmental structures for all sworn personnel. These needs are largely resolved in the same general academic areas; there are differences, however, in the extent and specifics of their requirements.

9. Professional education needs exist for all personnel of the police service; the need is minimal at the operational level, however, but becomes greater as ascent is made through the organization hierarchy, and is essential at the level of administration and management.

10. Training and education programs, both in the field and at institutions of higher learning, reflect not only a sense of urgency, but a sense of uncertainty as well. Thus, the recommendations regarding these endeavors, although carefully drawn and reflecting the thinking of many "experts" and consideration of available empirical data, must be accepted somewhat as hypotheses in a time of rapid change.

It should be noted that this chapter deals specifically and exclusively with the role of colleges and universities in the provision of law enforcement education programs and with their role in supporting law enforcement training.

Training

Law enforcement training needs are becoming more and more complex and a significant role in their fulfillment should be accepted by institutions of higher learning.

Except when it can be provided on a more sophisticated, extensive basis by larger municipal departments, basic recruit training should be clearly the province of the Ohio Peace Officer Training Council, though it may and should be supported by other agencies. In the continuum of training, however, there are certain areas in which institutions of higher education effectively can share responsibility. At the other end of the spectrum, colleges and universities have unique competencies which cannot be duplicated quickly by others, nor is it desirable or practicable to do so.

It is appropriate that colleges and universities be involved directly in intermediate levels of training in which there is a relatively high degree of educational content. Examples would

include the training of youth specialists and personnel assigned to planning and research, personnel management, training, crime and traffic analysis, and related functions. It would seem less appropriate to be offering courses in patrol techniques and enforcement tactics. It would appear especially inappropriate to provide courses in gunnery, fingerprinting, "shake-down" techniques, care of equipment, and report writing.

The simple fact of limited resources, and the available facilities and programming and scheduling competencies of college and university staffs suggest, however, that lines of demarcation cannot be drawn too sharply. The institutions, inevitably, at least until the Training Council can assume a greater responsibility, should make their facilities available regardless of the extent of their direct participation.

Whatever training is offered by institutions of higher learning, it is urged that provision of it not be the responsibility of academic units. Rather, it should be offered by centers for continuing education or, if necessary, by institutes or centers with more largely service than academic orientation.

It is in the area of management training that the institutions can make the most significant contribution and in which they should assume the greatest responsibility. They have significant faculty resources in many relevant areas which need to be and should be exploited. Areas of expertise include, for example, state and local government, public and personnel management, human relations, decision making, systems development and control, budgeting, planning, research, education, sociology, criminology, and anthropology.

The institutions can offer seminars, and short and long courses in these areas independently or in combination, as needs dictate. It seems quite realistic to have colleges and universities offer, for example, 10-week management courses, coinciding with regular academic terms. This would provide unique opportunities for combined programs in education and training, and development of closer collaboration between the field and the academic world.

The question of academic credit for training is a thorny one and needs resolution. One authority, reflecting an institutional posture, says that no credit should be given for police training or experience:

> (sound) criteria of transferability of credit should eliminate the present corrosive practice of granting academic credit for prior police training or experience. Although not widespread, this practice has no sound logical or academic basis and has no place in a serious law enforcement education program. If (however) complete college courses, meeting all academic standards (and)

> taught by college staff members, are included in recruit training programs, the granting of credit is rarely the case and in most instances "credit" is given as a device to attract students, with colleges and universities sometimes attempting to out-bid each other by offering police students a greater number of "free" credits. 4/

It is suggested that no schedules be established whereby existing or contemplated training courses or programs automatically provide college credit. Present 120-hour basic recruit training programs have no measurable educational content; neither does the apparent quality of instruction lend itself to the giving of college credit. The granting of credit, inappropriately referred to as transfer of credit, must be approached cautiously. As basic training reaches programs of several hundred hours, and as their educational content and the quality of instruction improves, consideration can be given, on an individual program basis, to granting of some credit. The emphasis then shifts from credit given to credit earned.

A different set of values may arise under specific circumstances. If, in a training program, a faculty member presents a definable course, in one of the humanities for example, it should be considered for credit. If it is less comprehensive and complete than its counterpart course offered on campus, proportionately less credit should be allowed.

Again, if one or more colleges and universities offer full-time management courses on their campuses for in-service police personnel, a full term's credit may be earned. When the police service has enough personnel in command and management ranks who hold baccalaureate degrees, such courses may be offered on a basis that would suggest graduate credit.

Education

Three classes of institutions are engaged in law enforcement education in Ohio, technical institutes, community colleges, and four-year colleges and universities. Their programs and interrelationships are discussed below.

Technical Institutes

At the present time, two law enforcement programs are in existence in Ohio's technical institutes, one at Penta Technical Institute and the other at Clark County Technical Institute.

4/ Thompson S. Crockett, Law Enforcement Education, 1968, International Association of Chiefs of Police (Washington, D.C.: IACP, 1968), p.1.12.

A third technical institute is to begin a two-year associate degree law enforcement program in 1969; another anticipates such a program when local need is indicated. As these first two programs are so differnet in both objectives and implementation, yet with each satisfying the requirements of the Board of Regents and the State Department of Education (Division of Vocational Education), a listing of course titles and credits of both institutes is included to facilitate program comparison. See Tables 5 and 6.

A comparison of the "technical" course offerings of these two programs is revealing; there is indicated, for example, an absence of consistent guidelines as to the meaning of "technical studies." In Penta Technical College, skills training is seen as the main thrust of the program; indeed, the development of skills as a physical evidence technician is one of its defined objectives. Similarly, both the quantity and quality of the general studies and basic studies courses indicate a fundamental difference in program conception. In short, the first program, in its technical courses, appears to offer a vocational education while the other appears to offer a technical education. A statement of the Ohio Board of Regents and the Ohio Department of Education lends credence to this impression, "Technical education, in comparison to vocational education, gives the major program emphasis to the acquisition of scientific and technical knowledge with work skills as a corollary."5/

The Ohio Board of Regents has said, as well:

> Within the general category of technical courses should be found certain courses identifiable with the technical skills needed in the students' intended occupation, and other courses which relate to the core of knowledge upon which the occupation rests. A preponderance of courses within the technical category (perhaps of the order of 4-1) should deal with the core of knowledge required by the occupation rather than with the technical skills involved.6/

5/ Memorandum of Understanding on Technical and Vocational Education between the Ohio Board of Regents and the Ohio Department of Education.

6/ Ohio Board of Regents Standards for the Approval of Associate Degrees in Two-Year Technologies.

APPENDIX D

Study of Ohio Adult Correctional Personnel and Training Programs
Law Enforcement Assistance Grant #340
Cleveland State University
1968

SUMMARY OF FINAL REPORT

Cleveland State University was awarded a federal grant to study the correctional manpower needs in Ohio, the in-service and staff development programs in the adult correctional system, the various personnel in the Division of Correction, and the availability of correctional curriculum in the state-assisted universities. The grant also included two training institutes which were planned for correctional personnel on the supervisory level to stimulate interest in the development of programs to upgrade personnel and to increase job proficiency.

A Correctional Training Center was formed at Cleveland State University to carry on this study, to conduct the two training Institutes, and to complete this report. The Center's staff consisted of a Director, an Associate Director, a secretary, three student assistants, and one seminar student. The Center's sources of information included conferences with representatives of the Division of Correction and the Adult Parole Authority; questionnaire responses from Institute participants, which included all community-based personnel on the supervisory levels and various institutional employees; questionnaire responses from the institutional training officers; official printed publications of the Division of Correction and the Adult Parole Authority; various published and unpublished reports; personnel reports from the superintendents of the prisons and the probation and parole supervisors; and individual contacts with correctional personnel who attended the two institutes.

The study was impaired by the Division's lack of basic statistical information about correctional personnel. As a result, a search of personnel files in the prisons and in the regional parole offices was required. A hardship was created because the needed information for a demographic study did not arrive until late in August and the grant period terminated at the end of September and because a uniform reporting system was not used by the various correctional sources.

Another setback caused the cancellation of the June Institute which was planned for institutional personnel. A Penitentiary riot occured on the morning the Institute was to commence and necessitated the rescheduling of the Institute for July. However, because of continued inmate unrest and rioting, a shortage of correctional manpower and threats of guard strikes, the prison officials limited the number of participants.

A history of the correctional system in Ohio provides an account of the care of law offenders from the settlement of the

Northwest Territory in 1788 to the present date. The penitentiary system was introduced into Ohio with the passage of 1815 legislation which provided for the punishment of crimes by imprisonment and with the construction of the state prison in Columbus the same year. The present Ohio Penitentiary was built in 1833 and was followed by the construction of the Ohio State Reformatory in 1896. After the turn of the century, four prisons were built, the most recent in 1955 and 1959. A seventh prison facility was acquired from the federal government in 1967.

Administration of the Ohio penal system began by independent boards but as the State grew and reorganized so did the correctional system. A Division of Correction was created in 1941 within the Department of Welfare but was later separated and combined with the Division of Mental Hygiene to form the Department of Mental Hygiene and Correction. The Division of Correction is charged with the responsibility for management and operation of penal reformatory institutions and services, supervision of prison industries, examination and classification of prisoners, the parole of convicted felons, the supervision of those paroled and the development of probation services throughout Ohio. The Division is divided into: The Bureau of Classification, Ohio Penal Industries, The Adult Parole Authority and Adult Correctional Institutions.

Parole had its beginning in Ohio in 1885 and authority was vested in the independent prison boards. Supervision of parolees was provided by the penal institution's parole officers. These parole officers were also given the supervision of probationers in 1908 and until 1925, when a law established county departments of probation and supervision was subsequently transferred to the courts. Paroling authority changed several times after the turn of the century. In 1930 a Division of Probation and Parole became effective within the Department of Public Welfare and the supervision of paroled law offenders was separated from the prisons. It was not until 1965 that the Ohio Adult Parole Authority was created within the Division of Correction and consequently reorganized those agencies performing duties of parole selection, parole supervision, and probation development.

A demographic study of the correctional personnel in Ohio revealed that the adult correctional system employs over 2000 persons in penal institutions and in the community. Less than 200 are employed by the Adult Parole Authority. The remainder are employed in the seven prisons and in the Division's central office. The custody staff in the prisons constitutes the majority of correctional manpower in the State's correctional system. A profile of the Ohio custodial employee as determined in this study reveals that on the average he is over 47 years of age, has almost an eleventh grade education, has over nine years of correctional service, and receives an average annual salary of $6628. However, the Correction Officer, who is the lowest ranking of the custodial personnel, is hired in Ohio at an annual salary of $4992 and with an eighth grade education. Comparing

the entering salary of the correction officer, Ohio ranks in the upper half of the 50 states as reported in the Task Force Report on Corrections. Ohio, however, is surpassed by 13 states, which offer correction officers a higher beginning salary. This comparison must be considered along with the fact that Ohio ranks seventh among states whose wealth is determined by revenue collected in 1966. An evaluation of the correction officer's limited educational background strongly points out that although many correction officers are dedicated and effective workers, many are untrained and uneducated in the philosophy and goals of correction. Obviously, unless salaries and hiring standards are raised and unless modern recruitment techniques are developed, substantial improvements cannot be expected in the kind of people who are recruited.

The treatment staff which includes institutional specialists in teaching, social casework, psychology, psychiatric evaluation, and chaplain services are needed to design, to develop and to implement unique rehabilitative programs which are geared toward attitudinal and behavioral change in the law offender. The profile of the treatment group in Ohio indicates a college educated person who has an average age of 38.7 years and an average length of correctional service of 4.8 years. Although beginning salaries conform with the national median for counselors and teachers, salary increases are required to adequately recruit and retain this personnel. In addition, a more attractive specialist position must be offered by adding challenging responsibilities, such as, programming new treatment plans and developing research activities. Furthermore, existing educational grant programs need to be expanded to include the different specialties. Also, grant program expansion to include correction managers would be helpful in attracting college educated managers.

A profile of the community-based correctional employee in Ohio reveals that on the average he is about 39 years of age, is college educated, receives a beginning salary that corresponds with the national median entering salary. This staff is responsible for the direct supervision and control of an average monthly caseload of over 5000 law offenders conditionally released in the community. Recent encouraging changes and improvements have produced a more qualified community staff. However, the salaries which are not considered adequate especially in the large urban communities of the State and the lack of status contribute to a staff turn over among the younger men. Obviously, Ohio must make every effort to retain its present community-based staff with realistic salary increases.

The institutions of higher education could render a great assistance to the field of correction, which faces and will continue to face a manpower shortage and a status problem. Through an expansion of undergraduate correctional curriculum and the development of an undergraduate major in corrections, the state-assisted universities could offer substantial assistance to offset the manpower shortage and to build status in the field of corrections.

The Center's request for demographic data uncovered deficiencies in the personnel record keeping procedures of the central offices of the Division of Correction and the Adult Parole Authority. The development of research material which contains essential information about correctional employees and the refinement of this information is essential for adequate staff planning. Provision for such research is strongly recommended.

The Center conducted two Institutes in July of 1968 at Cleveland State University for Ohio's community-based and institution-based correctional personnel. An intensive program of instruction was planned for employees on the supervisory level with a design to reach a still greater number of persons through the participants who either plan or assist in the planning of in-service training programs. The Institute's program was structured with a lecture and a discussion-period approach, lasting from two to three hours. The participants were involved in a total of 18 hours in instruction and discussion time over a three-day period.

The Center invited men who were knowledgeable and experienced in criminology, corrections, psychology, sociology, education and related fields to discuss pertinent topics, which included specific problems encountered in the field. Before the opening session, the Center presented to each participant a folder containing printed matter and writing tools. Included were a reproduction of the Section on Corrections from The Challenge of Crime in a Free Society, an annotated reading list related to either the institutional or the community-based aspects of the field, an international bibliography of group treatment literature, and the Institute's scheduled program.

In the Institute for community-based supervisory personnel, emphasis was placed on administrative and supervisory problems of middle management in the probation-parole service, with the plan to instruct in contemporary methods of case management. The Institute offered guide-lines for staff to use in instruction in unit staff development, in-service training programs, and supervisory conferences with the parole or probation officer. Lectures on the problem parolee, the violent offender, and the subculture of violence in the community were offered to produce a better understanding of the problems within this frame of reference and of the socio-cultural factors involved. For the purpose of general staff information and development, discussions were scheduled in employment development, communication with the news media, and an introduction to sensitivity training.

The Institute for institutional employees was planned for various levels of supervisory personnel and included both custody and treatment. In this plan, two institutional operations, often divided because of background and philosophy, were brought together to hear contemporary penal philosophy and rehabilitative techniques discussed by men knowledgeable and experienced in sociology, psychology, and corrections. In this Institute, the program included instruction in and a critique of counseling in

a correctional institution with the overall plan to encourage correctional personnel on all levels to participate in a discussion of a treatment program. Instruction regarding the contemporary prison, inmate society, and violent offender offered a better understanding of the correctional client and the correctional setting. Lectures on the role of and continual education for the correctional officer permitted the entire group to consider the correctional officer as a part of the total penal process and to review his needs and potential.

Therefore, considering the content of the program of the two Institutes, the Directors concluded that the goals set forth in the grant application were achieved. Furthermore, the program content and the speakers were considered representative of the emerging progressive, correctional movement which will lead to the professionalism of the field. The programs, which combined both theory and practice, offered the participants the opportunity to digest contemporary correctional philosophy and to examine modern correctional methods and techniques that could stimulate change in the present system.

This report describes in-service training programs for adult correctional personnel in Ohio, staff development programs, student stipend opportunities, summer student employment and college field experience programs. Without centralized planning and program development, the in-service training programs for Ohio's correctional personnel in both the penal institutions and in the parole units are varied in content and length and generally lack in uniform programming and in-depth training material. As a result, many of Ohio's correctional personnel begin their work experience without that essential training necessary to understand, to handle, and to help the law offender.

In the institutions, the present training for new custodial personnel is only the most basic introduction and orientation to prison procedures, job responsibilities, and security operations. New treatment personnel either receive no programmed orientation or a program reduced to about one-third of the orientation received by the custodial staff, with the exception of one institution which provides an equal amount of in-service orientation. Continuing staff development programs in the prisons are generally on a monthly basis and include basic procedural and policy review. The institutional staff recognizes the deficiencies in the present programs and offer some worthwhile suggestions for improving the training programs.

The community-based correctional services offer the new parole officer in-service training at the unit level and at the central office of the Adult Parole Authority. In the unit training some uniformity in program content is observed but, a variance is noted from unit to unit in the length of time devoted to the training of a new officer. This variance indicates a different degree and intensity of training. However, the Orientation and Training School in Columbus offers a uniform planned program of training, but with only six sessions each lasting a

full day, once a month for six months. It is the opinion of the staff that the lapse of time between the sessions does not encourage a good learning process. The continuing in-service training programs are generally held on a monthly basis and in some units good use is made of community agency personnel to orient the officers to community services. However, the staff suggests additional instruction is needed in several areas to provide staff with a better understanding of the problems of society and the law offender.

Stipend programs are offered by the Division of Correction, as well as student internship programs as a method to interest and to recruit college students into the field of corrections. It is suggested that the stipend programs be expanded to include grants for individuals who wish to enter the correction manager position, thereby recruiting college trained custodial staff.

In order to strengthen present in-service training in Ohio, consideration must be given to the development of centralized program planning for all correctional personnel. The Director of Training position should be given this responsibility together with the responsibility of writing a training manual for institutional personnel and compiling reports on the prison's training programs. To strengthen the community service training programs, consideration should be given by the Adult Parole Authority for more uniform programming on the unit level with the responsibility for direction by the central office, which should also compile reports on these training programs. All planning for training programs should be directly connected with a continual analysis of the correctional personnel profile data, a process yet to be organized by either the Division of Correction or the Adult Parole Authority. In both the institutions and the community, consideration should also be given orientation programs for the clerical and service personnel and any other non-custodial, non-treatment, non-parole and probation staff to encourage understanding by the total staff of the philosophy and goals of the Ohio correctional system.

Through a study of various reports and surveys correctional manpower minimum needs were estimated at 500 new case managers by 1978. Four groups, a correctional and a civic statewide organization and two public supported state agencies, worked together early in 1968 to establish facts about the correctional manpower needs in Ohio and the availability of undergraduate correctional curriculum in Ohio's state-assisted universities. The facts unfolded a manpower shortage in adult and juvenile correctional services and a gap between professional and non-professional correctional personnel. Recommendations from a study supported by the Ohio Board of Regents and completed in June, 1968, called for developing and expanding correctional curriculum in nine interested state-assisted universities, and specified the education budget additions required for the hiring of correctional specialists in these nine universities. In addition, a significant recommendation by the Ohio Probation and Parole Association was offered. It explained the desirability

for an organized correctional curriculum visible in the catalog and not hidden in the framework of course offerings in a Sociology department. Another recommendation, by the Ohio Committee on Crime and Delinquency, emphasized university sponsored, non-credit programs were needed to upgrade non-professional institutional personnel especially in the adult penal institutions.

Recommendations

The directors submit the following recommendations which are divided into two parts: the first are concerned with the Division of Correction's central office and the second are offered for consideration for the second phase of this federally financed project.

It is recommended that the Division of Correction be separated from the Department of Mental Hygiene and Correction and a Department of Correction be created and organized to assure the absence of political influence, both in policy-making and in personnel recruitment.

It is recommended that in-service training programs be extended and continuing educational opportunities be further developed. The valuable suggestions of the correctional staff for improving present training programs as cited in this study should be given consideration by the Division and all planning should be directly connected with a continual analysis of correctional personnel research. It is also suggested that planning should include orientation programs for clerical and service personnel to encourage understanding by total staff of the philosophy and goals of the Ohio correctional system and to provide instruction in security procedures and riot control.

The study found the central office of the Division to be lacking in organized, central and comprehensive planning and recommended the following: 1) a centralized system with uniform policies and procedures for all prisons to follow, thus eliminating the archaic "satellite" prison operation; 2) uniform guidelines for in-service training programs for all correctional personnel in the prisons; 3) the development of research materials containing essential information about correctional employees and the refinement of this information for future planning; 4) a Director of Training who is educated and trained in modern penal methods and who will stimulate the development of adequate institutional in-service training programs; 5) the development of sound recruitment techniques which are free of political influence; and 6) the increase in job standards and salaries.

The following recommendations are offered for the second phase of this project.

It is recommended that a university-sponsored seminar be planned and conducted for the seven institutional training officers. This could be a combination of instruction sponsored

by the Highway Patrol Training Academy and a university. The Academy's instruction would include inmate control, prison security procedures, handling of firearms, and general custodial policies. The university's seminar would concentrate on history of the penitentiary system in this nation, contemporary philosophy and goals of a penal system, explanation of classification procedures and the guidance process, instruction in basic techniques in counseling, and guidelines for planning institutional in-service training programs. Obviously, a seminar including a curriculum of this kind would involve, at a minimum, a two to three week study program, but preferably a longer time period in which other important subjects would be added to those already mentioned.

For all correctional personnel employed in a penal institutional setting, it is recommended that a university sponsor a series of courses, either college credit or non-credit, over a period of one year and offer the courses at an Ohio prison at a time convenient for the prison and its personnel and for the university instructor. The proposed instruction should be on the college level but organized and presented for the participant group. It is also recommended that the instructors be knowledgeable in the subject matter and experienced in the field of corrections. Suggestions for some courses are: criminology and penology, introduction to sociology, judicial system and structure, introduction to psychology, and administration of the correctional institution.

Concerning the community-based correctional personnel, it is recommended that a focus be placed on one parole office in Ohio and a series of non-credit university-sponsored courses be offered over a one year period. The Cleveland office is recommended for this type demonstration project because of its size in terms of the caseload and personnel and its proximity to Akron and Canton units. The courses should include the previously mentioned suggestions of the parole supervisory personnel, who recognize the need for more intensive staff development. To illustrate the type courses needed the following are recommended: instruction in interviewing techniques and recording methods, review of sociology, psychology and criminology, interpretations of laws and court decisions affecting corrections, problems of the inner-city, and violence in our society.

Also recommended is a university-sponsored seminar for parole and probation supervisors. This seminar would focus on supervisory and administrative problems of middle management. Discussion over a one week period should include techniques in supervision, administrative evaluation of unit procedures, techniques in staff evaluation, instruction in role playing, and guidelines for staff development programs.

Evaluation is recommended of all proposed demonstration projects for the purpose of planning future training programs for institution-based and community-based correctional personnel in Ohio.

Assistance is needed by the field of corrections because it faces and will continue to face a manpower shortage and status problems. The Center supports those organizations and agencies which have recommended the expansion of undergraduate correctional curriculum and the development of an undergraduate major in corrections in the state-assisted universities in Ohio. The proposal of adding a correctional specialist to a university staff with qualifications of a masters' degree and correctional experience is realistic and we support this proposal.

APPENDIX E

"911 EMERGENCY NUMBER CALLING"

In a report by the President's Commission on Law Enforcement and Administration of Justice, "The Challenger of Crime in a Free Society," the Commission made the following recommendation at page 250.

> "Wherever practical, a single police telephone number should be established, at least within a metropolitan area and eventually over the entire United States, comparable to the telephone company's long distance information number."
>
> "....It appears practical with the new electronic switching systems being installed by the bell system...."

Note: the attention given to the establishment of this service within a metropolitan area.

The universal emergency number 911 has been offered by the Bell System for general use in response to the expressed public need for an easy-to-remember, three digit number which will provide direct access to an emergency switchboard operated and manned by public safety agencies.

Sandusky will be the first city in Ohio Bell territory where the "911" emergency service will be provided by the community's police and fire departments. The new emergency service will become operable around January 1.

The offering in Sandusky is in response to an announcement made earlier this year by AT&T that "911" would be offered as a universal emergency number for communities served by the Bell system.

The idea to provide "911" was initiated in Sandusky and is being adopted primarily for that city's use. Arrangements are also being made to handle emergency calls from Perkins Township to the Erie County Sheriff.

It will be necessary for local communities to agree on a plan. Ohio Bell is prepared to direct emergency "911" calls to either a central communications center or to dispatchers in local communities in some cases. Even after "911" becomes the primary emergency number, the operator will continue to provide "back-up" service during emergencies.

Active negotiations are under way with Toledo officials about possible "911" service. Further arrangements are subject to a decision by Lucas County government units on the placement of terminating lines.

The following basic points should receive certain required attention:

(1) The Bell System is interested in providing the public with the fastest and easiest way to call for help in an emergency.

(2) A single, universal emergency number which provides direct access to an agency operated emergency switchboard best meets this need.

(3) We are eager to cooperate and work with the various safety agencies and municipal officials in planning for the establishment of "911" service.

(4) The telephone companies will continue to provide "back-up" emergency assistance through our highly trained operators just as we have always done.

The number 911 is offered to assist local public safety agencies in protecting the life, safety and property of the public at the local level. It is not intended to completely substitute for existing 7-digit emergency numbers nor for "the direct call to the" operator. In order to provide one number community wide, it is necessary to direct the calls to one answering point within the community. This requirement has caused much confusion.

Many communities have drawn the conclusion that it will be necessary to establish a new super communications agency to accomodate "911" service with dispatchers adequately trained to handle all types of emergencies. This is not true.

Present personnel and facilities now dedicated to receiving emergency calls from 7-digit public safety numbers and the operators may well be adequate. The dispatching function may or may not be physically associated with the answering point. In some towns the same individual may handle both the answering and dispatching functions. In other larger cities they may be separated to accommodate more elaborate command and control systems.

The answering responsibilities may best fall with the police, fire or some interdepartmental organization. In the cities that now have one 7-digit number working city-wide, approximately 80% of the total emergency calls are for police assistance. This suggests that consideration should be given to the police handling 911 calls with the capability of rapidly transferring calls for fire or emergency medical aid to the appropriate fire or ambulance services. In the final analysis the communities existing facilities (buildings, communications and dispatching hardware and personnel) will probably indicate the best and most economical solution to the question of where the 911 calls should be received. The question becomes somewhat academic considering the existing state of the art in answering equipment and back-up communications that can enable a complaint clerk or dispatcher to transfer calls to any location in the community.

To meet the objective of assisting public safety agencies in protecting the life, safety and property of the public at the

local level, the minimum agency participation in 911 should be the police and fire services. "Participating agencies" can be defined as those agencies that the public understands will give fast assistance as a result of a call to 911. Although the police and fire services should be the minimum number of participating agencies, it is hoped that the communities will also include the emergency medical services too.

When the ambulances are dispatched by either police or fire departments no problems seem apparent. If the ambulance services are private business 911 calls can be handled either on a referral of the calling party to the appropriate ambulance company's 7-digit number, or by directly notifying the appropriate ambulance company from a list indexed by areas of the city and a rotation call sequence, if there are more than one in a particular area.

Additional emergency services may be added to the "direct participation" category at the discretion of the community, i.e., Coast Guard, Poison Control Centers, FBI, etc. Regardless of how well educated the public is in the use of 911, it is contemplated that the answering agency will receive a sprinkling of misdirected calls and should be administratively equipped to handle the different categories of calls on a referral basis, similar to present arrangements.

Cost, Planning and Coordination

Before tackling the all important planning considerations, let's look at the costs. The costs of central office (switching center) and inter-office trunking (trunking between central offices) modifications necessary to provide 911 service to a community will be telephone company costs. The 911 trunks from the servicing central office to the answering point, associated answering equipments and communications for coordination behind the answering point will be charged for at regular tariff rates. The charges to public safety agencies will be for like services and equipments now being provided to handle emergency calls.

This brings up another concern that is frequently heard, that 911 service will place a cost burden on public safety agencies. I think this is a premature assumption. Many communities are already equipped to expertly handle emergency calls from the public. The advent of 911 should not noticeably increase the volume of calls now coming in over 7-digit emergency numbers and from dial "zero" for operator. Looking at the total community budgets it may be possible to save dollars by consolidating the answering functions. This has been the trend in industries that handle a large volume of calls from the general public, i.e., department stores, airlines and utility companies. Coupled with the trend toward centralization in the larger cities to accommodate more elaborate command and control systems, it is going to be difficult to precisely evaluate the cost effect of 911. Also, any cost effect must be ultimately measured against the service to the public.

Under the subject of planning for 911, the first question that always comes up is the jurisdictional-telephone central office boundary inconsistencies. These inconsistencies will arise when a central office switching boundary overlays two or more jurisdictions. These situations will probably develop in two stages. The first stage is when one community or jurisdiction has 911 service and it's neighboring jurisdiction does not. The second stage is when both jurisdictions have 911 service. Let's investigate what planning and coordination is necessary for the two stages when a single central office area overlays a portion of both jurisdictions.

In the first case there will be an area of telephone subscribers within the jurisdiction that does not have 911 service, served by a central office programmed to direct 911 calls to the jurisdiction with 911 service. Continued coordination between jurisdictions in handling calls from this particular area will be necessary either by a referral of the calling party to the appropriate jurisdiction's number or by direct patch if the volume warrants. The public educational campaigns and general information pages at the front of the telephone directories will also be helpful in reconciling these problems.

In the second stage where both 911 jurisdictions are competing for the use of the central office that overlays portions of both 911 calling areas, possibly the best rule of thumb to follow is to direct the 911 calls to the jurisdiction that has the largest land portion or number of telephone subscribers of the central office area. Here again, there will always be a need for streamlined coopdination between the agencies to best serve the public just as we are now doing.

I hope this covers most of the major considerations that will be common ingredients in everyone's planning. As community after community tackles the job, many different arrangements will develop that can only be planned by the people on the scene who best know the local problems. As experience is gained, I'm sure new developments and ideas will emerge that no one has dreamed of today.

911 will not be a cure-all nor will it make life easier. However, the advent of 911 does provide an excellent opportunity to comprehensively evaluate all emergency communication services in our communities in relationship to the government-citizen interface. Do we have the best arrangements to handle major disasters such as floods, riots, aircraft accidents, etc.? And can we better coordinate our resources with neighboring communities and certain state agencies?

In conclusion, I think it is most important to resist the tendency to think of 911 in general as a service to public safety - 911 is a service to our public. The individual who will dial 911 for help won't really care what uniform the person answering his plea for help is wearing, as long as he gets the help he needs as fast as possible.

APPENDIX F

STATE OF OHIO

OFFICE OF THE ATTORNEY GENERAL

BUREAU OF CRIMINAL IDENTIFICATION & INVESTIGATION
LONDON, OHIO

December 13, 1968

RE:

INCREASED LABORATORY SERVICES

Attachments:
A. Factors Involved in Need For Increased Services
B. General Recommendations
C. Central Laboratory
D. Northeast Laboratory
E. Northwest Laboratory
F. Southeast Laboratory
G. Building Floor Plan - Branch Laboratory
H. Position Descriptions

Attached are proposals for providing improved crime laboratory services for the state.

It is recommended that the goal of the B.C.I. & I. Laboratory be to provide technical assistance to all parts of the state which are not served by a metropolitan laboratory. The type of service provided should be the same as that provided by metropolitan laboratories. That is, the laboratory should be close enough to the point of need to be readily accessable and sufficiently staffed to provide results within a reasonable time.

In the past it has been typical for state laboratory services to be utilized only for exceptional cases. This should be changed so that service can be provided for routine needs. This requires the laboratory services being brought closer to the point of need. This would be done by the development of regional laboratories with a central laboratory providing direction, coordination, and instrumental support. This would be an integrated system rather than a group of individual laboratories.

During the immediate future the main emphasis would be on developing the branch laboratories. Planning should also be done toward a permanent structure for the central laboratory to be built after the initial development of the branch laboratories. The present building has little possibility for expansion other than adding on so thought should be given to

a building specifically designed for a modern crime laboratory.

The proposal of three groups to provide forensic science services, (the metropolitan laboratories, the state crime laboratory system, and the state pathologist and toxicologist) should provide the law enforcement agencies of the state of Ohio with the best possible service. It would be an economical system in that it would avoid duplication of effort and yet it would make forensic science services readily accessable throughout the state.

A. FACTORS INVOLVED IN NEED FOR INCREASED SERVICES

I. INCREASED CRIME RATE

The crime rate has increased in the last few years at a much more rapid rate than the laboratory services. This necessitates an immediate push to both catch up laboratory services and keep up with the current increasing trend.

II. INCREASED NUMBER OF LAW ENFORCEMENT OFFICERS

Law enforcement agencies are generally undergoing a period of growth. This growth is naturally going to bring about an increased demand for service.

III. INCREASED TRAINING

Additional training for law enforcement officers has brought about an increased awareness of the value and necessity of scientific evidence; with the current proposals to further increase the training of law enforcement officers, there will be a corresponding demand upon laboratory services.

IV. MORE AVAILABLE SERVICES

Federal studies indicate that a crime laboratory should be within two hours driving time of the point of need. Where the distances are greater, the laboratory is not fully utilized.

V. SERVICE FOR ROUTINE CASES

In the past it has been typical for state laboratories to be utilized only for exceptional cases. Federal studies concluded laboratory services must be provided for routine, not just exceptional cases. This requires the laboratory being brought closer to the point of need. Using the laboratory for routine felony cases, rather than just exceptional ones, will naturally cause a much increased case load.

B. GENERAL RECOMMENDATIONS

To provide complete services for the state, the entire group of forensic science services must be examined. Following is a brief discussion of the B.C.I. & I. recommendations on

this. Specific needs for the B.C.I. & I. Laboratory in regard to equipment, buildings, and personnel will be found in the following attachments.

I. TOTAL CONCEPT

It is the recommendation of the B.C.I. & I. that a three part system be adopted to provide the state with complete forensic science services. These three parts would be as follows:

1. Metropolitan Laboratories. Metropolitan laboratories should serve the three largest counties (population of over 750,000). These could offer either the full range of forensic science services or only criminalistics, depending upon the circumstances. These three counties would be Cuyahoga (1,774,089), Hamilton (950,176), and Franklin (810,324). Experience has shown that areas of this size have sufficient work load to support a complete laboratory. Also an area of this size needs the close support of a laboratory in the immediate area and under the control of the area.

   * It is recommended that the plan submitted by Dr. F. Cleveland and the Hamilton County group be considered as a pilot model for such a metropolitan laboratory. It is felt that these metropolitan laboratories be supported locally, although they should be in line for Federal assistance in getting started.

2. State Crime Laboratory System. This laboratory system would provide the criminalistics services (all forensic science services other than pathology and toxicology) for the balance of the state. These services are now, and would continue to be, provided by the B.C.I. & I. Laboratories. The capability to provide these services must be expanded for the reasons previously set forth. The work load of this type is sufficient to maintain facilities separate from an office of a State Pathologist and Toxicologist. For example, in the 1967 Uniform Crime Report for the State of Ohio, only 545 of a reported 157,486 crimes involved death.

3. State Pathologist and Toxicologist. It is recommended that an Office of State Pathologist and Toxicologist be established to serve areas not having qualified forensic pathologists or

toxicologists. This should be separate from the Crime Laboratory as this is a highly specialized field requiring different training and experience. It is suggested that these offices be established in connection with state universities having medical schools as it is felt that both the medical school and the agencies requiring the services would benefit from this combination. It is felt that the central office should be at Ohio State with branches at Toledo, Kent State, Ohio University (Athens) and Cincinnati.

II. GENERAL RECOMMENDATIONS - B.C.I. & I. LABORATORY

1. Present Laboratories. The B.C.I. & I. is currently operating a central laboratory in London, a branch laboratory at Kent State University, and has just started a branch laboratory in the Toledo area.

2. Central Laboratory. The Central Laboratory in London should be expanded to provide more sophisticated instrumental support for the branch laboratories. The staff should also be increased to handle an increased case load and also to provide the capability for a reasonable amount of method development and research. This is essential to insure the laboratory system being at the highest possible level of competence. This would also result in the latest methods being utilized.

3. Northeast Laboratory. Since this laboratory is in a very densely populated section of the state, expansion in all phases will be needed. A particular need is for permanent housing for this facility.

4. Northwest Laboratory. This laboratory has just been established and will need considerable development.

5. Southeast Laboratory. It is possible in the future that an additional branch laboratory will be needed in the southeastern section of the state, possibly, at Athens, adjacent to Ohio University. This laboratory would not be as extensive as the other two branches; but would provide specialized services in evidence collection and preservation.

6. Personnel. In development of the physical plant of the laboratory, the development of the personnel must not be overlooked. The requested Criminalist ratings (attachment J) should be implemented as soon as possible. This would be of benefit to

present personnel and also provide the means for more fruitful recruitment.

Another important factor in the professional development of personnel is exposure to the work being done in other laboratories. This is accomplished by active participation in professional meetings and organizations and visits to other laboratories. Other means are attendance at specialized schools and participation in research.

C. REQUIREMENTS FOR THE CENTRAL LABORATORY

I. PERSONNEL

Increased personnel will be required as previously stated. This would enable the laboratory to handle the anticipated larger case load and adequately perform the other services as outlined for the central laboratory. Implementation of the requested Criminalist ratings is needed to be able to more successfully recruit the existing vacancies.

II. EQUIPMENT

The largest equipment concentration would be in the Central Laboratory. Also the equipment would be more sophisticated. That is, it would be research-type equipment while the branch laboratories would have analytical-type equipment of the same types. The equipment items and their approximate costs would be as follows:

Optical comparator	$ 6,000
Bullet revovery tank	1,500
Infrared spectrophotometer	20,000
Ultraviolet spectrophotometer	15,000
Emission spectrograph	30,000
X-ray, diffraction & spectrograph	25,000
Misc. small equipment	5,000
	$ 102,500

With the upgrading of the equipment in the Central Laboratory some of the present equipment would be shifted to the branch laboratories.

III. BUILDING

The present building housing the Central Laboratory will be outgrown in the foreseable future. A new facility would require about 12,000 to 15,000 square feet either as a separate building or as a part of a new building for the entire Bureau.

This would be space specifically designed for a modern crime laboratory such as has been built or is in the process in other states. The cost would be approximately $500,000 with an additional $250,000 required for benchwork and other fixtures.

D. NORTHEAST LABORATORY (KENT)

I. PERSONNEL

The usage of the laboratory which has been established in the Northeastern Section of the State has more than justified the need. The problem now is keeping up with the demands placed upon it by the law enforcement agencies in that area. Failure to keep up with the needs will detract from the fine job which this laboratory has been doing. Certain additional personnel will be requested through regular budget means.

II. EQUIPMENT

Some equipment is currently on hand in this laboratory. Additional equipment is needed to both increase the capabilities of the laboratory and to handle the increasing case load. These items are as follows:

Emission spectrograph	$ 10,000
Infrared spectrophotometer	8,000
Gas chromatograph	7,000
Optical comparitor	6,000
Bullet recovery tank (water)	1,500
	$ 32,500

III. BUILDING

The temporary quarters now being occupied by this laboratory are wholly inadequate. Temporary relief may be had by finding larger quarters for the immediate future. However, the best solution is a building especially designed for such a laboratory. This would be a building of about 4,000 square feet costing about $100,000 with another $40,000 required for fixtures. See attachment for the suggested floor plan.

It is the recommendation of the Bureau that such a building should be located in close proximity to a university, but not on the university grounds proper. There should be a close working relationship with the university, but it should be independent of the university.

E. NORTHWEST LABORATORY (TOLEDO)

I. PERSONNEL

The main problem in personnel for this laboratory will be in filling existing vacancies. Future personnel needs will be dictated by the usage made of the laboratory.

II. EQUIPMENT

The following is the large equipment which will be needed by this laboratory in the foreseable future:

Infrared spectrophotometer	$ 8,000
Comparison microscope	5,000
Gas chromatograph	7,000
Total	$ 20,000

III. BUILDING

There is currently a two year commitment on the space being occupied by this laboratory. It is anticipated that about 2,500 square feet will be required for permanent quarters for this laboratory.

F. SOUTHEAST LABORATORY (PROPOSED)

I. PERSONNEL

If this laboratory were to be established the initial personnel requirements would be one Criminalist, a clerk and crime scene technicians.

II. EQUIPMENT

Large equipment items needed to establish this laboratory would come from the central laboratory as the present instrumentation is upgraded. Small equipment would be requested through normal budgetary means.

III. BUILDING

A three or four bedroom house of about 1,5000 square feet could be easily converted into adequate quarters for this type of laboratory.

SPECIFICATIONS - BRANCH LABORATORY BUILDING

Building to be centrally air conditioned with electronic air purification. The lot size would have to be at least 150 feet wide by 200 feet deep. Parking required would be for four visitors' cars in the front and fifteen additional cars in the rear.

APPENDIX G

STATE-WIDE COMMUNICATIONS AND DATA PROCESSING NET

OHIO CRIME COMMISSION

Before interest is focused on the design of a system of Statewide Communications and a Data Processing Net for Law Enforcement in handling information, attention is directed to some general considerations. The applications for computers have become widespread. However, for law enforcement agencies to install or share in new information systems there must be long range planning giving attention to broad trends and guidelines. With this approach accepted, it is then to be noted that:

> "The value of the various kinds of files in apprehending offenders and in deterring crime must still be determined".

Some of the related files often used are arrest warrants, stolen vehicles, stolen property, arrest reporting, officer activity analysis, crime reporting and statistics.

Law enforcement is primarily a local and State function, and it is with the metropolitan systems that there exists a naturally broad data base. Actual needs guide the information stored at this level and at the statewide level. An integrated national information system is to serve the combined needs of the National, State and Metropolitan levels of law enforcement.

GENERAL CONSIDERATIONS

The value of the various kinds of files in apprehending offenders and in deterring crime must still be determined.

Related Files often used:

- ARREST WARRANTS
- STOLEN VEHICLES
- STOLEN PROPERTY
- ARREST REPORTING
- OFFICER ACTIVITY ANALYSIS
- CRIME REPORTING
- STATISTICS

LOGICAL DEVELOPMENT of COMPUTERIZED POLICE INFORMATION SYSTEM

REGIONAL (METROPOLITAN) ⟶ STATEWIDE ⟶ NATIONAL

Since law enforcement is primarily a local and state function, the overall program must be geared to the circumstances and requirements of local and state agencies. Information must be easy to access when required, it must be safe from accidents and maliciousness, and it should be accessible to other users on an easily controllable basis when desired. Any consideration which is not basic to a user's ability to manipulate this information should be invisible to him unless he specifies otherwise.

The formulation of the file system will provide the user with a simple means of addressing an essentially infinite amount of storage in a machine-independent and device-independent fashion. All physical addressing of the storage devices would be done by the file system, and would not be seen by the user.

The various levels of law enforcement must specify the information they need from other jurisdictions. With this there will develop a concept of a hierarchy of information interchange and information files. This approach leaves with the local implementing agencies the greatest amount of design flexibility in tailoring their own system to their unique requirements. Information to be exchanged with other jurisdictions must, however, meet minimum standards of content and format. Furthermore, reporting jurisdictions must be responsible for updating their portion of a common information pool. Only that way can the files be kept current and complete and the system not saturated with useless information.

ADMINISTRATION of CRIMINAL JUSTICE SYSTEM PRIMARILY LOCAL AND STATE FUNCTION

INFORMATION SYSTEM TO BE GEARED TO THESE NEEDS:

- INFORMATION TO BE DIRECTLY ACCESSIBLE TO THESE USERS

PROBLEM

- MUST SPECIFY INFORMATION NEED FROM OTHER JURISDICTIONS

- LOCAL IMPLEMENTING AGENCIES HAVE DESIGN FLEXIBILITY IN TAILORING OWN SYSTEM TO THEIR UNIQUE REQUIREMENTS

  Requirements for Information Knowledge & information flow

- INFORMATION EXCHANGED WITH OTHER JURISDICTIONS HAVE MINIMUM STANDARDS OF CONTENT and FORMAT
  - Source documents
  - Stored data
  - Inquiries
  - Computer file organization
    File format and file content
  - Real-time computer techniques

REQUIREMENTS

- REPORTING JURISDICTIONS RESPONSIBLE FOR UPDATING THEIR PORTION OF A COMMON INFORMATION POOL

- FILES KEPT CURRENT and COMPLETE, NOT SATURATED WITH USELESS INFORMATION

The Regional Records Center will be the heart of the system. The RRC will serve various police departments and police agencies of the metropolitan area. It will also serve nearby medium and small police departments. With its computers and special manual files the RRC will overcome many of the shortcomings of today's systems and provide the types of services outlined in the following charts. These RRC's would be linked by a communication net so that they would function logically as a single center. The State Data Center would have the responsibility of distribution within the State access to and responses from the national inquiry system (NCIC). As outlined in the following charts, there will be transition phases with certain types of services automated before others.

Connections will be made between the terminals and the RRC. Connections can then be made between the RRC's or a RRC and the State Data Center. A station in one RRC area may communicate directly with a station in another RRC area on a point-to-point basis.

FEATURES

- **REGIONAL RECORDS CENTER**
  to consist of a computer (or group of computers) for both "BATCH" and "ON-LINE" processing for responses related to operational characteristics of system and law enforcement requirements.

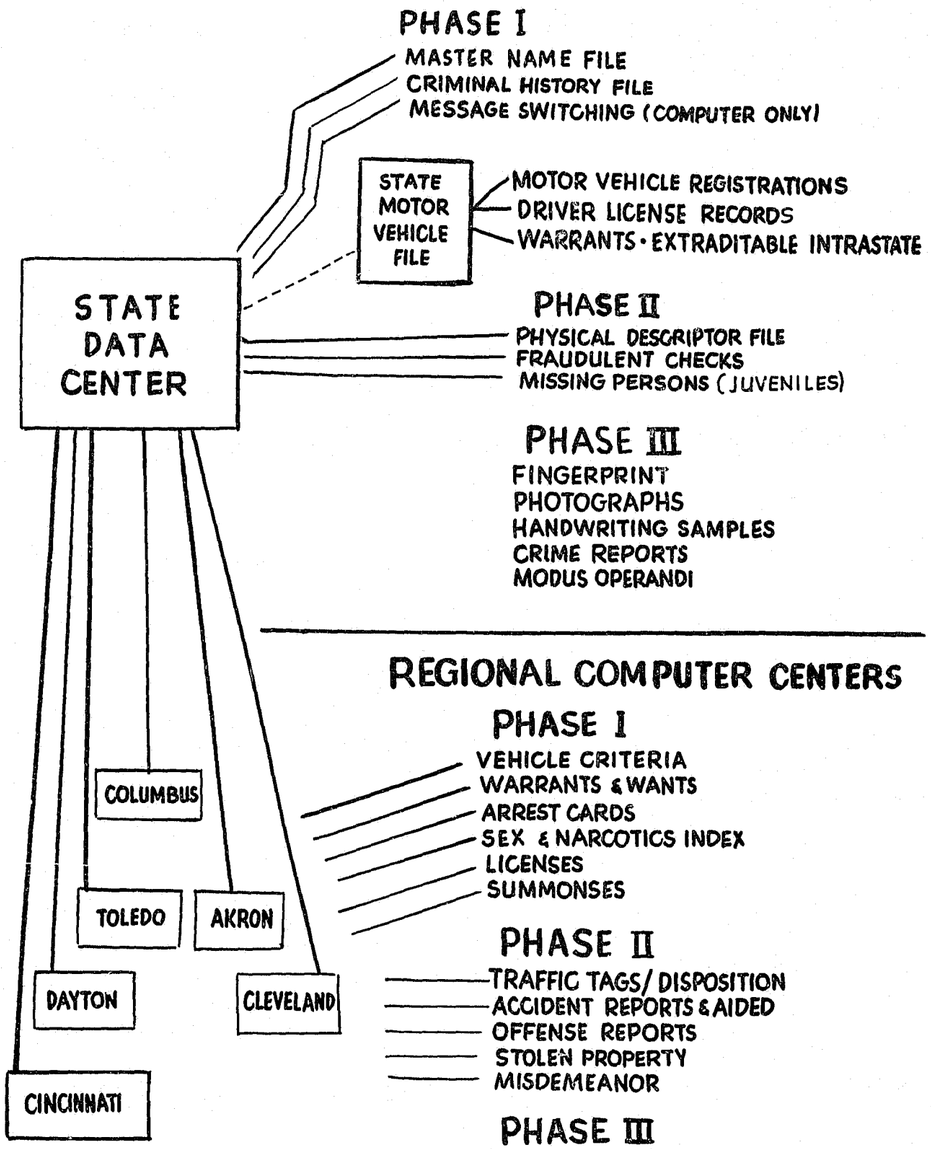
  Files to be located in the computer or on manual basis

- **COMMUNICATIONS TO RADIATE BETWEEN RRC AND LAW ENFORCEMENT AGENCIES IN THE AREA**

- **RRC OPERATED BY POLICE DEPT. OF REGION'S LARGEST CITY**

- **REGIONAL CENTER CONNECTED TO STATE INFORMATION CENTER AND THRU STATE INFORMATION CENTER TO OTHER REGIONAL CENTERS.**

STATEWIDE COMPUTER NET



PHASE I

MASTER NAME FILE
CRIMINAL HISTORY FILE
MESSAGE SWITCHING (COMPUTER ONLY)

STATE MOTOR VEHICLE FILE
- MOTOR VEHICLE REGISTRATIONS
- DRIVER LICENSE RECORDS
- WARRANTS · EXTRADITABLE INTRASTATE

PHASE II

PHYSICAL DESCRIPTOR FILE
FRAUDULENT CHECKS
MISSING PERSONS (JUVENILES)

PHASE III

FINGERPRINT
PHOTOGRAPHS
HANDWRITING SAMPLES
CRIME REPORTS
MODUS OPERANDI

REGIONAL COMPUTER CENTERS

PHASE I

- VEHICLE CRITERIA
- WARRANTS & WANTS
- ARREST CARDS
- SEX & NARCOTICS INDEX
- LICENSES
- SUMMONSES

PHASE II

- TRAFFIC TAGS/ DISPOSITION
- ACCIDENT REPORTS & AIDED
- OFFENSE REPORTS
- STOLEN PROPERTY
- MISDEMEANOR

PHASE III

PERSONNEL INDEX
CRIME STATISTICS
COMPLAINT STATISTICS
MANPOWER & RESEARCH ALLOCATION

MAP OF OHIO

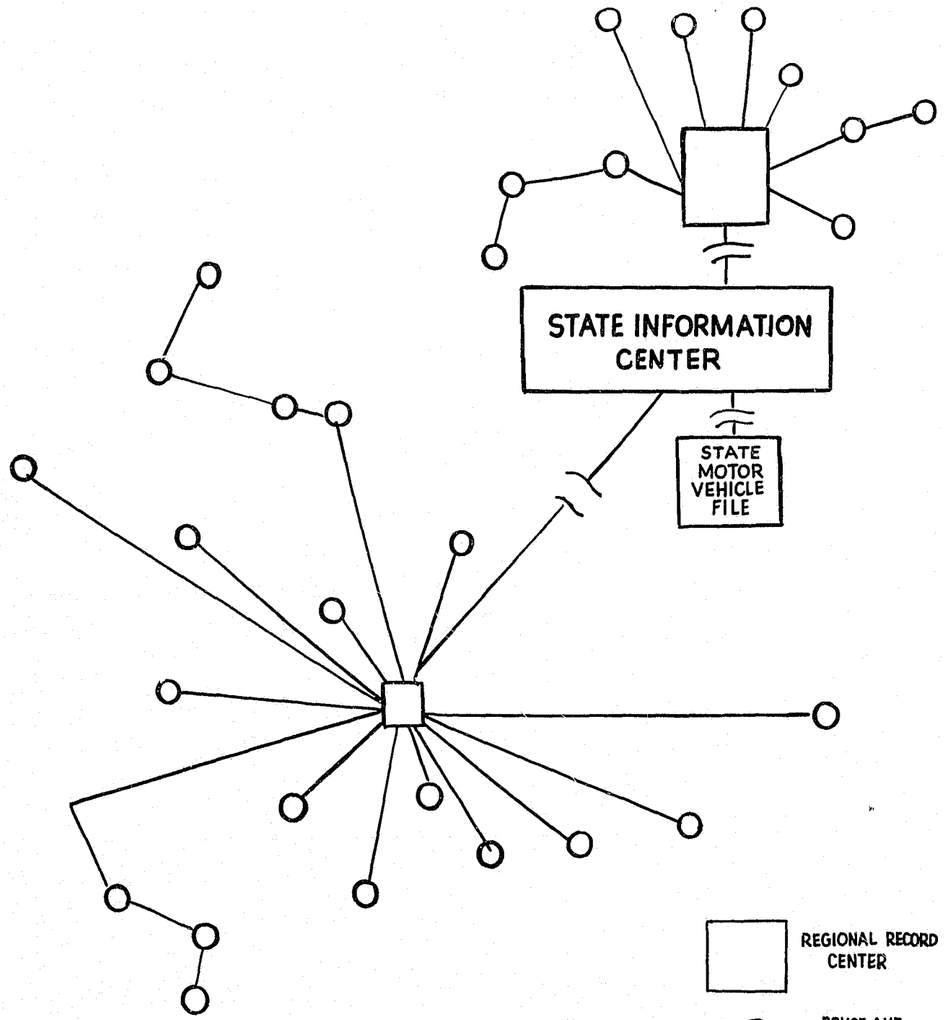
SHOWING COUNTIES AND COUNTY SEATS

PREPARED BY

OHIO DEPARTMENT OF HIGHWAYS

BUREAU OF TRAFFIC

LAW ENFORCEMENT RECORD CENTERS



A suggested set of guidelines for the placement of communication terminals has been taken from the Hamilton County CLEAR (County Law Enforcement Applied Regionally) Regional Information System. Groundwork for the placement of communication terminals was laid in a study of parameters conducted late in 1967. The primary factors considered in placing the terminals are listed in the following chart.

A further refinement in locating terminals was conducted through the efforts of the Communications Committee of the Hamilton County Police Association. Meetings were held to inform chiefs and their representatives of the details of the operation of a law enforcement network. After the meetings the chiefs were asked to express an opinion about the terminal which would best serve their needs. Their expressions were offered to the Communications Committee for review. An acceptable pattern of placement then evolved.

CINCINNATI GUIDELINES FOR TERMINAL PLACEMENT

- Existing Radio Communications Networks
- Twenty-four Hour Operation
- Input and Output Concentration Points
- Population
- Availability and Allocation Personnel
- Coverage for all levels of law enforcement with only one relay by telephone or radio communication to a terminal.
- Payment by Local Political Entity

The following charts outline the staff for a comprehensive communications and computerized law enforcement information network. Also listed are the project activities in which functional specialists would provide assistance to the Ohio Crime Commission Data Processing Staff.

Data system design will be a continuing activity. The functional specialists of a consulting organization specializing in Computerized Information Systems would provide guidance and expertise in the program development period. A program development period would extend over a period of 18 to 24 months. There will be requirements for the establishment of permanent responsibility for data systems analysis to implement the continuing activity of system design.

TASK FORCE STAFF

PROJECT DIRECTOR (CO-ORDINATOR)

LIAISON STAFF

6 REGIONAL SYSTEM REPRESENTATIVES
1 LEADS SYSTEM REPRESENTATIVE

OPERATING STAFF

ADMINISTRATIVE:

ASST. PROJECT DIRECTOR
PROGRAMMING SUPERVISOR
PROJECT LEADER

CLERICAL:

TYPIST

OPERATIONS:

ASST. SUPERVISOR
3-4 OPERATORS
8 KEY PUNCHERS

SYSTEMS ANALYSIS:

4 ANALYSTS

PROGRAMMING:

LEAD PROGRAMMER
5 PROGRAMMERS

DATA PROCESSING CONSULTANTS

(2 YEAR DEVELOPMENTAL PERIOD)

DATA PROCESSING CONSULTANT PROJECT ACTIVITIES:

OPERATIONS ANALYSIS

DETERMINING REQUIREMENTS FOR INFORMATION
OBTAIN KNOWLEDGE OF INFORMATION FLOW

SYSTEMS DESIGN

INQUIRIES
STORED DATA
SOURCE DOCUMENTS
COMPUTER FILE ORGANIZATION
FILE FORMAT & FILE CONTENT
STORAGE CAPACITY
REAL-TIME COMPUTER TECHNIQUES
COMMUNICATIONS
SWITCHING

HARDWARE DESIGN

COMMUNICATIONS NETWORK PLAN
COMPUTER CONFIGURATION
COMPUTER PERIPHERALS
TELECOMMUNICATIONS TERMINALS

PROGRAMMING

MESSAGE SWITCHING
MASTER NAME FILE
CRIMINAL HISTORY FILE
PHYSICAL DESCRIPTOR FILE
MISSING PERSONS (JUVENILE)

OHIO CRIME COMMISSION

Chairman: Paul W. Brown
Attorney General of Ohio

Problems of Crime Committee

Everett Burton, Chairman
Chief Robert L. Baus
Mrs. Howard Cromwell
Louis B. Seltzer
Louis R. Young
Judge John Hill (Associate)

Criminal Justice Committee

Francis L. Dale, Chairman
Justice Robert M. Duncan
John H. Bustamante
Rep. Norman A. Murdock
Sen. Oliver Ocasek
Oliver C. Schroeder, Jr.

Law Enforcement Committee

Robert D. Gordon, Chairman
Charles G. Cusick
Sheriff Stacy Hall
Miss Olive Huston
Rep. Thomas B. Rentschler

Corrections Committee

Sen. Ralph S. Regula, Chairman
Maury C. Koblentz
Rev. H. R. Wiechert
William K. Willis
Ralph B. Kohnen (Associate)

Science and Technology Committee

Robert E. Shuff, Chairman
Col. Robert M. Chiaramonte
Fred R. Eckley
Kelvin Smith
Robert H. Snedaker, Jr. (Associate)
Dr. Frank Cleveland

Program Director: Robert D. Macklin
Asst. Program Director: Richard H. Hammond
Research Assistant: David P. Reichard

Liaison Consultants
Ohio Committee on Crime & Delinquency:
Mrs. Gloria Battisti
John N. Holscher
James L. Lorimer
Dr. Sterling McMillan
Edward A. Sikora
Dr. Claude Sowle

Liaison Assistants,
Office of Attorney General:
Col. Anson B. Cook
David L. Kessler
Martin W. Moseley, Jr.

APPENDIX H

LIST OF CONSULTANTS

Chief Paul Abbott
Worthington Police Dept.
(Law Enforcement Comm.)
(July 12, 1968)

Mr. James Bailey
Federal Bureau of Narcotics
and Dangerous Drugs
(Problems of Crime In
Ohio Committee)
(October 30, 1968)

Mr. James V. Barbuto
Prosecuting Attorney,
Summit County
(Executive Committee)
(December 13, 1968)

Major Philip G. Barnes
Dep. Chief, Akron Police Dept.
(Law Enforcement Comm.)
(October 25, 1968)

Honorable James A. Berry
Clark County Prosecutor and
President of the Ohio Pros.
Attorneys' Association
(Corrections Committee)
(February 8, 1968)
(Executive Committee)
(December 13, 1968)

Judge Gilbert Bettman
Hamilton County Common Pleas Ct.
Cincinnati, Ohio
(Criminal Justice Comm.)
(May 8, 1968)

Lieutenant Howard Blackwell
City of Cleveland, Data Processing
Center-Science & Technology Comm.
(Law Enforcement Committee)
(February 23, 1968)

Mr. R. P. Bookman
Account Manager, IBM Corporation
(Science & Technology Comm.)
(Sept. 26, 1968)

Chief Anthony A. Bosch
Toledo Police Department
(Problems of Crime In
Ohio Committee)
(March 21, 1968)

Mr. Al Boston, Patrolman
Cincinnati Police Dept.
(Criminal Justice Comm.)
(February 29, 1968)

Mr. T. J. Boyle, Chief
Alcoholism Program,
Ohio Department of Health
(Criminal Justice Comm.)
(February 29, 1968)
(Problems of Crime In
Ohio Committee)
(March 21, 1968)
(Problems of Crime In
Ohio Committee)
(October 30, 1968)

Mr. Joseph Breiteneicher
Director, Jobs for Cincinnati,
Inc.
(Corrections Committee)
(April 4, 1968)

Mr. Maurice R. Breslin
Executive Director, Alvis
House
(Corrections Committee)
(March 14, 1968)

B.GEN. R. H. Canterbury
Asst. Adj. Gen. (Army)
(Law Enforcement Comm.)
(June 10, 1968)

Mr. Charles W. Carter, Sr.
Executive Director, Toledo Bd.
of Community Relations
(Law Enforcement Comm.)
(September 27, 1968)

Mr. Malcolm Chandler
Executive Director, Southern
Region National Conference
of Christians and Jews
(Criminal Justice Comm.)
(February 29, 1968)

Col. Robert M. Chiaramonte
Superintendent, Ohio State
Highway Patrol
(Law Enforcement Comm.)
(December 11, 1967)

Dr. Frank Cleveland
Hamilton County Coroner
(Science & Technology Comm.)
(January 23, 1968)
(Criminal Justice Comm.)
(January 25, 1968)
(Science & Technology Comm.)
(March 26, 1968)

Mr. C. A. Closs, Jr.
Branch Mgr.,Government,Education
Medical-IBM Corporation
(Science & Technology Comm.)
(September 26, 1968)

Mr. Donald D. Cook
Director, Dept. of Liquor Control
(Law Enforcement Comm.)
(August 23, 1968)

Mr. Leo A. Culloo
Executive Secretary, New Jersey
Police Training Comm.
(Law Enforcement Comm.)
(January 22, 1968)

Col. H. W. Davies
Exec. Director, Buckeye State
Sheriffs Association
(Law Enforcement Comm.)
(January 22, 1968)
(Law Enforcement Comm.)
(October 25, 1968)

Mr. Rees Davis
Chairman, Criminal Justice Comm.
Ohio Bar Association
(Criminal Justice Comm.)
(December 13, 1968)

General S. T. Del Corso
Adjutant General of Ohio
(Law Enforcement Comm.)
(June 10, 1968)
(Problems of Crime In
Ohio Committee)
(August 9, 1968)

Captain Thomas W. Dixon
Cincinnati Police Dept.
(Science & Technology Comm.)
(February 20, 1968)

Mr. Donald L. Dorward
Senior Information Scientist,
Battelle Memorial Institute
(Science & Technology Comm.)
(January 23, 1968)

Mr. David Dowd, Jr.
Stark County Prosecuting Atty.
(Corrections Committee)
(June 13, 1968)

Mr. Willard P. Dudley
Administrator of Bureau of
Employment Service
(Corrections Committee)
(June 13, 1968)

Mr. Henry E. Dumbrowski
Bureau of Criminal Identifi-
cation & Investigation
Regional Supervisor Northeast
Section of Ohio
(Science & Technology Comm.)
(March 26, 1968)

Judge Robert F. Duncan
Municipal Court, Franklin County
(Criminal Justice Comm.)
(May 8, 1968)

Lieutenant L. B. Dunfee
Dept. of Law Enforcement Section,
Urban Affairs
(Full Commission Meeting)
(December 17, 1968)

Reverend David Dunning
Secretary, Alvis House
(Corrections Committee)
(March 14, 1968)

Sergeant Jay Duvall
Secy, Ohio Association of
Polygraph Examiners
(Science & Technology Comm.)
(June 28, 1968)

Dr. George Eastman
Director of the Inst.of Govern-
ment Research & Services
Kent State University
(Law Enforcement Committee
(May 10, 1968)
(Law Enforcement Committee)
(June 10, 1968)
(Law Enforcement Committee)
(November 25, 1968)

Mr. Richard D. Ellis
Sheriff, Washington County
(Law Enforcement Committee)
(June 10, 1968)

Mr. Ross Ellis
Dist.Dir.,Fed. Bur. of Narcotics
and Dangerous Drugs,Detroit,Mich.
(Problems of Crime in Ohio Comm.)
(May 20, 1968)

Chief Fred Engleman
Reading Police Department
(Law Enforcement Committee)
(July 12, 1968)

Mr. Lee C. Falke
Pros. Atty.,Montgomery County
(Executive Committee)
(December 13, 1968)

Mr. Edward Findlay
Education Supervisor, Div.of Cor.
(Corrections Committee)
(June 13, 1968)

Mr. Joe M. Fitch
Management Services Division
Ernst and Ernst
(Science & Technology Comm.)
(November 15, 1967)
(November 19, 1968)

Captain Paul F. Flaugher
Div.of Data Processing
Cincinnati Police Dept.
(Problems of Crime In Ohio
Committee)
(September 24, 1968)

Chief M. C. Flood
Elyria Police Dept.
(Problems of Crime In
Ohio Committee)
(September 24, 1968)

Honorable Bernard V. Fultz
Pros.Atty.,Meigs County
(Science & Technology Comm.)
(October 15, 1968)

Mr. James Furman
Exec.Officer, Board of Regents
(Correction Committee)
(March 14, 1968
(Science & Technology Comm.)
(March 26, 1968)

Mr. John Gatwood
Special Communications
Consultant, Ohio Bell
Telephone Company
(Science & Technology Comm.)
(November 15, 1967)

Insp. Patrick L. Gerity
Cleveland Police Dept.
(Problems of Crime In
Ohio Committee)
(September 24, 1968)

Mr. Frederick Gibbon
Battelle Memorial Institute
(Problems of Crime In
Ohio Committee)
(October 30, 1968)

Mr. A. A. Ginetz
Agent, Federal Bureau of
Narcotics and Dangerous Drugs
Cincinnati, Ohio
(Problems of Crime In
Ohio Committee)
(May 20, 1968)

Mr. Gerald S. Gold
Criminal Justice Committee of
the Ohio State Bar Association
(Criminal Justice Comm.)
(December 13, 1968)

Mr. Ben Gordon
Research Scientist
Battelle Memorial Institute
(Science & Technology)
(April 30, 1968)

Sergeant Richard Gordon
Columbus Police Department
(Science & Technology Comm.)
(June 28, 1968)

Mr. Martin Graham
Executive Secretary,Ohio State Bldg.& Construction Trades Council, AFL-CIO
(Corrections Committee)
(April 4, 1968)

Mr. Robert Heidinger
Vice-President,Ohio Assn.of Polygraph Examiners
(Science & Technology Comm.)
(June 28, 1968)

Prof. Lawrence Herman
Ohio State University,College of Law
(Criminal Justice Comm.)
(July 10, 1968)

Judge John Hill
Division of Domestic Relations
Fr. Co. Common Pleas Court
(Corrections Committee)
(February 8, 1968)

Chief I. W. Hollowell
Springfield Police Dept.
(Law Enforcement Comm.)
(November 25, 1968)

Mr. John N. Holscher
Chairman, Ohio Committee on Crime and Delinquency
(Problems of Crime In Ohio Committee)
(December 7, 1967)

Mr. William Holton
Director, Group Research Dev., Battelle Memorial Institute
(Science & Technology Comm.)
(January 23, 1968)

Sheriff William Hoop, Jr.
Coshocton County
(Law Enforcement Committee)
(October 25, 1968)

Dr. Harold Hovey
Battelle Memorial Institute
(Problems of Crime In Ohio Committee)
(October 30, 1968)

Mr. Bernard Howarth
Sheriff, Licking County
(Law Enforcement Comm.)
(June 10, 1968)

Sergeant Warner T. Huston
Cincinnati Police Department
(Science & Technology Comm.)
(February 20, 1968)

Mr. C. Howard Johnson
Pros.Atty.,Franklin Co.
(Executive Committee)
(December 13, 1968)

Sergeant Robert G. Johnson
Assoc.Tr.Ofcr.,Training Sect.
Cincinnati Police Dept.
(Law Enforcement Comm.)
(November 25, 1968)

Mr. Thomas Johnson
Exec.Dir.,Ohio Manufacturers Association
(Corrections Committee)
(May 9, 1968)

Mr. Edward T. Joyce
United States Dept. of Justice
(Ohio Crime Commission)
(October 18, 1967)
(Problems of Crime In Ohio Committee)
(July 25, 1968)

Chief Roy Kelch
Logan Police Department
(Law Enforcement Comm.)
(July 12, 1968)

Honorable Frank J. Kelly
Attorney General of Michigan
(Executive Committee)
(April 26, 1968)

Mr. David L. Kessler
Chief, Div.of Criminal Activities, Office of the Attorney General
(Problems of Crime In Ohio Comm.)
(November 9, 1967)

Major D. R. Kinsey
Supervisor,Staff Admin. & Services-Ohio State Highway Patrol
(Science & Technology Comm.)
(November 15, 1967)

Mr. Franklin A. Kropp
Exec. Secy. of the Police & Firemen's Disability and Pension Fund of Ohio
(Law Enforcement Comm.)
(July 12, 1968)

Mr. Frank Kunkel
Executive Secretary
Ohio State Board of Pharmacy
(Problems of Crime In Ohio Committee)
(December 7, 1967)
(Problems of Crime in Ohio Committee)
(October 30, 1968)

Rep. Charles F. Kurfess
Speaker, Ohio House of Representatives
(Ohio Crime Commission)
(February 27, 1969)

Mr. William Lee
Assistant Attorney General, State of Ohio
(Problems of Crime)
(October 30, 1968)

Judge Keith J. Leenhouts
Royal Oak, Michigan Municipal Court
(Corrections Committee)
(September 12, 1968)

Dr. Phillip Leveque
Department of Pharmacology
College of Medicine, Ohio State University
(Problems of Crime in Ohio Committee)
(February 13, 1968)

Rev.Harold A. Lindberg
Director of Pastoral Services
Ohio Council of Churches
(Corrections Committee)
(May 9, 1968)

Mr. Jack Lloyd
Federal Bur. of Narcotics and Dangerous Drugs
(Problems of Crime in Ohio Committee)
(October 30, 1968)

Lt. James W. Longerbone, Jr.
Juvenile Bur. Columbus Police Department
(Problems of Crime in Ohio Committee)
(April 25, 1968)

Mr. James Lorimer
Ohio Committee on Crime and Delinquency
(Law Enforcement Committee)
(November 17, 1968)

Lientenant Richard C. Marshall
Dayton Police Department
(Science & Technology Comm.)
(February 20, 1968)

Mr. Roy F. Martin, Director
Legal Aide & Defender Society of Columbus
(Criminal Justice Comm.)
(April 11, 1968)

Mr. D. L. Maslar, Ex. Secy.
County Commissioners' Assn. of Ohio
(Law Enforcement Comm.)
(October 25, 1968)

Mr. Robert McCormick
Advance Marketing Representative
IBM Corporation
(Science & Technology Comm.)
(September 26, 1968)

Mr. Richard McDonnel
Industrial Marketing Rep.
(Gem Region) IBM Corp.
(Science & Technology Comm.)
(September 26, 1968)

Lieutenant Bert Miller
Cleveland Police Dept. Vice Sq.
(Problems of Crime In Ohio Committee)
(December 7, 1967)

Judge John R. Milligan, Jr.
Stark Cty. Court of Common Pleas, Div. of Domestic Rel.
(Corrections Committee)
(October 17, 1968)

Judge Edgar A. Moorehead
Guernsey County Probate Court
(Corrections Committee)
(August 1, 1968)

Prof. John J. Murphy
Univ. of Cincinnati College of Law
(Criminal Justice Committee)
(April 11, 1968)

Sergeant James E. Newby
Dayton Police Department
(Science & Technology Comm.)
(February 20, 1968)

Dr. Shirley Nickols
Assistant Professor
Department of Psychology
Ohio University
(Law Enforcement Comm.)
(February 23, 1968)

Dr. Robert Portune
Director of the Department of Secondary Education
University of Cincinnati
(Law Enforcement Comm.)
(May 10, 1968)

Sheriff Dwight Radcliffe
Pickaway County
(Law Enforcement Committee)
(January 22, 1968)

Mr. Jack Reay
President of the Ohio Assn. of Polygraph Examiners
(Science & Technology Comm.)
(June 28, 1968)

Dr. Walter Reckless
Professor of Sociology, Ohio State University
(Corrections Committee)
(March 14, 1968)
(Corrections Committee)
(April 4, 1968)

Mr. Milton G. Rector
Director, National Council on Crime and Delinquency
(Ohio Crime Commission)
(January 9, 1968)

Lt. Col. Elmer J. Reis
Cincinnati Police Dept.
(Problems of Crime In Ohio Comm.)
(September 24, 1968)

Rep. Thomas B. Rentschler
State Representative, Butler Co.
(Problems of Crime In Ohio Comm.)
(March 21, 1968)

Professor Earl Roberts
Coordinator of the Law Enforcement Program,
Kent State University
(Law Enforcement Comm.)
(May 10, 1968)
(Law Enforcement Comm.)
(November 25, 1968)

Capt. Robert J. Roncker
Tr. Ofcr., Tr. Sect., Cincinnati Police Department
(Law Enforcement Comm.)
(November 25, 1968)

Mr. George Rosbrook
Director, Dept. of Police Science
Lorain Community College
(Science & Technology Comm.
(August 20, 1968)

Mary Ross
Ohio Assn. of Chiefs of Police
(Corrections Committee)
(January 10, 1968)
(Law Enforcement Comm.)
(July 12, 1968)

Honorable Melvin G. Rueger
Pros. Atty. of Hamilton County
(Criminal Justice Comm.)
(October, 1968)
(Executive Committee)
(December, 1968)

Lt. Col. Frank Ruvio Jr.
State Military Plans Officer
Office of the Adjutant General
(Law Enforcement Comm.)
(July 12, 1968)

Mr. Ralph Salerno
Consultant to the New York Legislative Comm. on Crime
(Problems of Crime In Ohio Committee)
(January 26, 1968)

Dr. Rupert Salisbury
Asst. Dean, Ohio State College of Pharmacy, Ohio State University
(Problems of Crime In Ohio Comm.)
(December 7, 1967)

Prof. Sam J. Sansone
Lorain Community College
(Science & Technology Comm.)
(August 20, 1968)

Mr. Doyle Shackelford, Jr.
Ex. Secy. Juvenile Court of Cuyahoga County Citizens' Advisory Board
(Corrections Committee)
(October 17, 1968)

Chief Jacob Schott
Cincinnati Police Dept.
(Problems of Crime in Ohio Committee)
(September 24, 1968)

Dean Oliver C. Schroeder
Director, Law-Medicine Center
Western Reserve University
(Law Enforcement Comm.)
(January 22, 1968)

Major J. R. Seitzinger
Civil Defense Division, Office of the Adjutant General
(Law Enforcement Comm.)
(July 12, 1968)

Mr. William Sells
State Supervisor, Bureau of Apprenticeship and Training
U. S. Dept. of Labor
(Corrections Committee)
(June 13, 1968)

Mr. William H. Sheridan
Asst. Dir. of the Div. of Juv. Delinquency Service
U.S. Dept. of Health, Education and Welfare, Washington, D.C.
(Corrections Committee)
(August 1, 1968)

Prof. John E. H. Sherry
University of Akron, College of Law
(Corrections Committee)
(October 17, 1968)

Mr. Lloyd B. Shupe
Chief Chemist, Columbus Police Department
(Problems of Crime In Ohio Committee)
(March 21, 1968)
(Science & Technology Comm.)
(June 28, 1968)

Capt. John Stroh
Akron Police Department
(Law Enforcement Comm.)
(October 25, 1968)

Chief John Terlesky
Youngstown Police Department
(Problems of Crime In Ohio Committee)
(September 24, 1968)

Lieutenant Stephan Tigyer
Juv. Bur. Columbus Police Dept.
(Problems of Crime In Ohio Committee)
(April 25, 1968)

Judge John J. Toner
Cuyahoga County Juvenile Court
(Corrections Committee)
(September 12, 1968)

Honorable Donald Simmons
Pros. Atty. of Wood County and Pres. of the Ohio Pros. Attys" Assn.
(Criminal Justice Comm.)
(October 29, 1968)

APPENDIX H

Mr. Daniel L. Skoler
Deputy Director of the office of
Law Enforcement Assistance
Department of Justice
Washington D.C.
(Full Commission)
(June 5, 1968)

Lieutenant Earl Smith
Franklin County Sheriff's Dept.
(Law Enforcement Comm.)
(June 10, 1968)

Mr. Herman G. Spahr
Staff-Associate-Executive
Improved Law Enforcement Program
of the Youngstown Area Chamber
of Commerce
(Law Enforcement Comm.)
(November 25, 1968)

Sheriff Roger Stilling
Champaign County
(Law Enforcement Comm.)
(January 22, 1968)

Judge Walter G. Whitlach
Juv. Court of Cuyahoga County
(Corrections Committee)
(October 17, 1968)

Prof. Robert J. Willey
University of Akron,
College of Law
(Corrections Committee)
(October 17, 1968)

Mr. Benson Wolman
Legislative Chairman
American Civil Liberties
Union of Ohio
(Executive Committee)
(January 30, 1969)

Mr. James F. Worster
Dep. Director of the Civil
Defense Div. - Ofc. of the
Adjutant General
(Law Enforcement Committee)
(July 12, 1968)

END