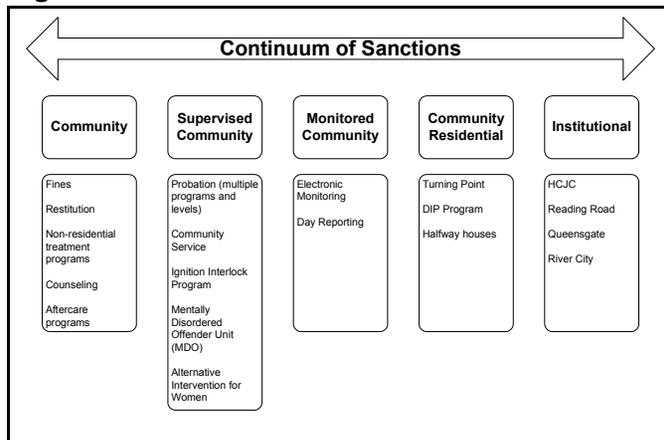


Section 6. Intermediate Sanctions

Intermediate sanctions and interventions in the criminal justice system vary greatly in the level of control and/or penalty imposed, the point in the criminal justice process at which they are imposed, and the over-all impact on the incarcerated population. In a system which is not constrained by population pressure, a tendency may exist to “widen the net” by putting people into alternative programs who would otherwise have received a lesser sanction rather than diverting people from jail. In the case of Hamilton County, population pressures have resulted in a broader use and a wider array of intermediate sanctions and procedural interventions aimed at making the justice system work more efficiently. The approach intends to provide an appropriate balance between public safety interests, cost-effectiveness, and appropriate delivery of evidence-based services that impact risk of recidivism.

Overview

Figure 6.1 Continuum of Sanctions



Intermediate sanctions exist on a continuum of sanctions which ranges from secure institutional placements at one end to community based sanctions at the other. Intermediate sanctions can have a powerful impact on the **sentenced** population, because they are imposed as part of a judicial process.

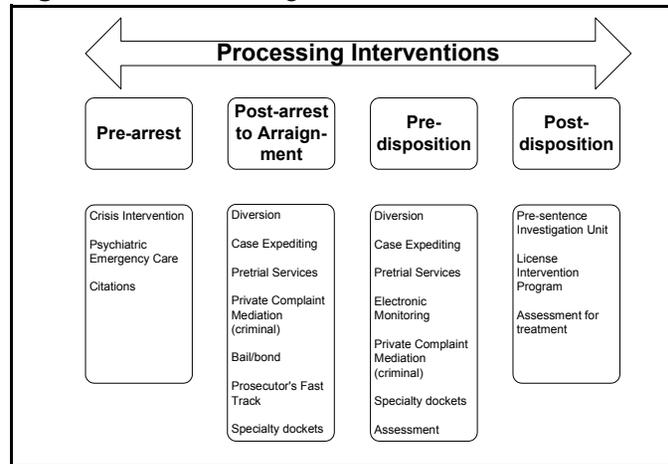
Community programs include sanctions which do not typically include frequent client contacts with the client in the community although the Court monitors to determine if conditions have been completed. **Supervised community** programs include a more formal contact between the criminal justice agency and the client, such as the various forms of probation. **Monitored community** sanctions provide for a higher level of supervision while the client resides in his or her own home. **Community residential** sanctions require that the client live in a group facility of some type; this facility is typically not secure. **Institutional** placements are secure residential placement. A number of these sanctions and specialized programs were developed as a result of two trends:

- The limited bed capacity, which has necessitated the development of this full continuum, particularly when considered in the light of legislative changes, such as Senate Bill 2, and
- Mandated programs, particularly those associated with drinking and driving.

There is a strong tendency, because of the degree to which these sanctions are spread among various agencies, to see these as “either-or” options in which the Court selects which of these options provides the required level of sanction, balancing the desire to use the least restrictive (and least costly) option while maintaining public safety. However, these continua are often most effective when they are viewed as “both-and” options in which an offender may move through several of these options during their involvement with the justice system.

Section 6. Intermediate Sanctions

Figure 6.2 Processing Interventions



However, a jurisdiction's ability to manage its **pretrial** population depends on the ability to process cases efficiently and to offer alternatives to continued custody. *As a result, it is important to recognize that both intermediate sanctions for sentenced inmates and interventions which focus on pretrial processing efficiency will be essential components of the system.*

Processing interventions occur at key decision points in the justice system. The first key decision is associated with **arrest**. Law enforcement agencies control actions which are taken at this point. Options which are available at this point can result in a person being diverted from the system, as might occur if law enforcement determines that the individual should be taken for psychiatric evaluation and potential placement. They can also result in diversion from the jail, as occurs when citations in lieu of arrest are used.

The second key decision point is first appearance or **arraignment**. There are a variety of interventions which occur at this point to divert individuals from the jail and to resolve the situation. Although electronic monitoring and day reporting are included on the previous page as sanctions, they are also used at this and later points as a condition of release. These interventions range from bail or bond to a broad spectrum of pre-trial services. The third key decision point occurs after a finding has been made in the case, but **before disposition** occurs. Interventions which occur at this point include a broad spectrum of assessments and actions which would allow for a deferred sentence. A final decision point occurs after disposition; interventions which occur at this point focus on assessments and interventions that allow for mitigation of a sentence.

The next section provides information about specific intermediate sanctions and procedural interventions currently in place in Hamilton County.

Section 6. Intermediate Sanctions

Hamilton County Sanctions and Processing Interventions

System Resources	Pre or Post	Type	Operating Agency	Service Population
Alternative Interventions for Women	Pre and Post	Supervised community	Hamilton County Central Clinic Forensic Services	Provides a continuum of mental health services for women in the justice system with co-occurring mental health and substance abuse disorders. Includes day reporting.
Arrest Screening, Expedited Bail and Adjudication Services	Pre	Procedural	Pretrial Services Department	All persons booked at HCJC to determine intervention needed to expedite release of defendants with pre-set bails or minor pay-outs (8 hour sentence to intake facility)
Behavior Controls Program	Post	Supervised community	Hamilton County Probation Department	Assigned sex offenders from Common Pleas court
Case Expediter	Pre	Procedural	Pretrial Services Department	Expedites cases of in-custody inmates, case coordination
Case Management Services	Pre	Procedural	Pretrial Services Department	All persons released on non-financial status to assure compliance
Check Resolution Services	Pre	Procedural	Hamilton County Municipal Court	Bad check diversion and settlement program
Community Service Program (CSP)	Post	Supervised community	Hamilton County Probation Department	Defendants order by the Court
Court Clinic Forensic Services	Pre and Post	Community, supervised community, community residential, institutional	Hamilton County Central Clinic Forensic Services	Provides a variety of services associated with evaluation, competency restoration, anger management and other treatment groups, medical and somatic services, individual counseling and psychotherapy and community support provider services
Court Interpretive Services	Pre and Post	Procedural	Pretrial Services Department	Assists non-English speaking defendants through the court process
Criminal Misdemeanor Mediation	Pre	Procedural	Hamilton County Municipal Court	Intake and mediation services for referred clients
Crossroads Program (life skills)	Post	Community	Hamilton County Probation Department	Assigned Municipal Court offenders
Day Reporting Plus Program	Post	Supervised community	Hamilton County Probation Department	Defendants who have violated probation and would otherwise be committed to HCJC

Section 6. Intermediate Sanctions

System Resources	Pre or Post	Type	Operating Agency	Service Population
Day Reporting Program	Pre and Post	Monitored community	Hamilton County Probation Department with Volunteers of America	Higher risk defendants
District Engaged for Neighborhood Dedicated Supervision (DEFNDS)	Post	Supervised community	Hamilton County Probation Department with Cincinnati PD District 4	
Diversion Services	Pre	Procedural	Pretrial Services Department, in conjunction with Hamilton County and Cincinnati City Prosecutors	Determines eligibility for these programs, which serve 1st time offenders, primarily thefts, welfare fraud
Driver Intervention Program (DIP)	Post	Community residential	Talbert House, with HCPD	72 hour residential program for 1st time DUI offenders
Drug Court	Pre	Procedural	Court of Common Pleas	Diverts felony drug offenders from prison, with treatment
Electronic Monitoring Unit (EMU)	Pre and Post	Monitored community	Hamilton County Probation Department	Higher risk defendants
Electronic Monitoring Unit (EMU), Protective Order Monitoring (JURIS)	Post	Monitored community	Hamilton County Probation Department	Defendants at risk of violating temporary protective/restraining orders
Extended Treatment Program	Post	Institutional	Talbert House in conjunction with HCSO	Males serving 45-90 days, intensive inpatient chemical dependency program.
Failure to Appear Unit	Pre	Procedural	Pretrial Services Department	Provides means for voluntary surrender of FTA targeted population
Hamilton County Mental Retardation/Developmental Disabilities Board	Pre and Post	Community, community residential	Hamilton County MRDD	This program provides services for individuals with developmental disabilities, including those in the criminal justice system, including community residential placements.
Hamilton County Substance Abuse Mental Illness (SAMI) Project/"No Wrong Door"	Pre and Post	Community, supervised community, community residential, institutional	Collaboration of mental health, substance abuse, human service, education and criminal justice systems	This collaborative initiative works to provide an integrated system of care for persons with SAMI co-occurring disorders.

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System Resources	Pre or Post	Type	Operating Agency	Service Population
Hamilton County Treatment Accountability for Safer Communities (TASC)	Pre and Post	Supervised community	Hamilton County Alcohol and Drug Addiction Services Board	This intervention program provides assessment, referrals, intensive case management and testing for defendants who substance abuse treatment needs.
HIV & Drug Testing	Pre	Procedural	Pretrial Services Department	Court ordered defendants
Ignition Interlock Driving Payment Assistance	Post	Community	Hamilton County Probation Department, with funding from County Commission and HCSO	Indigent defendants who opt for ignition interlock program
Ignition Interlock Driving Program	Post	Community	Hamilton County Probation Department	DUI offenders who consent to this program (allows them to drive)
Indigent Drivers Alcohol Treatment (IDAT)	Post	Community	Hamilton County Probation Department with local ADAS Board and participating treatment agencies (Prospect House, Center for Chemical Addictions Treatment, Central Community Health Board, Crossroads, First Step Home, Talbert House Drug and Family	Indigent DUI offenders
Intensive Supervision Program	Post	Supervised community	Hamilton County Probation Department	Common Pleas defendants
ISP-East Walnut Hills Intervention Project	Post	Supervised community	Hamilton County Probation Department	ISP clients who reside in this neighborhood
ISP-Lifestyles	Post	Supervised community	Hamilton County Probation Department	ISP clients who need cognitive education
ISP-Madisonville Intervention Project	Post	Supervised community	Hamilton County Probation Department	ISP clients who reside in this neighborhood
Jail Monitoring: Offender Classification and Post Conviction Services	Pre and Post	Procedural	Pretrial Services Department	Provides emergency release activity with HCSO in role of Court jail monitor

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System Resources	Pre or Post	Type	Operating Agency	Service Population
License Intervention Program	Pre and Post	Procedural	Assignment Commissioner	Processes, expedites matters pending with Ohio Bureau of Motor Vehicles. Offers recommendations to Court of certain driving violations
Mental Health Court	Pre	Procedural	Court of Common Pleas, Municipal Court	Diverts defendants with significant mental health problems from criminal justice system to mental health treatment
Mentally Disordered Offender Program (MDO)	Post	Supervised community	Hamilton County Probation Department	Defendants diagnosed with major mental illness, funding through Mental Health Board
Mentally Retarded Offender Program (MRO)	Post	Supervised community	Hamilton County Probation Department	Defendants classified as mentally retarded
Moses Docket	Pre	Procedural	Hamilton County Municipal Court	Defendants with minor offenses
Off the Streets Proposed Project (Prostitution Engagement/Empowerment for Recovery) and JEP (John Education Program)	Pre	Community, community residential	Collaboration of criminal justice, mental health, substance abuse and social service agencies.	This program targets those involved with prostitution either as sellers or buyers, focusing on developing a continuum of care for women involved in the sex industry and an education program focusing on education for males who are charged with solicitation.
Path Project	Post	Supervised community, community residential, institutional	Collaboration of criminal justice, mental health agencies	This collaborative initiative targets several groups: 1. people coming out of prison who have been diagnosed with severe mental illness. 2. Comparable inmates who are in jail, typically on parole violations, sentenced to local time. This population receives case management and a broad spectrum of services.
Pre-arraignment Bail, Arraignment Bail and Bail Review	Pre	Procedural	Pretrial Services Department	All persons who appear at HC Municipal Court. Provides verification and report to the court.
Presentence Investigation Unit	Pre	Procedural	Hamilton County Probation Department	Convicted defendants, prior to sentencing
Pretrial Release Bail Investigations	Pre	Procedural	Pretrial Services Department	All persons eligible for bail with prior evaluation, for additional information, modification
Pro Se Motion to Mitigate	Post	Procedural	Pretrial Services Department	Allows for mitigation of portions of sentences for local sentenced inmates
Probation (General, Common Pleas and Municipal Court)	Post	Supervised community	Hamilton County Probation Department	Defendants ordered by the Court
Prosecutor's Fast Track	Pre	Procedural	Hamilton County Prosecutor's Office	Within 10 working days, felony cases go to the Grand Jury and are either indicted, reduced to a misdemeanor or determined not to proceed.

Section 6. Intermediate Sanctions

System Resources	Pre or Post	Type	Operating Agency	Service Population
Protective Order Monitoring Program (POMP)	Pre and Post	Monitored community	Hamilton County Probation Department	Defendants at risk of violating temporary protective/restraining orders
River City Correctional Center	Post	Community residential	Ohio Department of Rehabilitation and Corrections	Felony offenders diverted from prison through community corrections act
Talbert House 10 Day Program	Pre and Post	Community residential	Talbert House in conjunction with HCSO	Second time DUI offenders, education, evaluation and assessment of chemical dependency
Treatment and Intervention Screening Services	Pre	Procedural	Pretrial Services Department	Screens for other agencies to determine eligibility for defendants who may be released pretrial with specific conditions, such as treatment
Turning Point	Post	Community residential	Talbert House in conjunction with HCSO	Multiple DUI Offenders, 28 day residential program, followed by ISP
Women's Treatment Program	Post	Institutional	Talbert House in conjunction with HCSO	Women serving 28-90 days with drug and/or alcohol related offenses, intensive inpatient chemical dependency program

Hamilton County clearly has a very rich continuum of intermediate sanctions. It is also noteworthy that this list does not include a large spectrum of social service options that exist outside of the realm of the criminal justice system. What is particularly significant is the degree to which *processing* or procedural interventions have been developed. This suggests that there are not significant gaps in the continuum. However, there are actions which Hamilton County may wish to explore to refine and enhance both procedural interventions and intermediate sanctions; this will report will identify general recommendations in this area at the conclusion of this section.

Procedural Interventions

Procedural interventions have a direct impact on the pretrial population in one of two ways. They either *divert* people from the system and/or the jail or they *expedite the processing of cases* so that length of time in detention is reduced.

Most of the procedural interventions are based in the Department of Pretrial Services (DPTS), which was established in 1991 by the Hamilton County Municipal Court to assume and continue the efforts of the Greater Cincinnati Bail Project, which dates to 1973. DPTS operates seven days a week, twenty-four hours a day and has screeners available in the Hamilton County Justice Center (HCJC). DPTS is well integrated with intake processing at HCJC; in addition, both organizations are able to share information.

Section 6. Intermediate Sanctions

Arrest Screening and Bail Activities

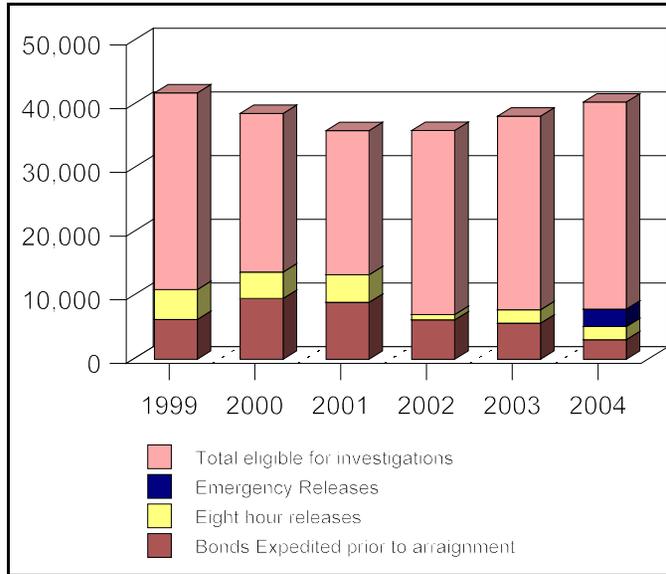
Table 6.1 Trends in Pretrial Release

	1999	%	2000	%	2001	%	2002	%	2003	%	2004	%
Arrest Screening												
Detainees eligible for bail determination	41,832	100%	38,606	100%	35,893	100%	35,936	100%	38,187	100%	40,395	100%
Bonds Expedited prior to arraignment	6,263	15%	9,553	25%	8,946	25%	6,176	17%	5,663	15%	3,089	8%
Emergency Jail/Station House releases											2,721	7%
Pay out											421	1%
Eight hour releases	4,686	11%	4,141	11%	4,339	12%	857	2%	2,118	6%	1,645	4%
Bail Investigation												
Total eligible for investigations	30,883	74%	24,912	65%	22,608	63%	28,903	80%	30,406	80%	32,519	81%
Incomplete/refused/unable holds	5,806	14%	4,081	11%	4,240	12%	5,210	14%	3,607	9%	4,610	11%
Presented prior to arraignment	8,458	20%	7,501	19%	6,783	19%	7,048	20%	8,647	23%	8,023	20%
New investigations presented at arraignment	16,314	39%	13,330	35%	11,585	32%	16,645	46%	18,152	48%	19,886	49%
Total investigations	24,772	59%	20,831	54%	18,368	51%	23,693	66%	26,799	70%	27,909	69%
Eligibility Determinations												
eligible non-financial release prior to/at arraignment	3,679	9%	3,255	8%	2,894	8%	2,373	7%	2,869	8%	2,901	7%
not eligible		0%	902	2%	658	2%	1,560	4%	1,957	5%	3,039	8%
not eligible at this time/bond review eligible	21,093	50%	16,674	43%	15,474	43%	19,760	55%	21,973	58%	21,969	54%

The bars in Figure 6.3 on the following page represent the total number of intakes at HCJC. DPTS gathers and verifies information for all individuals for whom a bail determination can be made, providing this information to the Court. DPTS interviews all arrestees to determine the appropriate level of pretrial services. During the period from 1999 - 2004, DPTS provided expedited bond services to between 20% and 37% of all persons arrested; the focus of this service is to provide arrestees who have pre-set bonds with an opportunity to expedite their release prior to court. Expediting can include allowing detainees who have a minor pay-out offense, such as a "fail to pay fine", to pay the fine, rather than continuing to court or, if they consent to a written plea, to spend 8 hours in HCJC intake to "serve" the time.

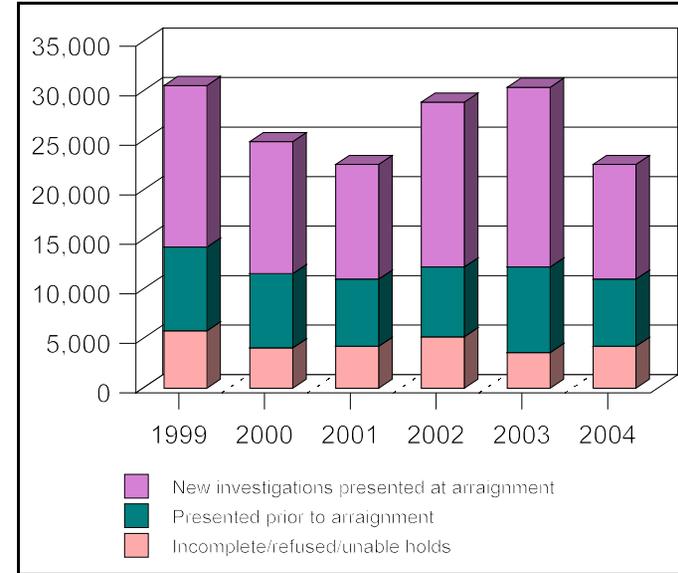
Section 6. Intermediate Sanctions

Figure 6.3 Trend in Arrest Screening, Expedited Bail and Adjudication Services



If not released prior to arraignment, DPTS provides pre-arraignment bail, arraignment bail, and bail review services. This assessment and verification includes a risk assessment to determine if the arrestee is eligible for release on recognizance. As shown in Figure 6.4, between 1999 and 2004, between 74% and 81% of persons arrested proceeded to bail review. Between 9% and 14% of these persons, either resulted

Figure 6.4 Trend in Pretrial Release Bail Investigation Activities



in incomplete investigations, refused to participate, were unable to participate or had holds which made them ineligible. Between 19% and 23% had investigations which were completed and presented prior to arraignment, while between 32% and 49% had investigations which were presented at arraignment. Proportionately, this is the category which has shown the greatest change; it appears that the trend toward presenting this information at arraignment is returning to levels seen in 1999.

Section 6. Intermediate Sanctions

Figure 6.5 Eligibility Determinations

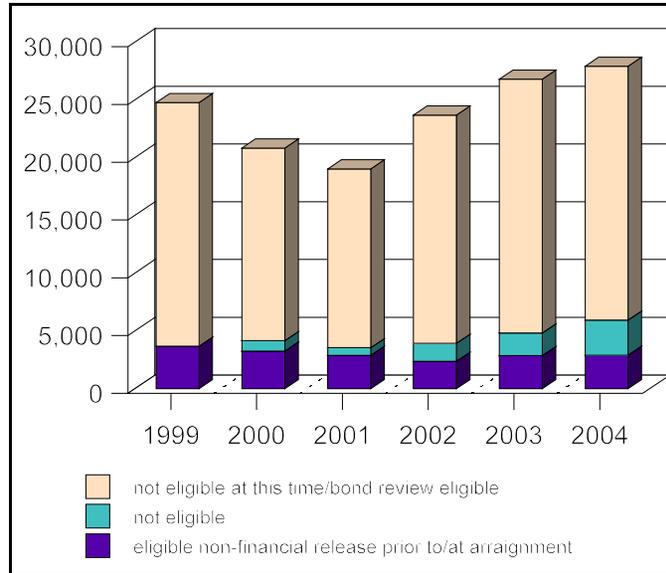


Figure 6.5 shows that between 2% and 8% of detained persons were determined to be not eligible for non-financial release. Eligibility is policy or statutorily driven, i.e., based on the nature of the charge, the defendant is not eligible for bail. However, these individuals continue to be eligible for assessment. This population has grown during the period. Between 7% and 9% of persons arrested are eligible for non-financial release prior to arraignment. The remainder (43% - 58%) continue to be eligible for bond reviews although they were determined to be ineligible at arraignment.

It is clear that DPTS activities are essential and instrumental to managing the jail population. During the period from 1999 - 2004, between 19% and 37% of all persons arrested were released (and in some cases had their legal matter resolved) prior to going to arraignment, resulting in a release within 8 hours. An additional 7% -9% were determined to be eligible for non-financial release at or prior to arraignment. This clearly assists in efforts to maintain jail population at or below the cap. However, there are indications that there may be some shifts in the offender population as noted in the increase of inmates who are not eligible for a non-financial release. Although this is a small percentage of persons interviewed by DPTS and booked at HCJC, if this population remains in custody for a long period of time, they can have a disproportionate impact on the jail population.

for a long period of time, they can have a disproportionate impact on the jail population.

Section 6. Intermediate Sanctions

Table 6.2 Sources of Holders

	2002	%	2003	%	2004	%
Holders to be resolved	14,029	100%	19,142	100%	17,379	100%
Court Order	227	2%	246	1%	225	1%
Domestic Relations	435	3%	457	2%	491	3%
Electronic Monitoring Violation/Eligibility	117	1%	518	3%	733	4%
Federal Warrant	307	2%	210	1%	161	1%
Immigration	9	0%	49	0%	13	0%
In Population Arrest	220	2%	1,356	7%	1,797	10%
In State Warrant	326	2%	317	2%	416	2%
Juris Monitor Violation/Eligibility	131	1%	545	3%	754	4%
Juvenile Court	1,875	13%	2,020	11%	755	4%
Local Law Enforcement	6,902	49%	6,219	32%	6,355	37%
Military	11	0%	6	0%	4	0%
Other	1,025	7%	1,071	6%	683	4%
Out of State Warrant	582	4%	589	3%	642	4%
Parole Department	1,532	11%	1,383	7%	1,331	8%
Special Circumstances	330	2%	361	2%	371	2%
Probation Violation from Common Pleas Court	NA		1,340	7%	756	4%
Warrant on Indictment	NA		2,455	13%	1,892	11%

Holders

This information was only provided in three of the annual reports, so it is difficult to make many assumptions about trends, particularly since there were differences in the categories reported. It appears that the most common holder comes from a local law enforcement agency. The next most common categories appear to be warrants on indictment and Juvenile Court. It also appears that the number of holders peaked in 2003.

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Case Management Services

DPTS continues to manage cases of all individuals who are released on own recognizance (with or without conditions); this service is extended to individuals who are placed on special dockets, such as mental health or drug court. The general philosophy of release has been to use the least restrictive manner which will result in the defendant’s appearing in Court as summoned. Table 6.3 provides additional information about the trend in non-financial releases.

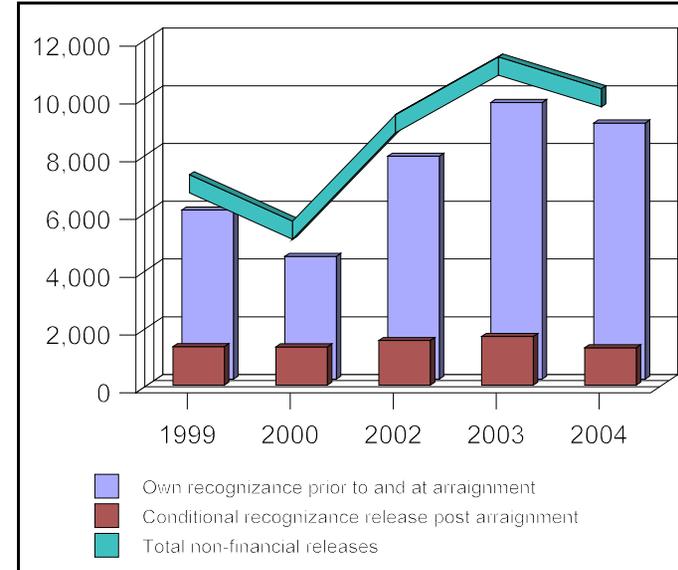
Table 6.3 Trend in Non-Financial Releases

Non-financial Releases	1999	2000	2001	2002	2003	2004
Own recognizance prior to and at arraignment	5,855	4,253	5,488	7,722	9,578	8,867
Conditional recognizance release post arraignment	1,333	1,325	2,086	1,545	1,688	1,297
mental health/special docket		15	68	92	102	14
drug court/special docket			198	2	23	23
other		446	535	280	266	380
diversions		180	428	426	349	na
electronic monitoring		603	678	625	776	776
common pleas bond reviews		81	179	120	172	104
other (traditional OR)				24	0	na
Total non-financial releases	7,188	5,578	7,574	9,267	11,266	10,164
Total Notifications of future court hearings	15,905	13,053	12,587	11,792	15,282	15,619
FTA Rate						
by defendant release	7.70%	8%	9%	8.20%	7%	9%
by total cases terminated					9.30%	11%

changes associated with drug court have excluded a number of more serious drug offenses (trafficking) and defendants with co-occurring disorders. Additionally, drug court cases are no longer bundled, and rather than “fast tracking,” cases are sent to the Grand Jury, resulting in increased time, which can be in custody.

The most common conditions of a release on recognizance appear to be non-financial release with electronic monitoring. DPTS is also responsible for notifying those released on recognizance of future court appearance. This effort is significant, but appears level, even

Figure 6.6 Trend in Non-financial Releases



There have been significant changes in the use of own recognizance prior to and at arraignment (51% increase between 1999 and 2004). However, the number of conditional releases post arraignment to special dockets has decreased slightly (3%). It is worth noting that referrals to drug court do not receive the same type of case management services. While the information is provided to the Court, it is provided at a later time. Additional

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though the number of persons released on recognizance is increasing. The FTA rate for this program is very reasonable, ranging between 7.7% and 9% for the years for which data is available.

Treatment and Intervention Screening Services

DPTS screens defendants for eligibility for programs offered by other agencies as well as the Court. These programs may allow defendants to participate in treatment or be placed on pretrial release with special conditions.

Table 6.4 Treatment, Screening and Diversion Activities

	1999	2000	2001	2002	2003	2004
Treatment & Intervention Screening						
Special docketing/case tracking	NA	1,056	2,908	2,505	2,423	2,648
bond reviews investigations		846	1,578	1,572	1,446	1,508
special docketing		210		933	977	1,140
Mental health/substance abuse treatment readiness		6,066	6,574	5,935	7,257	9,323
Diversion Activities						
diversion eligible screens	1,833	1,669	1,640	3,239	2,076	NA
completed investigations	450	448	428	450	643	NA
accepted by prosecutor	438	249	352	392	584	NA
successful completions	247	321	276	201	268	NA
total cases diverted		321		428	656	NA
cases reactivated	63	149		87	60	NA

DPTS provides special docketing and case tracking services for a variety of court programs including electronic monitoring, women’s assessment, drug court and other bond reviews presented. These activities also include mitigation, mental health arraignment/competency and restoration, and prosecutor’s diversion reviews. DPTS screens inmates to determine if they are eligible to participate in mental health and/or substance abuse treatment. Table 6.4 shows a significant increase in all of the special docketing tracking (151% since 2000) and an increase of 54% in substance abuse and mental health treatment readiness. Finally, DPTS provides screening and investigative services for diversion programs operated by the Hamilton County and City of Cincinnati Prosecutors’ diversion programs. The trend in both cases accepted and cases diverted are increasing.

Failure to Appear Program

Table 6.5 Trend in FTA Program Statistics

	1999	2000	2001	2002	2003	2004
Defendant Referrals	8,477	7,568	6,730	9,060	9,982	10,998
Outstanding case warrants	15,215	12,817	11,408	10,494	11,059	11,593
Successfully resolved	84%	88%	87%	91%	88%	89%

DPTS assists the court with management of Capias warrants which are issued when a defendant fails to appear as requested by the Court. This program is unique in its approach to providing defendants an opportunity to voluntarily surrender without police involvement, reducing the potential for future incarceration.

Section 6. Intermediate Sanctions

Defendant referrals can come from a variety of sources, including court personnel, prosecutors, police and others. Since 1999, the number of referrals has increased 30%, while the number of outstanding case warrants has decreased 24%. Typically between 84% and 91% of these referrals are successfully resolved.

Mediation Services

Table 6.6 Trend in Mediation Activities

	1999	2000	2001	2002	2003	2004
Misdemeanor mediation interviews	3,141	2,697	2,075	1,943	1,911	1,902
Cases scheduled	2,006	1,854	1,767	1,655	1,559	1,643
% diverted	89%	90%	90%	89%	90%	86%
Check resolution cases scheduled	4,641	1,953	2,359	1,568	1,115	1,125
% diverted	78%	61%	54%	57%	46%	43%

The Private Complaint Mediation Service (PCMS) was developed to provide a mediation alternative to formal dispute resolution processes; this unique program, which is operated by the Municipal Court, has been applied to allow for private citizen misdemeanor mediation and check resolution.

Trends in all of these activities show decreases since 1999. In 2003, the County Prosecutor’s Office developed a diversion program which focuses on the same types of

offenses; this process results in these cases being processed through court rather than completely diverted. Misdemeanor mediation appears to have a very good track record of diverting cases, averaging about 90% of cases scheduled being diverted although the rate diversions decreased slightly in 2004. Check resolution cases have a moderate rate of diversion, which is decreasing significantly.

License Intervention Program

Table 6.7 License Intervention Program Statistics

	2002	2003	2004
Valid License	1,867	1,932	3,805
Unable to Obtain/Failed	1,762	2,273	2,460
Capias	1,367	2,665	2,862
Total	4,996	6,870	9,127

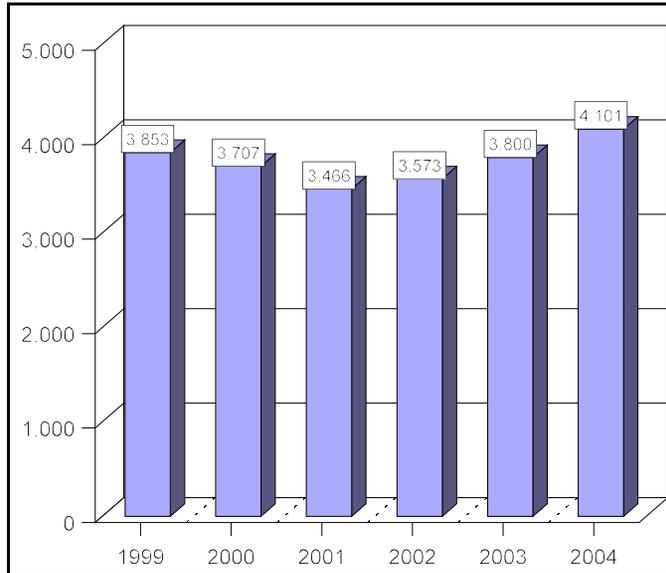
The Assignment Office operates this program; daily dockets are screened to identify traffic offenders who may be eligible for this program. Its purpose is to assist defendants who have lost their licenses to complete the requirements of the court and the Department of Motor Vehicles to obtain a valid driver’s license. The program has grown significantly from 2002 to 2004, with a 104% increase in referrals. Overall, about one-third of persons referred are able to successfully obtain a valid driver’s license. About one-third of persons referred were not able to get a valid driver’s license on the day they participated in this program or were subject to a mandatory suspension. The final third of participants did not report to this program and were referred back to court for Capias.

This is a unique program that addresses a common problem experienced by defendants with a history of license violations; it helps to avoid repeat bookings and potential additional jail time by assisting the defendant to obtain a valid operator’s license.

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Presentence Investigations (PSI)

Figure 6.7 Trend in Presentence Investigations



The Hamilton County Adult Probation Department prepares background investigations of convicted and non-convicted defendants for the Court of Common Pleas. The efficiency of this unit is one determinant of the length of time between conviction and sentencing. After a period of decrease from 1999 to 2001, the number of presentence investigations completed has increased for the last three years and now exceeds levels seen in 1999. The increase in Presentence Investigations actually relates to Senate Bill 2, which requires a PSI if the defendant is going to be placed on some form of community control. In addition, this legislation has made it to the Court's advantage to ensure that a PSI is completed. The Probation Department has an internal time target of competing PSIs within nine working days of receipt of the order; this is a very quick turn-around time.

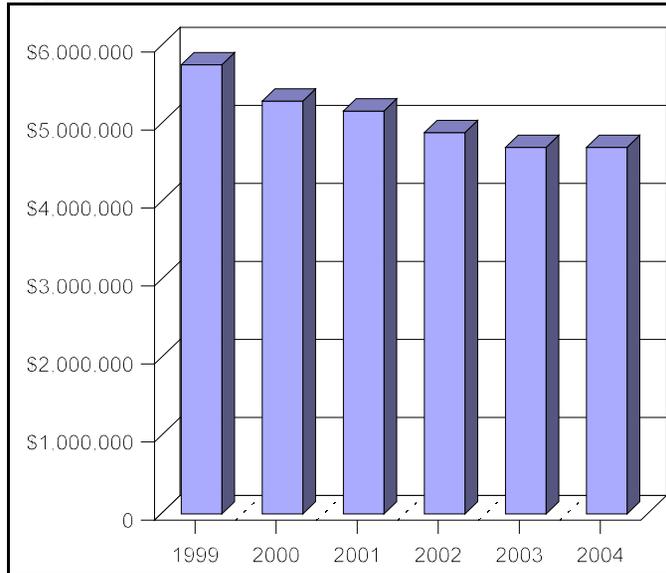
Intermediate Sanctions

Most of the intermediate sanctions are operated by the Hamilton County Adult Probation Department (HCAPD); all generally operate as post-adjudication options in lieu of or in addition to incarceration. Some, such as electronic monitoring, may also be imposed as conditions of non-financial release.

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Fines and Restitution

Figure 6.8 Trend in Financial Sanctions



Some of the most traditional sanctions imposed on defendants are orders to pay Court costs, fines, and restitution. In addition HCAPD charges inmates supervision fees. Of these, the most significant from a restorative justice perspective is the use of victim restitution. During the period studied, overall, revenue from these sources has decreased 18%. While there have been decreases in costs, fines, supervision fees and other income, the amount of victim restitution has remained level. In the opinion of the consultant, there can sometimes be a point of diminishing returns in the use of financial sanctions, since they depend on the ability of the defendant to pay. Members of the Core Team believe that a variety of factors are involved in these changes. First, since there is less enforcement activity, particularly around minor offenses, which often result in fines, the lower revenue in this area relates to law enforcement practices. Secondly, fewer individuals have elected to go on supervision associated with a variety of treatment programs; this will result in reduced probation fees. Finally, since those who are indigent do not pay for these services, if there are higher numbers of persons who are indigent in the system, there will be less revenue.

Table 6.8 Trend in Financial Sanctions

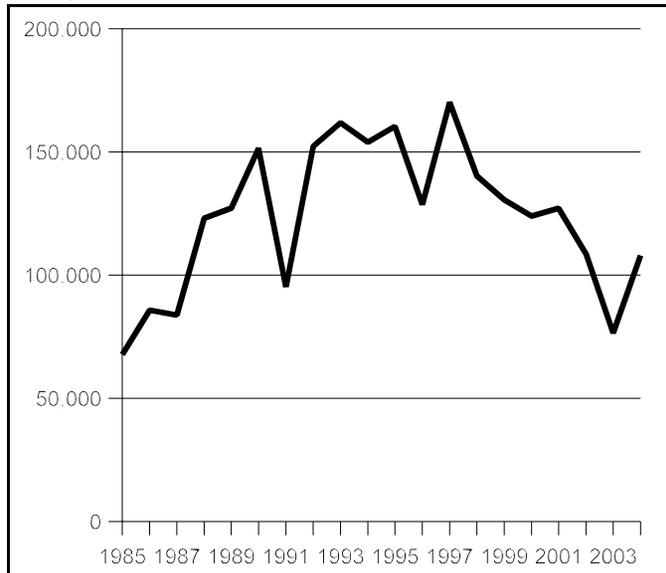
	1999	2000	2001	2002	2003	2004
Court Ordered Debts	\$880,669	\$865,754	\$848,046	\$859,029.20	\$812,595.98	\$834,870.52
Fines	\$1,908,286	\$1,583,334	\$1,583,334	\$1,300,074.50	\$1,118,370.10	\$1,071,378.00
Restitution	\$1,565,335	\$1,515,459	\$1,527,671	\$1,569,632.70	\$1,577,659.60	\$1,650,296.90
Supervision Fees	\$1,313,397	\$1,267,333	\$1,205,410	\$1,117,863.94	\$1,140,628.40	\$1,090,877.00
Other Income	\$89,498	\$60,119	NA	\$40,659.73	\$48,023.45	\$50,595.23
Total	\$5,757,186	\$5,291,999	\$5,164,461	\$4,887,260.07	\$4,697,277.53	\$4,698,017.65

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Community Service

Community service is another alternative, which is consistent with restorative justice models. Defendants “repay” the community by their labor, rather than by dollars. This program places convicted defendants with governmental or non-profit agencies to perform a specified number of hours of community service.

Figure 6.9 Trend in Community Service Hours Completed



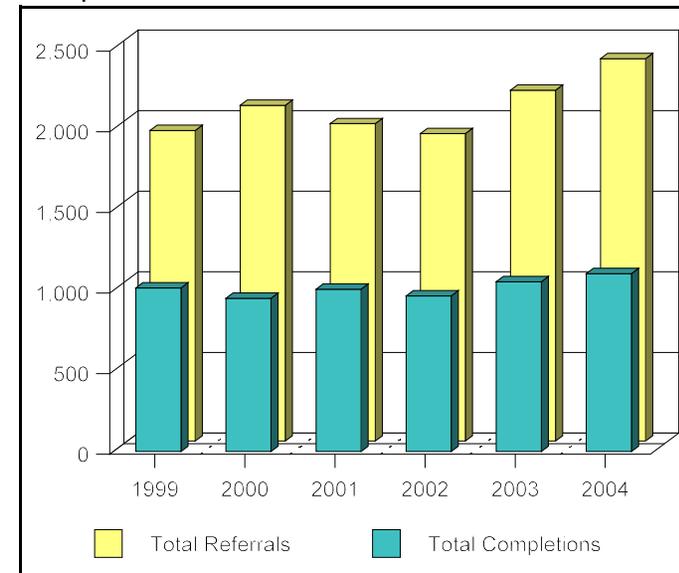
12%. The total number of hours ordered, however, has decreased 15%, and the number of hours completed has decreased even more (41%). The Core Team believes that while more people are being referred, the number of hours ordered per person is decreasing. This may relate to either the types of offenders referred to these programs or judicial philosophy about an appropriate number of hours to be completed.

Table 6.9 Trend in Community Service Statistics

	1999	2000	2001	2002	2003	2004
Municipal Court Referrals	1,364	1,489	1,435	1,367	1,567	1,745
Common Pleas Referrals	562	593	534	540	609	627
Total Referrals	1,926	2,082	1,969	1,907	2,176	2,372
Municipal Court Hours Ordered	86,262	96,130	84,720	60,510	63,846	72,189
Common Pleas Hours Ordered	140,263	136,049	129,560	112,712	127,289	121,348
Total Hours Ordered	226,525	232,179	214,280	173,222	191,135	193,537
Hours Completed	130,554	124,023	127,136	108,708	76,505	107,999
Municipal Court Completions	737	645	790	740	772	789
Common Pleas Completions	278	306	217	226	282	315
Total Completions	1,015	951	1,007	966	1,054	1,104
% Successful Completions	53%	57%	46%	40%	37%	47%

About half of people referred to complete community service are successful in doing so. Referrals to community service from Municipal Court have increased 28% during the period studied, while referrals from Common Pleas Court have increased

Figure 6.10 Community Service Referrals and Completions

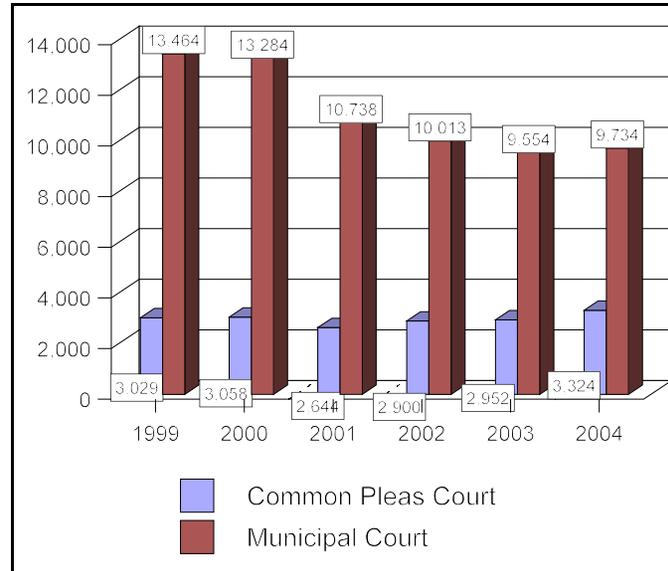


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Probation

Probation is the most common form of community supervision. In addition to general supervision provided by HCAPD for both the Common Pleas and Municipal Court, there are a number of specialized services which are described later in this section.

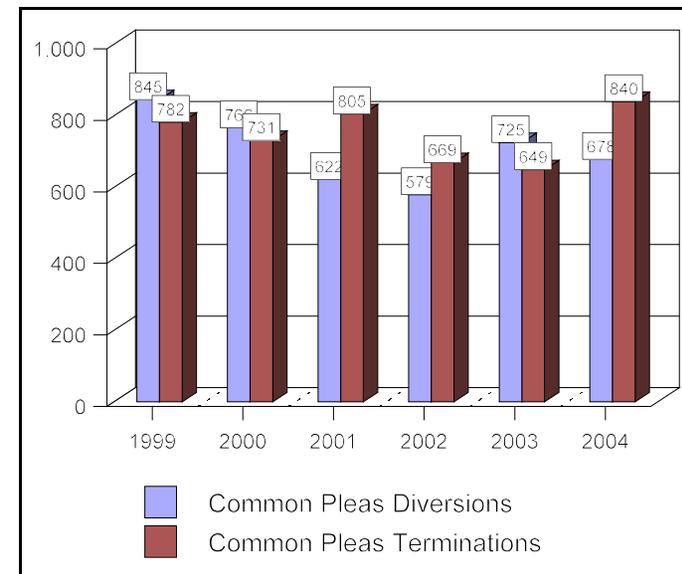
Figure 6.11 Referrals to Probation



Referrals to Probation show different patterns in the Court of Common Pleas and Municipal Court. Since 1999, referrals for Municipal Court probation have decreased 28%, while referrals for Common Pleas Court probation have increased 10%. In 1999, Common Pleas probation referrals were 18% of all probation referrals, but in 2004, they accounted for 25% of probation referrals. The marked decrease since 2000 is a direct result of the single judge assignment process in which all cases associated with a defendant go back to the same judge.

Intensive supervision diversions have decreased 20%, but terminations have increased 10%.

Figure 6.12 Common Pleas Intensive Supervision Diversions from Common Pleas Court and Terminations



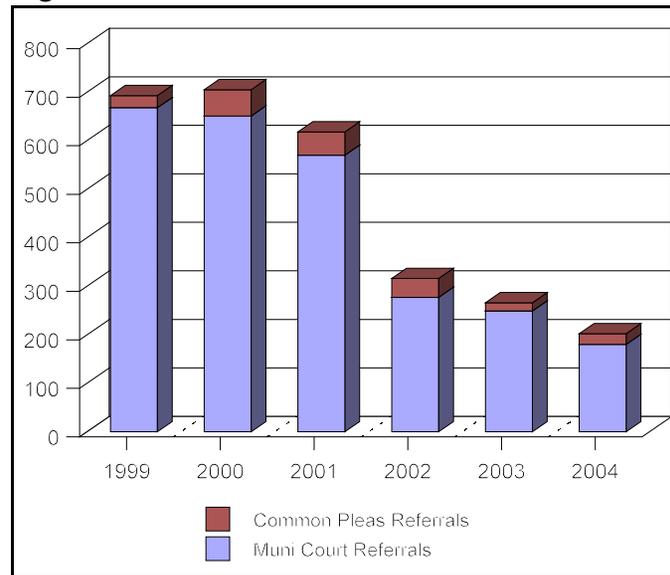
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Behavioral Controls

The Behavioral Controls program provides services for supervision of sex offenders. Clients include both felons and misdemeanants, who participate in a structured treatment process with follow up support groups. Participants in this specialized program have decreased 8% since 1999.

Crossroads

Figure 6.14 Referrals to Crossroads



participants decreased also. Successful completions are limited to completion of the ten week course; there is no additional follow-up or criteria for success.

Crossroads is a group education program which focuses on life-skills. Groups of four to twenty participants complete a ten week program which includes personal history, alcohol and drugs, time management, financial matters, assertiveness training, employability, relationships and domestic violence, conflict resolution, wants versus needs, and goal setting techniques. During the period studied, the number of Municipal Court referrals has decreased 73% and the number of Common Pleas Court referrals has decreased 12%. The number of groups graduated has steadily decreased. Until 2004, the number of successful

Figure 6.13 Behavioral Control Participants

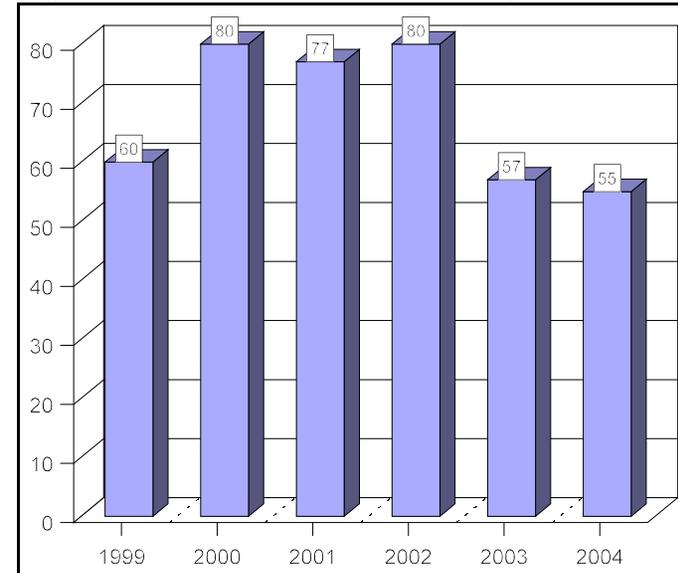


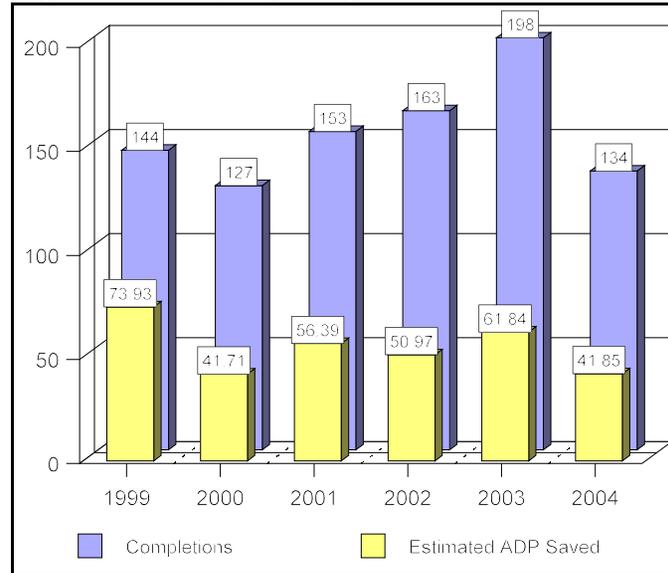
Table 6.10 Crossroads Referrals, Graduations and Successful Participants per Group

	1999	2000	2001	2002	2003	2004
Municipal Court Referrals	668	651	570	277	249	180
Common Pleas Referrals	25	54	48	39	17	22
Total Referrals	693	705	618	316	266	202
Groups Graduated	25	26	21	23	18	12
Successful participants	12.5	13	11	10.7	9.5	11.5

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Day Reporting

Figure 6.15 Day Reporting Statistics



Day reporting dates to sometime prior to 1999; in addition, HCAPD operates Day Reporting Plus for individuals who have violated their probation and who would otherwise be committed to HCJC. During the period from 1999 through 2003, the number of clients referred to day reporting has increased 38% to 2003, but decreased sharply in 2004. Although the number of jail days continues to be significant (an ADP of 41.85 in 2004), jail days averted has decreased 43%.

Driver Intervention Program (DIP)

DIP is a 72-hour residential program for first time DUI offenders, which is operated by Talbert House. The program provides alcohol education and assessment. People who participate in this program are offered this option in lieu of incarceration; all who enter the program are placed on probation; participation may include follow-up substance abuse treatment.

Figure 6.16 DIP Referrals

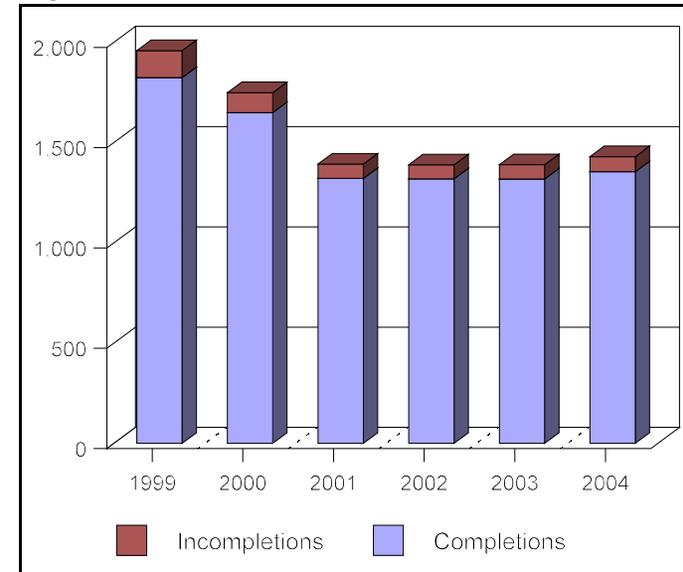


Table 6.11 DIP Referrals

	1999	2000	2001	2002	2003	2004
Ordered	2,089	1,777	1,388	1,496	1,568	1,454
Completions	1,823	1,649	1,321	1,319	1,318	1,354
Male	1,390	1,305	1,017	1,010	976	985
Female	433	344	304	309	342	369
Incompletions	135	99	71	69	71	75
Male assessments						
Treatment	502	576	493	525	554	574
No referral	888	725	524	485	446	411
Female assessments						
Treatment	178	133	144	150	177	203
No referral	255	207	160	159	165	166

Since 1999, the number of people ordered to this program has decreased 30%. During this time, between 84% and 95% have completed this program. Perhaps the most interesting thing is the proportion of assessments which are now being referred for treatment. In 1999, 36% of male assessments

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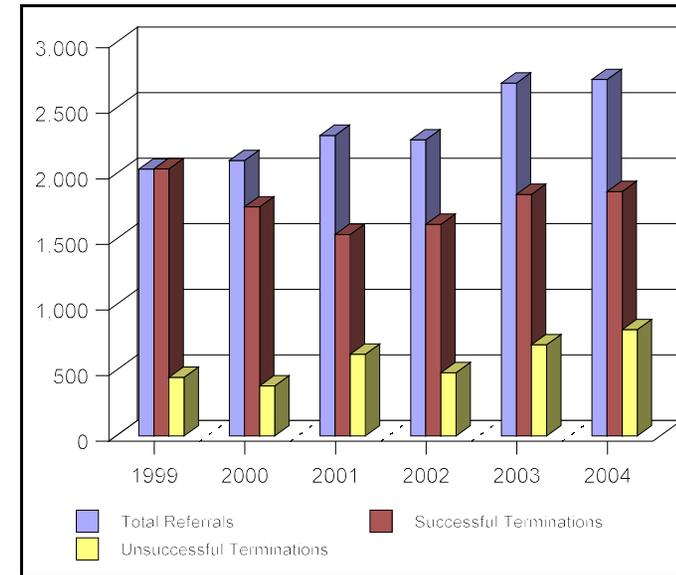
and 41% of female assessments were referred to treatment, but in 2004, 58% of males and 55% of females were referred.

Electronic Monitoring Unit (EMU)

Table 6.12 Trend In EMU Referrals and Terminations

	1999	2000	2001	2002	2003	2004
Municipal Court Referrals	1,338	1,569	1,631	1,736	2,210	2,664
Common Pleas Referrals	65	?	15	4	28	53
Juvenile Court Referrals	629	530	645	517	452	na
Out of county Referrals	3	1	1	1	1	1
Total Referrals	2,035	2,100	2,292	2,258	2,691	2,718
Successful Terminations						
Municipal Court Terminations	1,459	1,286	1,111	1,190	1,508	1,824
Common Pleas Terminations	39	?	6	4	7	39
Juvenile Court Terminations	538	459	420	420	326	na
Out of County Terminations	1	2	0	0	1	1
Total Successful Terminations	2,037	1,747	1,537	1,614	1,842	1,864
Unsuccessful Terminations						
Municipal Court Terminations	369	313	464	394	593	799
Common Pleas Terminations	8	?	5	2	3	12
Juvenile Court Terminations	70	68	153	86	99	na
Out of County Terminations	0	0	1	0	0	0
Total Unsuccessful Terminations	447	381	623	482	695	799

Figure 6.17 Trend in EMU Referrals and Terminations



Although the EMU is listed as an intermediate sanction, it may be used for both pretrial defendants (as a condition of release) and sentenced defendants (as a condition of their sentence). EMU has been used since

1989 and has grown significantly since that time. Defendants who participate in this program receive a high degree of supervision from probation staff. Between 1999 and 2004, Municipal Court was the primary user of this program, accounting for nearly 80% of all referrals during this period; Juvenile Court was the next most common user, accounting for 24% of other referrals. The total number of referrals increased 34% from 1999 to 2004, with a significant increase in the last year, particularly when the fact that Juvenile Court referrals were not noted in 2004.

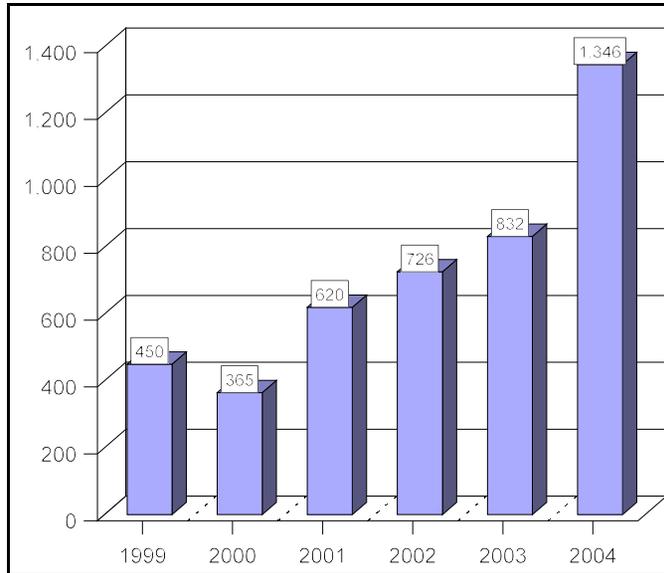
Clients may participate in this program across multiple years, which can result in more terminations than referrals within a year. During this period, between 70% and 82% of people successfully completed their EMU sentence. The proportion of successful completions has not changed appreciably since 2001, but in 1999 and 2000, successful completions were higher (82% both years). The Core Team

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attributes these changes to the shift toward more serious offenders coming into the system in recent years. It may be that there is a tendency to use electronic monitoring for a more serious offender because of population pressures at the jail.

Protective Order Monitoring

Figure 6.18 Trend in Protective Order Monitoring



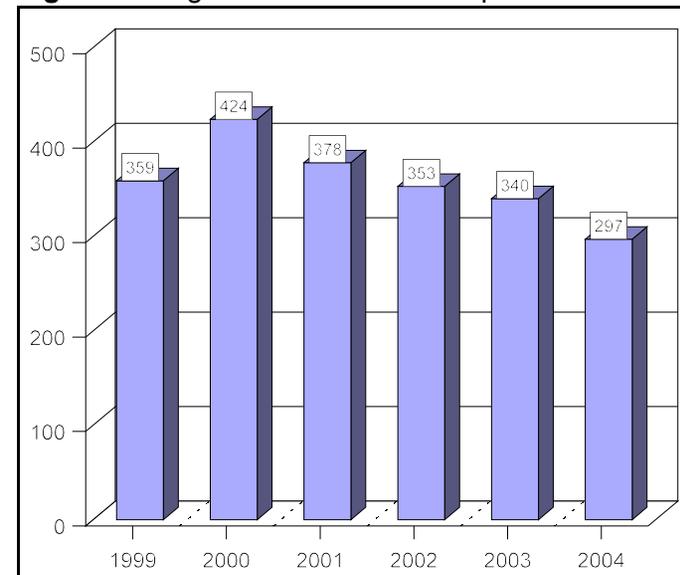
program is funded by the Hamilton County Commissioners with the cooperation of the Hamilton County Sheriff. After a significant increase in 2000, the number of participants in this program has decreased consistently to just under 300 in 2004.

EMU offers the courts a program to monitor the location of defendants who have been involved with domestic violence and stalking offenses. This program has been available since 1996 and referrals have increased 199% since 1999. This is a significant increase in program utilization. On average, EMU now has 31 defendants involved with this program.

Ignition Interlock Program

The Ignition Interlock program allows those who have been convicted of DUI to drive if the ignition interlock device is installed in their vehicle. A program exists to provide funding for indigent defendants who would otherwise qualify for this program. The

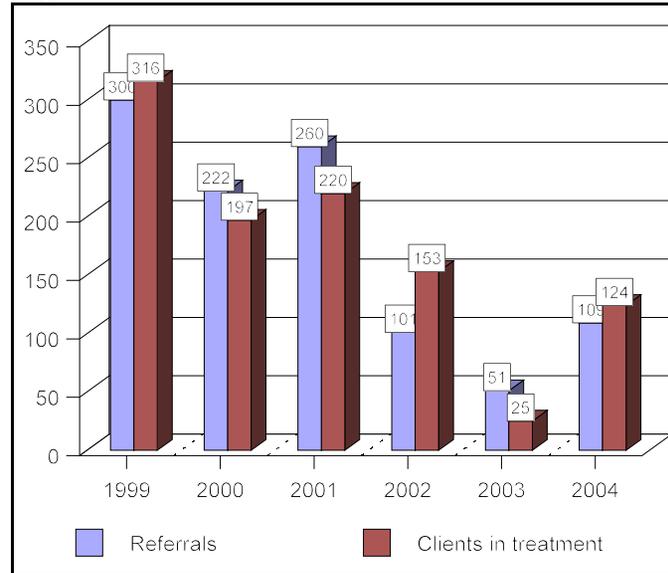
Figure 6.19 Ignition Interlock Participants



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Indigent Drivers Alcohol Treatment (IDAT)

Figure 6.20 Trend in ADAT Referrals and Clients



This program was mandated by State Senate Bill 131. Since 1992, Hamilton County has partnered with the local ADAS Board and area treatment providers to provide alcohol treatment to more than 2,500 medically indigent DUI offenders. The trends in referrals to this program and clients in treatment show significant decreases through 2003, followed by an increase in 2004. In spite of the increase, referrals and clients have not returned to levels seen prior to 2001.

Conclusions

1. It is clear that Hamilton County has a well developed continuum of intermediate sanctions and interventions that provide options to secure confinement for both pretrial and sentenced defendants. Much of this continuum has been in place for between ten and 20 years. This is among the most sophisticated, creative and complete grouping of alternatives that the consultant has observed.
2. Hamilton County has consistently participated in a broad spectrum of alternative programs which were developed as State initiatives, particularly those around alcohol and driving offenses, because of the options for State funding of these programs. It is also clear that many of these intermediate sanctions were developed as direct results of the recommendations of a variety of planning efforts which occurred in the 1970's, 1980's and 1990's. Without these alternatives, the confined population would clearly be much higher.
3. It is also clear that participation in a number of these programs - particularly those targeting low risk offenders - has decreased since 1999. There are a number of potential reasons for this change, but the most likely is tied to data provided in section five which documents changes in arrest practices resulting in significant reductions in the number of low level offenders, particularly traffic offenders, charged with offenses, who are not coming into the criminal justice system at this time. It is not likely that these offenders have disappeared. At the same time, there appears to be a shift in the nature of some offenders coming into the system, related to a more serious pattern of violent behavior, with or without weapons, coupled with drug abuse. This is a more challenging population to manage in the justice system. They are likely to require a much higher level of intervention and supervision and are likely to remain in custody for substantial periods of time. Perceptions about this population may lead to the use of more restrictive sanctions and conditions than in previous years.
4. A number of the programs and alternatives currently in place seem disconnected. Although they exist on a continuum, their relationship to other alternatives and programs is not as well connected as would be desirable in the light of the needs of

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defendants during re-entry planning. It is clear that system efforts have been directed toward trying to manage jail population and to coping with capacity issues. As a result, while there has been a great deal of thought about what to do at the onset of a defendant's incarceration, there has been relatively little focus, for the "average inmate" on planning for release. These efforts are critical for long-term success of any program focusing on reducing recidivism.

5. A number of the programs began prior to the more systematic evaluations on correctional programming that has evolved into what is often referred to as "what works." It would be wise as major facility changes are being developed that a thoughtful evaluation of alternative programs occur to ensure that the programs offered are consistent with "evidence-based best practices" and that the continuum of services is well-coordinated.