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CRIME AND JUSTICE IN A SMALL CITY

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

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* * * * * *

The Ohio State University
1970

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CHAPTER I

INTRODUCTION

THE ADMINISTRATION OF JUSTICE SYSTEM

The criminal justice system in the United States is neither a monolithic nor an integrated system, having been built segmentally over an extended period of time. Its basic philosophy is that a person cannot be sentenced unless he is found guilty of violating a specific statute through an adversary process. Around this tenet, institutions and procedures have accumulated, some diligently constructed and others improvised, some inspired by principle and others by expediency. Viewed as a whole, the system is an adaptation of English common law to our particular structure of government, and it permits each community to build institutions to meet its own needs. Thus, there are Federal, state, county, city, town and village criminal justice systems which operate similarly, but no two are exactly alike.¹

All these systems function to enforce rules and regulations of behavior deemed necessary to protect the citizens and the community. They function by apprehending, prosecuting, convicting and sentencing those persons...
discovered violating these rules. The distinguishing characteristic of this system as compared to those of other countries is the breadth and form of protection it affords people during the process of determining guilt or innocence. This system deliberately sacrifices a great deal in efficiency and effectiveness, in order to perpetuate local autonomy and to insure individual rights.  

The criminal justice system has four parts: the police, prosecution, courts, and corrections, each having its own distinct functions. However, the parts do not function independently since the operations of each directly impinge on the performance of the others. For example, police detection logically comes prior to the other processes but may overlap those that follow it. The arrest of a suspect may precede the full investigation of the offense for the purpose of interrogating the accused and checking out his story. Detection overlaps prosecution because the prosecutor may not accept the police investigation as a sufficient basis to prosecute; nor do the courts necessarily accept police findings as a sufficient basis on which to convict. In a sense, detection of crime continues until the final disposition of the case. Furthermore, the overlap of police detection, and the subsequent processes in the administration
of justice, is not a one-way flow, since the reverse is also apparent from operational feedback. In short, the police and prosecutor shape their operations with an awareness of the decisional process that is likely to follow. 3

RELEVANT LITERATURE

Law enforcement occurs within a delicate framework of social control and legal regulation establishing a balance between personal rights and societal protection, thus revealing one of the basic problems of modern society. "A democracy, like all other societies, needs order and security, but it also and equally requires civil liberty. This complexity of need creates difficult theoretical and practical problems." 4 Consequently, any resolution of these conflicting demands within the system of criminal justice results in a series of compromises, when the system is challenged by appealing individual cases.

Criminal statutes imply the uniform enforcement of laws against everybody, in all circumstances, and at all times. The police tend to foster this enforcement "blindness" myth by denying that discretion is involved in their work. They maintain that informal standards exist to assist in decision making. 5 However, full enforcement of the law is impossible, because a number of systemic
impediments exist within the various parts of the criminal justice system. There are impediments between the various parts of the system as well as those between the sub-systems (prosecutors, courts) and the community. Literature is classified as to whether it pertains to the police, prosecutor, or court and within these classifications as to whether the impediments are within or between these parts or between the parts and the community. In instances where references are quite similar the most representative was selected for inclusion and the others are referenced in the footnotes.

**Impediments Within the Police System**

Several impediments contribute to ineffective law enforcement in the United States. These include the proliferation of agencies and decentralization, manpower shortages, deficiencies in manpower training, organizational problems and lack of professionalism.

Within the United States there are 40,000 separate agencies responsible for law enforcement, including 50 Federal agencies, 200 on the state level and the remaining 39,750 in counties, cities, towns and villages. Since local autonomy in law enforcement prevailed throughout our history and is still jealously guarded even now, making for law enforcement which is extremely decentralized.
There are problems when several agencies exist in close proximity, including jurisdictional barriers among agencies and competition for scarce resources. Thus, communication becomes difficult and obtaining assistance can be a complicated process.6

Another difficulty is the inability to attract capable personnel. Most police forces are substantially under their authorized strength. The problem is aggravated by a low rate of eligibility among applicants and a moderate to high turnover in police personnel. Present manpower needs are estimated to include 50,000 new policemen.7

The police administrator of today needs a thorough knowledge of the function of the police in an urban society. He must be able to relate police functioning to the other agencies in the criminal justice system; to examine and solve complex problems relating to the exercise of police authority; to direct subordinates in a fashion that will elicit their cooperation with his policies and, in the process, to be particularly sensitive to legitimate community demands and interests. Further, there is a need for officers of above average intelligence, a high degree of emotional maturity, the ability to understand the community, especially intergroup problems, and to relate to the public.8
Considerable progress has been made recently in training development for officers but the total effort in the country, relative to the complex problems of law enforcement, is grossly inadequate. It is possible today for an individual to begin work without any formal training at all; in many instances, training consists of being placed with a senior patrolman. Clearly, every effort must be made to upgrade the training policemen receive prior to assuming their duties.\(^9\)

Mitchell indicates that effective law enforcement is closely related to the organizational structure of the police department.\(^{10}\) Two studies tend to substantiate Mitchell's contention. Wilson reports that in a non-professionalized department there is no strong sense of urgency concerning police work and, thus, rates of violations are low.\(^{11}\) Conversely, in a professionalized department crime is more apt to be detected, offenders arrested, and rates to be higher.\(^{12}\)

Radalet maintains that law enforcement which is sophisticated, imaginative, productive and effective begins with professionalism "...in large part, a professional attitude, a professional way of thinking and acting."\(^{13}\) As citizens, officers are entitled to personal views, opinions and even prejudices concerning race
relations and civil rights but as police officers these
views must be sublimated "...in favor of his responsi-
bilities as a professional." It is this attitude that
is important in his relationship with the public and the
real test is the extent to which personal views are kept
distinct from his professional attitude.

Impediments Between Police and Community

Devlin cites four changes in society that make
police work more difficult, thus widening the chasm be-
tween police and community understanding of each other.
First, throughout most of our history, self-discipline and
personal values have been nurtured by religious teaching,
while the scientific ethic which has diminished religious
influence has not evolved anything to take its place.
Second, from the social and economic perspective, the of-
cifer's position in the community is no longer as command-
ing as it was formerly. Third, the police are saddled
with numerous and increasingly social regulations which
they must attempt to enforce in an urban context. Fourth,
there has been an increase in reported crime.

Another difficulty raised by George Higgins con-
cerns the dilemma that law enforcement problems are left
to fester unattended so long by other sectors and agencies
in the community that most available settlement options
have expired. Thus, these problems do not reach the police until they attain crisis proportion and this applies whether the problem is an individual act or a group intent on the disruption of society. The distinguishing characteristic of the police is their monopoly of legitimate force. Unfortunately, this has to be invoked when milder measures have not been implemented or have failed. Consequently, the police function as crisis management agents—a role for which they are both untrained and often unsuited.

Police are increasingly being called upon to perform service functions that could be handled by some other agency, thus freeing the police for law enforcement. Cumming, Cumming and Edel indicate that about half the calls coming to the police are for assistance or support for personal or interpersonal problems. When the officer arrives at the scene, he either guides the citizen to someone who can assist him with his problem or attempts to resolve it himself. These resolutions become police functions by default. Since the officer is on duty when no other social agents are available, he handles problems of the poor and uneducated whom other agencies are reluctant to serve. Further, the officer is either not cognizant of and/or accessible to these other agencies.
In short, he is incorporated into an integrative system where labor is not divided according to function, but according to the time of day and target population.\(^{17}\)

There is wide divergency between what the public expects the police to do and what they are able to do under law. Goldstein observes that uniform law enforcement is not a realistic expectation since there are ambiguities in defining substantive law as well as the due process boundaries. Limitations of time, manpower, investigative devices and techniques force the development, either by plan or default, of priorities of enforcement. Further, were it possible to have enough police, properly trained and equipped, pressures from within and without would still force the police to operate selectively.\(^{18}\)

Skolnick, in *Justice Without Trial*, attempts to discover how law enforcement is enhanced or impeded by examining the ordinary behavior of the participants. In short, how do policemen interpret their roles and the constraints under which they function? How do they perceive and resolve the practical dilemmas they face in law enforcement, particularly in relation to narcotic addicts?\(^{19}\)

Tiffany's comprehensive study on *Detection of Crime* analyzes the problems of detection concerning crimes involving willing victims, such as, abortion, prostitution and gambling. Specifically, he discusses the
difficulties encountered in stopping and questioning, search and seizure, and the general problems of encouragement and entrapment in several urban centers.20

LaFave describes the role of the police, the laws and lawyers with respect to arrest and the problems involved in that decision. He concludes that the functions of the police, lawyers, and judges relative to arrest are more complex than even the participants realize. The police, in particular, are not wholly cognizant of the difficulties in making the complex social decisions necessary to develop and implement proper law enforcement. On the other hand, neither the lawyers nor the judges are sufficiently aware of the complexities and intricacies of the task of the police relative to the arrest decision.21

John P. Clark enumerates several factors that can contribute to police isolation from the community. Those who experience restrictive police action and even those who view themselves as possible police clients resent the restriction of their private pursuits. Apprehension, distrust, and scorn pervade relationships between the police and the public resulting in limited interaction, lack of cooperation, and distorted views of police motives and operations. Contact with the police tends to be forgotten or depressed, if not it can become a conscious
reminder of one's frailties. Finally, in the interest of efficient police work, officers are frequently advised not to become involved with certain factions of the public in order to avoid entangling alliances.\textsuperscript{22}

The police did not create the ghettos, economic deprivation, the high dropout rate among Negro school children, the discriminatory employment practices, or any of the racial and socioeconomic inequalities in our society.\textsuperscript{23} Cross indicates that in this area, the police face an almost impossible task in attempting to maintain the peace between two races with separate goals. Law enforcement can best be accomplished by handling all racial situations in an impartial and objective fashion--an inherently impossible task.\textsuperscript{24}

Westley asserts that law enforcement is hindered by the law officer's occupational values that originate from his experience, override his legal responsibilities, and are crucial to understanding his conduct relative to his use of violence. His is a service occupation with incompatible goals, because he must discipline those he serves. They, in turn, regard him as corrupt and inefficient and greet him with hostility and criticism. The public becomes his enemy, his occupation seems to be in conflict with the community, and he feels like a social pariah. These circumstances "...give rise to a collective
emphasis on secrecy, an attempt to coerce respect from the public, and a belief that almost any means are legitimate in completing an important arrest.\textsuperscript{25}

Effective law enforcement depends upon the police demonstrating:

"...by attitude, pronouncement, and deed, that the call to protect and to serve applies to every individual and group within the community—young and old, liberal and conservative, rich and poor, black and white, popular and unpopular, believer and non-believer—that crime prevention has as high a priority as crime repression, that human rights are as highly regarded as property rights, and that all policies and procedures are implemented with essential fairness always and everywhere.\textsuperscript{26}

"The citizenry must demonstrate, by attitude, interest, and action, their commitment to ordered liberty, their understanding of criminal justice, their support of, cooperation with, and control of police, and their involvement always and everywhere, so that community policing is the pride of every citizen."\textsuperscript{27}

Much of the law regulating police behavior developed from scientific cases in which defendants questioned the procedures employed in their convictions. Thus, courts, not legislatures and not executive agencies, became the primary regulatory agency of law enforcement. Recently, principally by default, the Supreme Court has sought to provide legal guarantees to protect individual freedom.\textsuperscript{28} Decisions involving constitutional guarantees
occurred on such matters as search and seizure, interroga­tion, confessions, and the right to counsel. As a result of these decisions, some assert the Court has gone beyond its proper function and is laying down rules that restrict law enforcement. Packer and others maintain, however, that a more appropriate criticism is that law-making institutions are ignoring and/or neglecting their function and, that conduct of law enforcers in a free society must be adequately regulated.

Prosecution

The prosecutor is the key administrative official in the criminal justice system. Theoretically, examination of evidence at the preliminary hearing, and re-examination by the grand jury, are important parts of the system, but in practice the prosecutor has little difficulty in presenting a prima facie case against the defendant. In fact, most defendants waive the preliminary hearing and many grand juries are rubber stamps for the prosecutor; thus, he wields almost unlimited power over the pretrial process. He decides the specific charge against the defendant and whether to prosecute or drop the case. Further, if "...the charge is reduced, and it is in two-thirds of all cases in some cities, the prosecutor is usually the official who reduces it."
Newman enumerates four types of informal conviction agreements that can occur either singly or in some combination. These forms of bargaining agreements might involve the charge, the sentence, concurrent charges, and dropped charges. There is no way of knowing how many of these bargains are justified or simply result from an overload of cases and the inability of the system to cope with all the cases.33

In form, plea bargaining may be anything from a hurried meeting in a courthouse corridor between prosecutor and defense counsel, to a series of meticulously planned conferences. In content, it may be anything from a perfunctory deal to a conscientious exploration of the facts, issues, and dispositional alternatives possible for the defendant. If the interests of the defendant are paramount, then obviously, he needs proper representation here even more than at a public trial.34

Baker maintains that we are prone to try to improve the judicial system by making new laws rather than through examination of the office of the prosecutor. He suggests higher salaries to attract men of wide experience, more help for stenographic and evidence work, lengthening the term of office and, finally, selecting a permanent staff of assistants by civil service exams,
which could upgrade efficiency and avoid political influence. 35

According to Rosett, plea bargaining is troublesome since it is not a formal part of the judicial system; its results are unobserved, largely uncontrolled, frequently arbitrary, and often do not facilitate correctional ends; and finally, plea bargaining is distinguished by a lack of uniformity, and even by corruption and hypocrisy. Procedural reform is necessary but cannot materialize without additional manpower and finances, plus a redefinition of the functions of prosecutor, defense counsel and judge. 36

The President's Commission on Law Enforcement and the Administration of Justice recommends that in plea bargaining the defendant be represented by counsel and that this process be available to all. Negotiations should be acknowledged, subject to judicial review, and a matter of record. In open court the judge "...should determine that the defendant's plea is the result of an intelligent and knowing choice and not based on misapprehension." 37 He must also assess the inducements offered in the light of all circumstances.

Courts

"The courts are the pivot on which the criminal justice system revolves" and two questions are crucial to
the process. Is the individual guilty of a crime and if so, what is to be done with him? The court exercises a great deal of power over the lives of those who come before it; however, the limits are carefully enumerated in the Constitution, by statute, and by elaborate procedural rules, since they not only convict the guilty but protect the innocent. Maintaining a proper balance between effectiveness and fairness is difficult, particularly with increasing crime, social unrest, and public sensitivity to both.\textsuperscript{38}

Green suggests that the inequality of minority groups before the law, to the extent it exists, is more likely to occur in the less visible phases of the judicial system, or indirectly as a product of the group's inability to exploit all the avenues of redress provided by law, prior to, and after, conviction.\textsuperscript{39}

Sentencing Policy

The trend toward individualization of sentencing is the precipitant of sentence disparity according to D'Espositor. Statutes provide the trial judge with a great deal of discretion relative to the type and length of sentence he can impose. However, "...neither the legislature through rational penal codes, nor the appellate courts by judicial review of sentences, provide any guidelines for the exercise of judicial discretion."\textsuperscript{40} Thus,
inconsistent or improper discharge of this discretion is the primary cause of sentence disparity.

Sentence disparity is illustrated in a study of sentences rendered in over 7,000 cases by six judges over a decade in New Jersey. The judges differed considerably in the frequency, type and length of sentences issued, and the diversity was even more pronounced when analyzed by specific offense. This and related research has led Quinney to conclude that:

"...within the boundaries of the law there is the opportunity for decisions to be made on the basis of social and extralegal considerations. The criminal sanctions that are ultimately imposed on the convicted defendant are influenced by such extralegal matters as the nature of the judges who assign the sentences, the norms that regulate sentencing, the social organization of the judiciary, the activities of the attorneys and the responses and cues provided by the defendant himself. Sentencing could not take place any other way. Sentencing like all social actions, is a human endeavor."42

**Juvenile Court**

The President's Commission concludes that the juvenile court has not succeeded in rehabilitating delinquents, in reducing or curbing delinquency, or in bringing justice and compassion to these offenders.43 In theory, the juvenile court is to assist and rehabilitate rather than to punish. In reality, the distinction frequently
disappears because of the absence of personnel, facilities, and the limits of knowledge and techniques in handling juveniles. In theory, court actions should affix no stigmatizing label, but in fact, an adjudicated juvenile is usually perceived as delinquent by employers, schools, the armed services, and society in general. Theoretically, the court is to treat juveniles "...in non-criminal ways, in fact it labels truants and runaways as junior criminals."\(^4^4\) Sheridan asserts that the court system "...should be used only as a last resort and should not be used for juveniles who engage in behavior which would not be criminal if engaged in by an adult. In theory, the court can operate informally and its findings and decisions rendered without regard for procedural safeguards because it functions in the best interest of the child. In fact, it frequently deprives a juvenile of his freedom without due process of law because we don't know what else to do and the community's interest takes precedence over the child's."\(^4^5\) As Chester Antieu suggests, we must recognize the protections inherent in due process and insist that these "...safeguards surrounding criminal prosecutions in the bill of rights apply to children who stand before juvenile judges."\(^4^6\) In theory, the court's protective powers are to be used to return the lost sheep to the fold. In fact, there is reason to believe its
intervention reaffirms the delinquent's unlawful impulses. In theory, the court is to bring the best of the current knowledge to bear on each case. In fact, vested interest often prevents the court from cooperating with innovative programs or to use forward-looking methods. 46

THE PROBLEM

Such orientations cannot account for the variation of crime from country to country, and within a country from time to time. Crime may not be injurious to society and most, if not all, people have committed a crime at one time or another. Thus, these perspectives seem lacking as explanations of crime. Recently, many theorists have endeavored to explain criminality by studying how criminal definitions arise and are applied in society.

As Simmons suggested:

"The idea that the publics 'create deviance' through the same symbolic processes by which they invest 'base-ball', 'flags', and 'niggers' existed passion in the writings of Durkheim and has recently been set forth in a more explicit and systematic manner by Lemert, Erikson, Kituse and Becker..." 48

In the early 1950's, Lemert indicated how an initial act, referred to as primary deviance, could lead to a deviant career:
"(1) primary deviation; (2) social penalties; (3) further primary deviation; (4) stronger penalties and rejection; (5) further deviation, perhaps with hostilities and resentment beginning to focus upon those doing the penalizing; (6) crisis reached in the tolerance quotient, expressed in formal action by the community stigmatizing of the deviant; (7) strengthening of the deviant conduct as a negative reaction to the stigmatizing and penalties; (8) ultimate acceptance of deviant social status and efforts at adjustment on the basis of the associated role."

In the past, the search for the etiology of crime has led theoreticians to focus on the nature of the act and to assume that criminal behavior is an individual pathology.

Kituse:

"Forms of behavior per se do not differentiate deviants from nondeviants; it is the responses of the conventional and conforming members of the society who identify and interpret behavior as deviant which sociologically transforms persons into deviants."

Erikson:

"From a sociological standpoint, deviance can be defined as conduct which is generally thought to require the attention of social control agencies—that is conduct about which 'something should be done'. Deviance is not a property inherent in certain forms of behavior; it is a property conferred upon these forms by the audiences which directly or indirectly witness them. Sociologically, then, the critical variable in the study of deviance is the social audience rather than individual person, since it is the
audience which eventually decides or not any given action or actions will become a visible case of deviation."51

Becker:

"From this point of view, deviance is not a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label."52

Erikson details the steps in administering these sanctions:

"The community's decision to bring deviant sanctions against an individual is not a simple act of censure. It is a sharp rite of transition, at once moving him out of his normal position in society and transferring him into a distinct deviant role. The ceremonies which accomplish this change of status, usually, have three related phases. They arrange a form confrontation between the deviant suspect and representatives of this community (as in a criminal trial...); they announce some judgment about the nature of his deviance (a verdict...); and they perform an act of social placement, assigning him to a special deviant role (like that of prisoner...) for some period of time. Such ceremonies tend to be events of wide public interest and ordinarily take place in a dramatic, ritualized setting. Perhaps the most obvious ceremony is the criminal trial, with its elaborate ritual and formality... . An important feature of these ceremonies in our culture is that they are almost irreversible."53

"From this perspective crime is a definition of behavior that is conferred on some persons by others. Agents of the law (legislators, police, prosecutors, and
judges), representing segments of a politically organized society, are responsible for formulating and administering criminal law. Persons and behaviors, therefore, become criminal because of the formulation and application of criminal definitions... This proposition allows us to focus on the formulation and administration of the criminal law as it touches upon the behaviors that become defined as criminal."

The uniqueness of the present study relates to two problems of the judicial system neglected in the literature. First, the criminal justice system as it operates in a small community, and second, the examination of all crime in a given locality.

The task, therefore, in the present study will be to examine the criminal justice system in a small midwestern community of less than 15,000 inhabitants, called Freedom. All offenses that occurred within the city limits in 1969—except traffic offenses—from the time of reporting to the police to the final disposition of each case will be analyzed. While the demographic features of the various offenses are examined in detail, the major emphasis in the survey is not statistical, but certain statistical data will be used to understand the overall system and the tasks of the practitioners who are responsible for maintaining the system.

In order not to perceive the police, prosecutors, and judges as stereotypes, but to view them as individuals
attempting to fill a role, the following information was obtained: date and place of birth, race, sex, educational level, religious affiliation, length of residence in the city, and whether they served in the military, the branch, highest rank attained, and length of time served. Data on marital status, length of time married, and the number of children were also collected. Information on the length of time served in their present capacity as well as the training received in preparation for their jobs and whether they thought this training adequately prepared them for their jobs was obtained. The police, prosecutors, and judges were also asked to relate any particular dislikes concerning their occupation. Prior work experience and reasons for becoming a policeman, a prosecutor, or a judge were elicited. In the case of the police, the number who were "moonlighting" was sought, as well as the reasons for such employment. Of those married, information was obtained as to how many of their wives were also employed.

The police organizational structure was examined in detail. The number of ranked officers and patrolmen and how they were dispersed on their various shifts was examined. In addition, subjective evaluations were made on whether the department was a "spit and polish" outfit
on discipline, and on its morale and esprit de corps. The chain of command, both formal and informal, was studied in detail. Special emphasis was placed on communication networks and adequacy of information flow. Finally, the nature of the working relationships between the police and prosecutors and judges was investigated. The attitudes of each toward the others were assessed. Particular attention was devoted to eliciting the attitudes of each toward inter-system conflict and the adequacy of role performance by the others.

The city and county prosecutors were questioned concerning their function within the system of criminal justice, particularly concerning the lines of communication between the prosecutors and the police regarding charges and preparation of cases. The prosecutors were asked what their job consisted of, what they considered to be the chief function of their job and what aspect of the job required most of their time. Questions and observations concerning plea bargaining were included. These dealt with how it functioned; was it available to all; what was the role of the judge, if any, in the bargaining session prior to the case being heard in court, and did the judge automatically accept the prosecutor's statement.

The philosophy of justice of the judges was sought
and how they viewed their role in the system. They were also asked their rationale concerning sentencing practices for the various types of offenses as well as for specific cases. In the instance of felony offenses, the common pleas judge was asked what determined his request for a presentence investigation; what information was included in such a report, and how much it influenced the final sentence. The municipal and common pleas judges were asked to comment on the working relationships between themselves and the prosecutors, while the juvenile judge was asked about her working relationship with the police.

Felony offenses were defined as those offenses whose disposition occurred in the common pleas court of the county concerned. Misdemeanors were all other offenses, and their disposition was handled in the municipal court of the town. In analyzing these cases, specific attention was devoted to background variables. For example, were blacks overrepresented on one or all offenses, relative to their proportion in the general population? On the age variables, the range, median, mean and modal category was determined. How much more often were males arrested than females? Were most of the individuals arrested from the lower socioeconomic strata of the community? In addition, how many of the cases were unfounded?
Were there cases of suspects in which the police were certain of guilt, but lacked evidence to arrest? What percentage were cleared by arrest, dismissed, and went to trial and resulted in a conviction or were found not guilty?

The Freedom Police Department does not keep records on their contacts with juveniles who are handled in an informal manner such as talking to them on the street or bringing them to headquarters and calling their parents to come and get them. Thus, juvenile cases represented only those that were referred to Juvenile Court. Court records permitted analysis of the following data concerning the delinquent: age, race, sex, previous court experience, and detention or release pending court disposition of the case. The source and reasons for the referral were recorded and whether the case was handled unofficially or officially.
FOOTNOTES


2. Ibid.


7. Ibid., p. 9.

8. Ibid., p. 35.

9. Ibid.

FOOTNOTES (Continued)


14. Ibid.


20. Tiffany, McIntyre and Rotenberg.
FOOTNOTES (Continued)


27. Ibid.

28. Quinney, p. 106.


34. The Challenge of Crime in a Free Society, p. 11.


38. Ibid., p. 1.


42. Quinney, p. 168.


47. Ibid.


53. Erikson, p. 11.

54. Ibid.
CHAPTER II

METHODOLOGY

COLLECTION OF DATA

Data collection began in October, 1969, and was completed in May, 1970. Data were collected primarily from two sources and by a variety of techniques. The sources were police records, including case files, the arrest book, the officers' call book, prior arrest files, and juvenile case files; and court records (Municipal, Common Pleas and Juvenile), including the court docket, and case files. Techniques of data collection included the collecting and categorizing of the "hard data" from the police and court records; observation of several Municipal Court sessions, the impaneling of and charge to the grand jury, and the arraignments of several defendants; interviews with all the police, prosecutors, and judges concerned with administering the criminal justice system in the city; and lastly, participant observation while riding in the patrol cars and during several informal sessions with various officers in the police station.
Felonies and Misdemeanors

In the City of Freedom, all cases—felonies and misdemeanors—were heard initially in the Municipal Court, unless the case was taken via "information" directly to the grand jury by the county prosecutor. In the case of felonies, the preliminary hearing took place in this Court; and if there was sufficient evidence, or the defendant waived the preliminary hearing, the case was bound to the grand jury. If and when the defendant was indicted, the case was heard in Common Pleas Court. The preliminary hearing and/or summary trial of all other cases took place in the Municipal Court. Consequently, cases were dichotomized into those heard in Common Pleas Court—felonies—and those heard in Municipal Court—misdemeanors.

The case files of the Freedom Police Department were examined for all felonies that occurred within the city limits from January 1, 1969, to December 31, 1969. The following felonies were included: forcible rape, robbery, aggravated assault, burglary (breaking and entering), larceny (theft over $60), auto theft, forgery, and forcing entrance into a coin-receiving device. The following information was obtained from the files and recorded on the information schedule (see schedule in Appendix A): type of offense; time of occurrence (hour, day and month); place of occurrence; a brief description of what occurred;
a listing of what was taken; name of the investigating officer(s); whether the case was founded or unfounded; if there was a suspect but the police could not arrest for lack of evidence; and/or if the case was unsolved. In addition, for burglary only, a record was taken on whether there was an attempt without entry, or if entry was attained but nothing taken. This same source provided the name, residence, occupation, age, sex, race, date of arrest and with what the offender was charged. In some instances the case file was lacking in offender information. When this occurred, the necessary data were obtained from the police arrest book. The data contained therein will be enumerated in the misdemeanor section.

No distinction was made in the police files relative to grand or petit larceny. Consequently, the researcher had to make such a distinction, since grand larceny was treated as a felony, and petit larceny as a misdemeanor. By statute in Ohio, anything taken which is over $60 in value, is considered grand larceny; therefore, cases were dichotomized on this basis. Usually, the value of the property taken was recorded on the larceny form of the police files and the differentiation was made on this basis. However, in those cases where no value was recorded, but the description of the stolen article(s) made it obvious the value was less or more than $60, the
researcher made the grand larceny-petit larceny distinction himself. In questionable cases, the investigating officer's evaluation of grand or petit larceny was recorded. Petit larcenies were included and analyzed with the misdemeanors.

When an individual was arrested by the police, the individual's name, residence, date of birth and sex, as well as the offense and disposition of the case, were recorded on cards and filed alphabetically. Any subsequent offenses were recorded also, thereby providing an arrest history of crimes perpetrated in the city by that individual. Using the name of the offender, these records were searched to determine whether the individual had a prior arrest record. Occasionally, the researcher located cards containing individuals with the same name. The "correct" offender was located by referring to the date of birth. This same procedure was employed in the misdemeanor cases and any person recorded for any offense, other than traffic, was designated as having a previous record.

In felony cases, the Municipal Court docket contained either the date of the preliminary hearing, or when it was waived, and if the case went to the grand jury. Utilizing the name of the offender, the Common Pleas Court docket was examined to determine if the grand
jury indicted, or refused to do so. In the case of the former, it gave the trial date, whether the defendant had a jury trial and whether he was found innocent or guilty, or if he had pleaded guilty, and the sentence imposed. Those occasions when a presentence investigation was conducted were also recorded here, as well as whether counsel for the defendant was court appointed.

The police did not keep case records for misdemeanor cases because they were recorded in the arrest book. This book was examined to obtain information concerning the following misdemeanor offenses: public intoxication; consuming alcohol in a motor vehicle; consuming alcohol in a public place; driving while intoxicated; disturbing the peace; resisting arrest; fleeing a police officer; assault and battery; carrying a concealed weapon; trespassing; malicious trespassing; malicious destruction of property; driving an auto without the owner's consent, and insufficient funds. From the arrest book the type of offense, investigating officer and date of arrest and charge were recorded. This same source yielded the offender's name, residence, occupation, age, sex and race.

Municipal Court was held at 5:00 P. M. Monday and at 9:00 A. M. on Wednesday and Friday. Those arrested invariably appeared in court at the earliest possible date following apprehension. Thus, knowing the defendant's name
and date of his arrest, it was an easy task to locate his entry on the Municipal Court docket. Data were collected on whether he had a preliminary hearing, was granted a continuance(s), whether the case was dismissed, or if he had had a summary trial. In the latter instance, the sentence, whether bond forfeiture, fine, or fine and sentence, was ascertained. The case number was obtained from the court docket thus permitting access to the court files on each case. This contained the affidavit of complaint and usually the arresting officer's statement concerning the reason for arrest and a brief resume of the "facts".

**Police**

While the researcher received complete cooperation from all those involved in the criminal justice system, one particular aspect of the research was needlessly complicated. The Chief of Police, who knew the nature of the study from the outset, did not inform the patrolmen of the researcher's identity and purpose for being in the department. As one of the patrolmen stated later, "For all we knew, you were a spy for the administration and this had been tried before". Thus, most of the men discovered the researcher's status through the grapevine. Still, the researcher encountered no overt animosity and/or lack of cooperation in obtaining police data, and in interviewing and riding with the men on the force.
During the collection of data from police case files, the researcher spent many hours in the police station and was introduced to and became well acquainted with several of the officers. During periodic conversations with the patrolmen, the primary concern was to gain and maintain rapport and to reassure the policemen that the purpose of the research was to collect data and understand their functions as police officers.

After completion of the data collection phase on misdemeanors and felonies, the researcher approached the Chief for permission to administer the police information schedule (see Appendix A for schedule) to each of the officers. The Chief read the schedule for objectionable questions. He found none and consequently approved it. He also granted the researcher permission to ride in the cruisers.

It was decided that the interviews with the officers should take place in isolation. To accomplish this, the interviews occurred in the interrogation room of the police station or in the cruisers. The concern here was fourfold: first, to guarantee that individual officer's responses could not be differentiated; second, to obtain the best possible interview; third, not to interfere with police routine and procedure; and last, to secure the information when the officer was on duty.
and not to encroach on his off-duty hours. The re­searcher waited for the Chief to instruct the lieutenants to inform the men concerning the interview and schedule, but he failed to do so. Consequently, it was decided that the researcher should use his own initiative and in­genuity in conducting these interviews.

Interviews were conducted on those days when at least one officer was off duty, thus necessitating the assign­ment of only one man to a cruiser. Most interviews took place in the cruisers with the exception of one sergeant and two lieutenants who were interviewed in the interrogation room and the Chief who was interviewed in his office. The researcher selected as his first inter­viewee the officer he felt he knew best and with whom he had gained the greatest rapport in the hope this officer would inform some of his fellow officers that the inter­view was not threatening or overly demanding. Several of the officers wanted to see the schedule prior to being questioned and were permitted to read it in the hope it would relieve their anxiety and hopefully that they, too, might pass the word on to their fellow officers.

On only one shift were arrangements made so that the officers were aware that the researcher would be riding with them and his purpose in doing so. The lieu­tenant on this shift was approached by the researcher
and informed of the researcher's desire to accompany the patrolmen. With his cooperation, a schedule was worked out whereby all the men on his shift could be interviewed. The other lieutenants were similarly approached but the arrangements were haphazard or were left to the researcher by default.

An example of the informality of some of the arrangements follows. While working in the police station one day, the two "clown princes" of the force sauntered in, and after an exchange of greetings, innocently asked how the research was coming and were in turn informed they were to be interviewed the following day. Hearing this, they proceeded to give the researcher a bad time and one of the officers said, "I'm not giving you any information because the Chief didn't tell me I had to." This, in fact, was true, so the researcher decided to wait and see what happened the next morning at the station. At that time, the usual greetings were extended and the waiting game began. When the time arrived for the men to begin patrol, they asked who was elected to go first. The researcher countered by asking who wanted to be first, but they again asked the researcher to decide. The sergeant was chosen to be first on the grounds that "rank has its privileges", and in the afternoon, the "uncooperative" officer cooperated completely and an excellent interview resulted.
Before administering the information schedule, each officer was told that he did not have to grant the interview. He was also assured that his responses would be confidential. If names had to be used they would be fictitious. Finally, he was told that no one except the researcher would see his schedule and that if there were questions he did not want to answer, he was under no obligation to do so. None of the men refused to be interviewed and not one refused to answer any question.

The following information was obtained on the officer's schedule: name, residence, date and place of birth, race, religious affiliation, education, salary, extra employment, marital status, length of marriage and number of children. Prior work experience in chronological order, comparison of previous with present job, length of residency in Freedom, military service (branch, highest rank, length of service) and father's occupation were obtained. Additionally, their reasons for becoming policemen were explored, as well as their police training and its adequacy for the job. Their perceptions of their job functions were ascertained as well as their likes and dislikes of policing as an occupation. They were asked what determined whether they held a juvenile or arrested a drunk. Their views on court dispositions and sentencing policies were discussed.
Riding on patrol and interviewing had its difficulties, especially at night, when trying to write by the light from a flashlight. A tape recorder may have solved this problem but the officers might not have talked as freely. Also, a tape recorder would have picked up all the noise and calls coming in over the police radio unless the recorder was repeatedly turned off. Considering these limitations, a tape recorder was not used. Another obstacle during interviews was the need to answer a call. The interview had to be interrupted and resumed after completing the call. How much these interruptions influenced and/or distorted the officers' answers could not be determined.

In addition to administering the information schedule, individual officers were asked about cases they had personally investigated during the period of the study. They were asked to specify the nature of the offense, extenuating circumstances, unusual occurrences, and pertinent details on the cases. Typical cases were incorporated in this study. Several cases were reviewed in some detail and the interrelations of some cases were illustrated and the information concerning them were drawn from these interviews.

Furthermore, riding on patrol afforded the opportunity to view first-hand what the police actually did
while on patrol. In short, how did the officers treat the public, were they courteous, sympathetic or merely perfunctorily performing their duties? The 8:00 A. M. to 4:00 P. M. and 4:00 P. M. to Midnight shifts were covered on patrol but not the Midnight to 8:00 A. M. shift. At least fifty hours were spent in the cruisers.

Prosecutors and Judges

The prosecutors and judges were not contacted until the cases they had processed had been recorded and analyzed. This was done for several reasons: first, to provide an overview of the cases they had handled during the year as well as some indication of their sentencing policy; second, in specific cases where clarification concerning disposition was needed, to recite facts or incidents concerning the case, thereby helping the prosecutors' and judges' recall; third, to determine whether plea bargaining occurred, how it was managed, and the degree of correspondence between what the prosecutors and judges related concerning this activity; and, finally, in the case of the judges, to discover whether their philosophy of sentencing matched their practice.

Contact with the City Prosecutor and Municipal Judge, County Prosecutor and Common Pleas Judge and the Juvenile Judge was made at their respective offices. At the initial meeting with these officials, a brief
description of the study was given. They were informed that the study was for a dissertation and they were asked for their cooperation. At a subsequent meeting with each of them, in the privacy of their offices, the information schedule was administered. Each was informed that if there were questions they did not choose to answer, they did not have to do so. With the exception of the County Prosecutor who declined to answer one question, all the officials answered all the questions.

The following background information was obtained from the Prosecutors and Judges (see Appendix A for Prosecutors' and Judges' schedules): date and place of birth, residence, length of residence in the city, marital status, length of time married, number of children, religious affiliation, and military service (branch, rank and length of time served). Questions on education and experience included degrees attained, date admitted to the bar, length of time practicing law, and type of law practice and localities where law was practiced. Concerning their role in the judicial process, the Prosecutors and Judges were asked whether this occupation was full or part time, whether they were elected or appointed, for how long a term, their length of service, why they wanted the job, what their duties were, which activity required most of their time, and what they disliked most about the
job. The working relationship between the City Prosecutor and Judge; the County Prosecutor and Judge, and the police and both the Prosecutors and the Juvenile Judge were examined by asking each to characterize his working relationship with the others. They were asked if they met to discuss cases and, if so, what agreements were made and what they included. Judges were asked to state their sentencing philosophy or policy to determine if theory and practice were in agreement.

Juvenile cases taken from police files were checked with Juvenile Court data to make certain they were included in the Court's records. Juvenile Court data were the basis of analysis for this study because they included police referrals as well as those of the probation officer, and school authorities. The Juvenile Court Judge had all the cases referred to the Court during the period of the study recorded on the Court's record form and was kind enough to provide the form, thus facilitating the analysis of the juvenile data. This record contained the following information: date referred, date of disposition (month), age, sex, race, previous court experience, care pending disposition, disposition, method of disposition, referral source, type of case, and reason for referral.

Specific case files were examined to obtain the names of those who had appeared in court so they could be
alphabetized with other offender's names to determine how often individuals and families had contact with the police. More definitive information concerning previous court experience, condition of probation, and the types of activities the juveniles had engaged in was recorded from the case files.

ANALYSIS OF THE DATA

The study was not primarily statistical in nature and the data did not lend itself to sophisticated analysis. The qualitative data in Chapters V, VI and VII were compiled into tables of frequencies, percentages and rates per 100,000 population. The small numbers of females and Negroes involved in the criminal justice system in Freedom precluded comparison between females and males, and of Negroes and whites.

Information obtained from the interview schedules given the police, prosecutors and judges, was subjected to content analysis. Some of these data such as age, education, length of marriage, and residence in city, were analyzed by range, median, and mean. Finally, other responses were categorized by frequency of response (reason for joining the force, adequacy of training, etc.).

The raw data used to calculate percentages and rates appears in the body of the paper. Thus, the frequencies of the various classifications are available for
inspection. The police, prosecutor and judge schedules can be found in Appendix A. Consequently, they are available for other investigator's use, either in their entirety or to be reduced to a more manageable form or to be refined to enhance data collection.
CHAPTER III

THE CITY OF FREEDOM

Liberty County was founded in 1805 and is located in the western section of the State of Ohio. It encompasses approximately 375 square miles of territory, with Freedom the only city in the county. Slightly less than two-fifths of the total county population resides in Freedom. There are only ten other towns in the county which have population of any consequence. These ten towns were founded between 1814 and 1840, and by 1880, reached their population peak. This growth resulted almost wholly from the expansion of farming and the necessary increase of farm hands required to do farm work. The county population of 27,817 in 1880 declined slightly over the next 50 years and is about 30,000 presently. Based on population, these towns are about the same size today that they were 90 years ago. Except for the modernization of the highway system and the creation of a 350 acre man-made lake, the landscape in the county has remained virtually the same for 75 years.55

The city is not as isolated as the previous description may imply. Two major metropolitan areas of the
state are within a 40 mile radius of Freedom. Twelve miles south is another city of less than 100,000 inhabitants. Many of Freedom's citizens work and shop in these three cities since they are connected by excellent highway facilities. Further, located six miles south of the city is an industrial plant employing about 5,000 people. Most of its employees are from Freedom and its neighbor to the south, thus providing another link between these two cities.

The general contour of the county is flat, open, and occasionally softened by rolling hills. The chief natural resource of the area is the soil, with more than 90 percent of the area being farm land and the percentage of acreage tilled is much above the state average. The most valuable products of the area include grain, vegetables, cattle, horses, and swine.56

Freedom is the county seat of Liberty County and was laid out in 1806. The original plat consisted of 234 lots on the 160 acre townsite. Through a series of acquisitions the city has grown in size and now covers approximately five square miles.57 Growth continues today particularly in the northern and eastern sections where speculation has it that additional land acquisitions are to be expected in the near future. As Figure 1 (see page 51) indicates, the boundaries of the city are highly
Figure 1—The City of Freedom

+ - church
□ - school
◼ - college
○ - factory

M - Municipal Building
C - County Court House

Shady Lawn
Fair Grounds
irregular in that they do not represent a rectangle or square. Except for a portion of the western and southern boundaries, the city limits do not extend in a straight line in any direction for over half a mile. Freedom is divided north to south and east to west by two main highways that bisect in the center of town. The distance from the center of town to the city limits is shortest to the west, closely followed by the south and longest to the north.

In the center of the very traditional midwestern-style city square, stands a statue of a northward-looking cavalryman with his head bowed in memory of fallen comrades in the Civil War. Although this represents a traffic hazard, few seriously consider its removal to facilitate the flow of traffic. The square is surrounded by business establishments, including a bank, a savings and loan institution, drug store, bar, restaurants, book stores, insurance office, real estate offices, clothing stores, a bakery, paint store, a millinery shop, jewelry shop, beauty shop and a barber shop. From the square, the business community stretches two blocks south and west, three blocks to the north and one block east along the main streets. Moving toward the city limits, particularly to the north and east, one finds grocery stores, service stations, laundromats, car washes and quick service
restaurants. There are no shopping centers in Freedom.

The Municipal Building housing the police station, Municipal Court, and other city offices is one block south of the square. Adjacent to this building is the fire department. Across the street from the Municipal Building is the post office and south of it is the Freedom Cinema. The County Court House which contains the Sheriff's office and county jail, is located two blocks north of the square. Half of the 18 churches in the city are located within a three block radius of the square.

The streets of the city are laid out in a grid pattern, running east and west, and north and south, with only a few exceptions. Generally, the residential sections begin where the business districts end. The section of homes running east along the main thoroughfare are the largest and most beautiful in the city. These are stately old homes of Freedom with large lawns and tree shaded streets. What passes for suburbia, exists in a small far eastern section of the city and in a smaller section of the northeast, the latter on a less expensive basis. Homes in suburbia range in value from $30,000 to $60,000.

Population density is greatest in the areas immediately adjacent to the business district and extends for several blocks in all directions. These areas of
population concentration represent the oldest sections of the city, characterized by poor and sometimes deteriorating housing. As one approaches the city limits, population density decreases.

Three railroads provide freight transportation and their tracks enter the city from the southeast and run to the north and northeast. The only industrial concentration in Freedom is located where the railroad tracks cross the highway running east and west. Most of these companies have rail sidings where freight cars can be loaded and unloaded.

Four other topographical features of the town are important. The Liberty County Fairgrounds are located in the southeastern section of the city and encompass 7½ acres of ground. Shady Lawn Cemetery, dating back to the earliest days of the city, is located in the far eastern section of the city behind some of the more costly houses whose back yards bound the cemetery. Freedom Municipal Airport is located at the extreme north edge of the city, has four runways and is reputed to be one of the better equipped small airports in Ohio. Lastly, Freedom University was opened in 1850 by the New Church. Early in its history the school was well endowed but growth was sporadic and slow and the student enrollment never reached 100. At one time, as few as five students attended the
school. In 1926, Freedom University became a junior college. Five years ago an extensive building program began including dormitories (male and female), classrooms and a new library. In 1966, the school became a four year institution with approximately 300 students. Most of its students commute to school and on the weekends the only students on campus are those who live too far away to go home for the weekend. Thus, the school is referred to as a "suitcase" college. Since 1966 the enrollment has doubled and land acquisition brought the campus to its present size of 120 acres. Despite this phenomenal growth, some of the townspeople do not know the location of the college. To others, the college represents a source of irritation since it represents a source of radicalism. However, by contemporary American standards, the school is quite conservative.

Population

In 1810, the population of Freedom was less than 200. However, in the next decade, population increased over three-fold to 644 in 1820. This probably resulted from the city being used as a base camp during the War of 1812 and the subsequent settlement of some of the soldiers in the community. This rapid growth continued as the population almost doubled in the next decade. However, in the
1830-1840 decade, growth ceased and the population actually declined slightly. The ensuing years saw the population increase steadily, reaching 6,252 in 1880, when Freedom achieved city status.58

In that same year, the county's total population reached a peak of 27,817 which was not exceeded again until 1960, as noted earlier. The total population of the county declined for the next 50 years while the population of the city increased by only 1,490 persons. Consequently, in 1930, Freedom's population totaled 7,742 residents.59

The population has increased steadily from 1930 to 1969 and the present population is 11,302 inhabitants.60

Racial Aspects

The city has been racially integrated since 1810. The first Negro in the city was a slave freed by George Washington who occupied his land grant and became a wealthy and distinguished citizen. By 1820, the Negro population was large enough to organize a church. In 1897, Holden Institute, a normal and technical school for Negroes, moved to Freedom from a neighboring town. In stark contrast, that same year a black awaiting trial on assault charges was lynched. In the early twenties, the Ku Klux Klan appeared in the county and assembled white-sheeted crowds of up to 800, but the Klan disappeared by the end
of the decade.61 The proportion of the population who are Negro approximates the national average of 11 percent. While no ghetto per se exists in Freedom and Negroes are not completely segregated in any one area, there are several neighborhoods in which the Negroes are concentrated. These areas are, of course, in the poorer sections of the city. Despite racial unrest nationally, there has been no overt conflict between blacks and whites except for a minor rock throwing, window breaking episode by Negroes in 1967 which ended abruptly and has not surfaced again.

The city is not totally free of sources of irritation between blacks and whites. The police department is integrated and has been for many years, but the fire department remains segregated. The construction of the municipal swimming pool was delayed several years because of the integration issue. However, since its opening on an integrated basis in the summer of 1969, there have been no racial incidents.

Religious Institutions

In 1810, the Methodists and Baptists established the first churches in Freedom. By 1820, the first Negro church had been organized, as indicated earlier.62 The number of churches has now grown to 18, including one Roman Catholic Church, one Negro church (St. Paul AME),
and 16 other Protestant churches. The major Protestant denominations (Methodist, Lutheran, Presbyterian, Baptist, and Episcopalian), are each represented by at least one church in the city, with the Baptists having three. Other churches include the Bethesda Apostolic, Church of Christ in Christian Union, the First Church of God, Church of the Nazarene, Church of the Open Bible, and the North Side Church of God. Observing the roster of churches in the city, one finds no social action oriented church and the majority, if not all, represent Protestantism in its most conservative "Bible Belt" posture.

Industrial Status

Local industry dates to 1810 when a sawmill, flour mill, and a general store were opened. In the 1840's, Freedom boasted a wooden mill, a foundry, and two machine shops. In the 1850's, new industries were started and old ones grew. Freedom became a center of the farm machinery industry of the day. Steam engines were made in the city, as were carriages, cigars, brooms, stoves, boots, and shoes. By 1855 there were 243 workers listed in 57 manufacturing establishments as against 30 persons employed in 15 mills five years earlier. Following the Civil War, Freedom grew industrially. In 1875, a steel company located in the city to make locomotives, freight, and
passenger cars, and a machine works produced 1,500 plows. In spite of this industrial development, Freedom remained a small town.63

Seven companies which still figure prominently in Freedom's economy, located here between 1886 and 1915. The companies, founding dates in parenthesis, products produced and their present approximate employment are presented. The companies are: The Henderson Company (1886) processes food, 75; Federal Paper Company (1892) produces paper and pulp boards, 150; Clark-Landon (1899) makes grinding wheel dressers, 75; Hilton Manufacturing (1902) produces light railroad supplies, 150; Stewart Paper Company (1910) makes fine paper, 150; Freedom Tool and Die Company (1912) manufactures dies and machinery, 75; and Wilson Manufacturing Company (1915) produces metal stampings, 150.64

In the late thirties, Richards Manufacturing started a plant in the city, producing lighting for aircraft. A few years later, Tractile Research, a division of Richards Manufacturing, began operations. During World War II, both these facilities expanded rapidly and today employ 1200 and 200 people, respectively. Richards Manufacturing is the largest single employer in Freedom.

It is interesting to note that seven of these nine firms are locally owned and operated, including Richards
Manufacturing. Further, only five of these companies have unions that are affiliated with national parent organizations. Of these five companies, only two are locally owned and Richards Manufacturing is not one of them.  

Five of the seven locally owned firms either have no union at all, or have independent local unions. Thus, nationally affiliated unions are not firmly entrenched in Freedom.

In addition to the above mentioned companies, there are six others which employ approximately 35 people each, and 11 companies which employ less than twenty-five. The total employment of all companies in Freedom is approximately 2,717, thus providing the city with a firm, diversified economic base.

There are 148 retail establishments in Freedom, whose volume of sales in 1969 amounted to $20,434,000. The average gross sales of these firms was about $138,000. These firms employed 716 people and the payroll for the year amounted to $2,238,000. The average annual salary of the retail employees is approximately $3,125. In addition, there are 100 service industries in the city with gross receipts of $1,531,000. Thus, each firm's average gross per year is $15,310. These industries employ 120 with an annual payroll of $309,000. The average annual salary of these personnel is about $2,400.
Voting Behavior

In 1932, for the first time in memory, Liberty County voted for a Democratic presidential candidate. Generally, both city and county voting preferences over the past decade, indicate that this area is a Republican stronghold with only an occasional Democrat among elected officials. For example, in the presidential elections of 1960 and 1968, the Republican candidates received 67 and 54 percent of the vote cast respectively, with the American Independent Party's candidate receiving 10 percent of the 1968 vote. Thus, in both 1960 and 1968, the Democratic presidential candidates received approximately one-third of the vote. The exception to this pattern was the 1964 presidential election when the area went Democratic and gave Lyndon Johnson 54 percent of the votes cast. On the national level, the only other exception to the historic Republican dominance, was the 1962 senatorial election of Frank J. Lausche, with a 55 percent plurality vote in Freedom.

The same pattern of strong Republican support can be seen at the state, county, and municipal levels as well. In fact, for many of the county offices, the primary election is the only one that counts. Winning the Republican primary election is tantamount to winning in the general election since for these offices, the Republican candidates
are generally unopposed. Presently, in the city, over 80 percent of the elected officials are Republican and this pattern has existed for at least the past two decades.

In summary, Freedom is located in western Ohio, surrounded by rural farm land but in close proximity to three urban centers. It is the county seat and the only city in the county. Its population is less than 12,000 inhabitants who are predominantly white and they have not been disturbed by racial strife. Churches are not social action oriented but represent a conservative Protestant "Bible Belt" orientation. Industry is diversified, providing a firm economic base and most of the larger companies are locally owned. Nationally affiliated unions control only a minority of local labor. The voting behavior of the citizens of Freedom over the past decade on the national, state, county, and municipal levels, indicates the area is a Republican stronghold. In combination, these factors tend to indicate that the community represents as classic an example of President Nixon's "silent majority" as one is likely to find anywhere.
FOOTNOTES


57. A Brief History of "Liberty" County.

58. Ibid.

59. Ibid.


61. A Brief History of "Liberty" County.

62. Ibid.

63. Ibid.

64. Ibid.


66. Ibid.

CHAPTER IV

THE ADMINISTRATORS OF THE CRIMINAL JUSTICE SYSTEM: POLICE, PROSECUTORS, AND JUDGES

This chapter examines the administrators of the criminal justice system in Freedom including the police, prosecutors, and judges. The police are examined first because they usually initiate the action which results in people being processed through the judicial system and the majority of research time was spent in this department. Consequently, analysis of the police is more detailed and extensive than that of the prosecutors and judges. Examination of the police includes a brief description of the department and the personnel who work there, organizational structure, training, vital statistics and occupational information.

THE POLICE

Location and Personnel

The police department is located on the ground floor in the Municipal Building. Upon entering the front door, one enters a small vestibule with the Chief's office on the immediate left; beyond this is a larger room housing
a desk and chair, the dispatcher, and the police records. On the right of this room are the lavatory and utility room; on the left is a smaller room resembling a semi-kitchen; off this room are the interrogation room and the jailhouse. The latter consists of three separate cells with spartan accommodations—a bowl, stool, and two bunks in each cell, one on top of the other with a fiber board as mattress.

The police department consists of fourteen men: the Chief, three lieutenants, three sargeants, and seven patrolmen. Until about two years ago, the Chief, three sargeants, and the patrolmen comprised the force. The officers agree that it was a more efficient and effective department then than now. As one of the officers said: "We needed three lieutenants like a hole in the head". This may be the only department in the nation where the number of men of rank equals that of patrolmen.

Others who assist in police operations include two full-time dispatchers who handle incoming and outgoing phone calls and man the police radio. In addition, there are four part-time dispatchers who generally work on weekends when the regular dispatchers are off. All four of these young men are attending college. The Chief feels this part-time employment is good for community relations as well as giving these young men a first hand opportunity
to observe and learn about the police.

Another interesting feature of the personnel concerns the part-time Midnight dispatcher, who is also employed by 1/4 of the merchants in the city to check their business establishments for possible entry. He makes a minimum of four checks each evening between 10:00 P. M. and 6:00 A. M. When he works as dispatcher, someone—usually the lieutenant or sargeant on duty—assumes his dispatcher duties while he makes his rounds. During the period of this study, he discovered one burglary "in progress" and apprehended one of the suspects before calling the police for assistance. In another instance, he discovered a burglary and caused the thieves to flee without the merchandise. These are two known instances where his presence prevented crimes but what is unknown and unknowable is the deterrent effect of his presence.

Finally, there is one additional, very athletic, male who assists the police. He comes to the station periodically and assists the men on patrol. He arrives at the station in full uniform except for a service revolver—he is not licensed to carry one—prepared to go to work. He rides around in the cruisers with the men and assists when and wherever possible. As one officer put it: "He's a hell of a good man to have around when we need an extra body". In short, his presence is really appreciated "when
things get rough" or someone decides not to "come quietly".

It was not determined how his employment originated, but it began several years ago, lasted a few years, lapsed for a time and then was resumed a short time ago. He receives no remuneration for his efforts other than fellowship with the officers and their appreciation of his assistance.

Organization

The work day is divided into three eight hour shifts: Midnight to 8:00 A. M.; 8:00 A. M. to 4:00 P. M., and 4:00 P. M. to Midnight. The Chief and one lieutenant always work the daylight shift. The other two lieutenants work the 4:00 P. M. to Midnight or Midnight to 8:00 A. M. shift. One sargeant works on each of the three shifts and the patrolmen are divided among the three shifts. During 1969, the two lieutenants and three sargeants worked out an arrangement among themselves whereby they were rotating on shifts periodically. Criteria for placing patrolmen on these shifts were the likes and dislikes of the Chief and shift preference requests to facilitate moonlighting.

This arbitrary system of assignment became a source of irritation within the department. During the latter part of the year the men petitioned for some systematic and unbiased system of rotating shifts. The Chief asked one of the lieutenants to work out such a system and he agreed, providing the Chief did not interfere with the schedule.
The men now work 28 days on one shift and then change to another shift so that in each 84-day period, they have worked on all three shifts. That is, everyone changes except the Chief and the one lieutenant who remain on daylight. Thus, every 28 days, the two other lieutenants move between the 4:00 P. M. to Midnight and Midnight to 8:00 A. M. shifts. This is a point of contention within the department even though the battle was fought and lost over this issue by these two lieutenants. Further refinements resulting from this change included keeping four men on each shift with two men working from 8:00 P. M. to 4:00 A. M., in order to have the maximum number of men on duty during the peak hours of crime.

Each man is required to work a 40-hour week and is entitled to two days off per week. Rank has its privileges relative to days off—at least for the four highest ranking officers. The three lieutenants are off every Saturday and Sunday, while the Chief is off Wednesday afternoon and Sunday. The remaining men on the force are off either Sunday and Monday; Tuesday and Wednesday, or Thursday and Friday, and the days of the week they are off rotate as the shifts do.

The chain of command is minimal and informal. Directives from the Chief on policy and practice within the department are haphazard or non-existent. For example,
there is no standard policy on ambulance runs. On one
shift, the officers must respond to the call for possible
assistance in getting the injured or ill onto a stretcher
and/or into the ambulance and then lead the way to the
hospital. On another shift, the officers do not respond
to ambulance calls unless requested to do so by the ambu-
lance crews. This is troublesome for the patrolmen moving
from shift to shift and is especially trying on those men
working from 8:00 P. M. to 4:00 A. M., since halfway
through their shift a policy change occurs.

There is also no standard policy on the apprehen-
sion of juveniles. Obviously, standards cannot be pre-
scribed for every conceivable set of circumstances, but
general guidelines could be incorporated so that some sem-
bblance of standardization is present. Discretion is, as
already noted, the keynote of the judicial system. This
range of discretionary power was probably most apparent in
the police function and, particularly, in its handling of
juveniles. If a juvenile is stopped on the street for
some minor violation, some officers will talk to him in a
fatherly fashion. Others will give him a stern lecture,
and still others will "chew him out". If the juvenile is
brought to the station, he may be questioned and then his
parents called, or the parents called and then he is
questioned in front of them, or the officers may inform
the parents of the problem and let them handle it. The only standard element in the procedure is that the Juvenile Judge must give her consent before a juvenile can be placed in detention.

Since policy decisions are not forthcoming from the Chief, policies are often based on the shift lieutenant's discretion, occupational pragmatics that seem to operate for each officer, or expediency. As a result, the police function is arbitrary, haphazard, and less efficient than need be.

Other than additional manpower and equipment, the three most common criticisms within the department concern lack of effective leadership, discipline, and low morale. The Chief is not a leader, either by example or directive, and he is hesitant in confronting the city fathers concerning the lack of equipment. Discipline, while it exists, is very informal and consists mainly of getting "chewed out" by the lieutenant or sargeant. Suspension is rare or nonexistent. The force lacks esprit de corps because of the apathy of the leadership. The men are seldom commended on a job well done, but are frequently reminded of their mistakes.

Training

The formal training of the officers ranged from none to 160 hours of training at the State Highway Patrol
Academy. Training appears to be inversely related to length of service. The three men who have over 25 years of service each received no formal training at all, whereas the three most recent appointees received training at the Highway Patrol Academy. This reflects the increasing awareness of officials for such training and the implementation of state requirements that have become increasingly more stringent.

Six of the men received 40 hours training at the Bureau of Criminal Identification which included investigative and identification techniques. Four of the officers attended the breathalyzer school at the State Highway Patrol Academy to learn how to operate that instrument. Thus, the department no longer has to transport suspected DWI's (driving while intoxicated) to the hospital for a blood alcohol test and then wait a day for the test results. The three lieutenants attended a police administration school for one week at Michigan State University but have been unable to implement much of what they learned there. While training has been varied, none of the officers has had over 180 hours of formal training.

One interesting aspect regarding training is the fact that several of the officers attend seminars that are given in Freedom and neighboring cities in an effort to keep current with developments in the field. At least
three other men have taken correspondence courses on their own time and at their own expense to learn more about their work. Several of the officers are avid readers and attempt through this method to keep abreast of new police techniques and procedures. Thus, these men are interested in their work to the extent of spending their free time increasing their effectiveness.

The lack of a police training program represents a glaring weakness in the police function since most appointees begin duty without any formal training. Theoretically, it is possible for an individual to become a probationary patrolman without ever having held a gun in his hand. The recruit is placed on foot patrol in the business section of the city for the first one to three months he is on the force. One of the older officers assumes responsibility for the newcomer and tries to "teach him the ropes" and make certain he "stays out of trouble". Unless he received training elsewhere, his initial training is on the job, and after his foot patrol duty, he graduates to the patrol car with an older officer for more on-the-job training. Formal training occurs after he has been on the force at least six months so the administration can determine whether he can "make it as a cop".
Vital Statistics

The requirements for receiving an appointment to the force are minimal. The potential recruit must be between 21 and 31 years of age, pass a physical examination by a physician designated by the Civil Service Commission of Freedom and pass the Civil Service examination. Despite these minimal requirements, not enough men could be located to fill the complement of officers. Probably the main deterrent in this respect is the $6,000 per year starting salary for a probationary patrolman, which amounts to $2.60 per hour.

On January 1, 1969, the Freedom Police had 11 men in the department and this was raised to 14 with the addition of one officer each in January, April, and May. The ratio of policemen to population (11,302) was 1.2 per thousand, placing the city below the overall national ratio of 1.7 per thousand, but almost equal to the 1.3 ratio for cities between 10,000 to 25,000 population. Had the force been at its full complement of 16 officers, it would have equalled the national average for a city of its size.

Three of the men on the force are Negro--two hold the rank of sargeant and one is a lieutenant. The latter acts as Chief when the Chief goes on vacation or is off ill. The force has been integrated since the thirties and
based on conversations with the officers on the force, and personal observations, racial strife does not exist within the department. Further, the three Negroes are respected by their fellow officers, not only as "good cops", but as human beings.

The 14 men range in age from 22 to 57, based on their age in 1969, with a mean age of 39.6 and the median age of 38.5, which is slightly above the national median of 37.6 for policemen and detectives. Further, breakdown by age indicates that three of the men are in their twenties, four in their thirties, four in their forties, and three in their fifties. Thus, over half the men are between 30 and 49.

Policemen are family men. All but one of the officers are or were married, and the length of time married ranges from one to 34 years, with a median of 13 and a mean of 15.4 years. The age at marriage ranges from 17 to 29 with the average age at marriage about 22, indicating these men married at roughly the same age as the rest of the male population in the United States. Two of the officers are widowers. The wife of one passed away several years ago and the wife of the other more recently. The former officer remarried and the latter is about to do so. To date, only one of the officers has been divorced and he remarried in January, 1969.
The number of children of the police officers ranges from none to six. The distribution of children is bimodal in that three families each had two and three children, respectively. The overall average is 2.8 children per family and, again, this compares favorably with the national average. Based on conversations, it appears that police officers are family men who value family stability and rely on their families for support against an indifferent and sometimes hostile public.

Although there are no stated educational requirements to join the force, the education level of the men is slightly above the national average for the general population but slightly below the 1966 average of 12.4 years for police officers. Eleven of the 14 officers had a high school education; one had finished the tenth grade and two had some college. One of the latter lacks a half year of receiving his B.S. degree and is hopeful of completing these requirements in the near future.

Nine of the officers served in the armed forces either during or after World War II, and seven of these men attained the rank of corporal or seaman second class or above. Four of the men served in the Army, two in the Navy, and three in the Air Force. Three of them served in the military police. This experience assisted in their decision to become policemen and the training they received
in the service was beneficial in preparing them for their present job.

The length of residence in Freedom for the men ranged from one to 56 years, with a median of 26.5 years and a mean of 26.4 years. Excluding the two youngest men on the force, the remainder of the men had spent a minimum of 17 years as residents of the city. Six of the men were born in the city; four of them spent their entire lives as residents, while two moved away and subsequently returned, but even in these cases, the men spent the greater portion of their lives in the city. Further, ten of the officers were born within a radius of 30 miles of Freedom; 12 within 150 miles and all within a radius of 250 miles. With one exception, none of the men were born in a community of more than 10,000 inhabitants. Thus, it can be said that these men were long-time residents of the city, familiar with it, and products of rural and small town midwestern communities.

**Occupational Information**

It is interesting to note that 11 of the policemen are moonlighting. Two officers work as electricians, one each as a television repairman, mechanic at a bowling alley, stock clerk and/or security guard, bailiff, gas station attendant, monitor and teacher's aid, security officer, and two work at odd jobs. Of those men who are
married (12), eight of their wives work full time and another wife substitutes as monitor and teacher's aid when her husband works from 8:00 A. M. to 4:00 P. M. Thus, 13 of the 14 officers moonlight and/or their wives work. The primary reason for the moonlighting is financial. In one case there are no children, but the wife works full time and the officer part-time "to keep busy". Responses to the question of why they were moonlighting included: "money", "eight people can't live on a policeman's salary", "to make ends meet", "so I can pay my bills", and "to help at home and to afford luxuries". The officers also stated that they would not be moonlighting if their salary was sufficient for them and their families to live comfortably. It seems fair to conclude that there is considerable dissatisfaction regarding salary scales resulting in moonlighting and wives working to provide a satisfactory income.

All the men on the force tried some other occupation prior to entering police work, and consequently, did not move directly from school to their present occupation. This is inferred from data collected concerning their age when they joined the force, which ranges from 22 to 31 years of age, with a median of 26.5 years and a mean of 28.8 years.

Since only two of the men had any college and most
were married by age 22, they worked elsewhere before joining the force. Analysis of data on prior work experience confirmed this. All the men had worked previously in a non-police context for a minimum of four and a maximum of 13 years. The number of jobs held for one year or more, ranged from one to four. Had the jobs in which they worked a few days or months been included, their job experience would have appeared more extensive and varied. Jobs ranged from skilled labor (two), machine operator in a factory (five), clerk (six), to service (one).

Dissatisfaction with their former jobs included poor treatment by superiors such as "the boss always looked over my shoulder and tried to run my private life". Low wages was a criticism of a few and in these cases the salary of a probationary patrolman was actually a raise for them, but all of these men were old timers and when they joined the force, police pay was respectable and commensurate with other salaries. Hard work was another complaint and this referred to hard physical labor such as lifting 100 pound rolls of paper. Lack of security was the most common response and this concerned the fact that there was no union in the shop to protect them in case of difficulty. Similarly, some of the men were disgruntled with the lack of benefits offered by the company such as paid holidays, sick benefits, and pensions. Others were
concerned with their irregular employment and prolonged periods of unemployment. Finally, others felt that employment in a factory lacked incentive, was too restrictive and/or routine.

The manner in which the men became interested in and subsequently became police officers was especially interesting. Seven of the men learned about the job from someone already on the police force; four from reading an ad in the newspaper, and the remainder discovered police work more or less accidentally.

One of the officers was formerly employed at a service station and the police call box used at that time was near the station. One day as a patrolman was making a call, this man asked the officer, "How can I get a job like that?" The police officer told him and he applied and was hired. Another officer was previously employed at a clothing store in the city in charge of delinquent accounts. In this capacity, he had some contact with the police. One day while at the station getting some information on a delinquent account, he began talking with one of the policemen about openings on the force and requirements for the job. The next time the Civil Service examination was given, he applied, passed, and accepted the appointment. Another officer came to the city looking for a job and began working for the city. He was extremely
grateful to the city for giving him the job. He wanted to do something in return and joined the force at his earliest opportunity. Another officer wanted to be a history teacher or an attorney but lacked the funds to go to college and compromised by joining the police force. Finally, one of the officers had been arrested by the State Highway Patrol on a traffic violation, was treated like a "human being" and decided to join the city police to assist the community.

There were six basic reasons given by the men for joining the force and they are recorded here in descending order of frequency. Officers focused on the benefits received by becoming a member of the police force, which include 15 days of paid sick leave per year. If this is not used it can be accumulated up to but not to exceed more than 120 days. Anything over 90 days can be traded in at the rate of two days' sick leave for one day's pay or one day of paid vacation. At retirement, the officer is reimbursed for any accumulated sick leave at three-quarters pay for each day. Retirement can begin at age 52 if he has 25 years of service and his pension is 50 percent of the average of the five highest base salary years of his employment. His pension can be increased by two percent per year for each additional year of service up to four percent at 20 years service. There are six paid

The next most frequent response for becoming policemen was the opportunity to meet a variety of people and/or they liked people and wanted to deal with the public. Closely associated with this was the response of wanting to engage in some kind of service to the community. Others thought they would be interested in this type of work and that it would be rewarding, exciting, and different. Closely related to this was the response that the work would offer a challenge where they could use their initiative and ingenuity. Lastly, the men thought the job offered freedom from routine and confinement in a shop, and the opportunity to move around.

It is obvious that the policemen in Freedom had not chosen this career at an early age, but accepted it only after discovering that other occupations were unsatisfactory. Their dissatisfactions were several and varied, but the important feature was that police work was their second choice and thus a career whose merits had not been immediately perceived.

"In short, a career in the police would be a natural choice for young men, no longer adolescent, unsatisfied with other occupations, holding a high-school diploma, and coming from social
backgrounds associated with manual labor and skilled trades. Police work must have seemed a logical career alternative. It is not an accident that individuals with a certain socioeconomic background are in police work; it is precisely such individuals to whom a police career would most likely appeal. One does not need a special theory to explain why men go into police work as many police detractors would suggest. One explains recruitment to the police force as one explains recruitment to any occupation, namely, in terms of its status, rewards, minimal education requirements and conditions of service. There is no more reason to think that occupation selection for police work proceeds by a different logic than for careers as lawyers, doctors, automobile mechanics, radio technicians, and secretaries. 

The sections on the prosecutors and judges present brief background information on each, including age, sex, race, religious affiliation, place of birth, marital status and education. Occupational experience, length of service in their present capacity, as well as occupational duties are examined. Inter-system strain is analyzed to determine the amount of cooperation, or lack thereof, that exists between the various participants in the criminal justice system.

THE COUNTY PROSECUTOR

The County Prosecutor is male, white, Protestant, 40 years of age, and a native of the city who has spent most of his life in the community. He has married, divorced, and has three children from this marriage. He
remarried seven years ago and has one child by his present wife. After graduating from high school in the city, he enrolled at Kent State University where he received his B.A. and moved on to law school at Ohio State University where he received his LL.B. degree.

After admittance to the bar, he practiced law for six months before entering the Army in 1955, where he remained for two years, attaining the rank of Sergeant. Following discharge from the service, he returned to Freedom to resume his general law practice. He had practiced law for 12 years before deciding to seek the position of County Prosecutor. He was elected in November, 1968, to a four year term of office and assumed his duties on January 6, 1969. He sought the position because he was interested in the crime problem and criminal law and thought he was qualified for the job. This position pays $6,600 per year, is considered part-time, and permits him to continue his private practice.

The Prosecutor represents the State of Ohio in Common Pleas Court and handles all felony cases. He presents evidence to the grand jury so this body can determine whether to indict or not. In the former instance, he prosecutes the case in Common Pleas Court. The Prosecutor is also the legal representative of County court employees, County boards of education and municipalities in the
County. His time is approximately evenly divided between civil and criminal duties.

Inter-System Strain

In preparing felony cases, the city police usually confer with the County Prosecutor and do not hesitate to call him for assistance. The Prosecutor stated, "I like to be in at the start" of a case. He tries not to interfere with the police investigation but to serve as an investigating consultant who may sometimes interrogate the accused. The police and Prosecutor work very closely regarding the charge and the fine points of the law. For this reason, felony cases are taken directly to the County Prosecutor, although, theoretically, they should go to the Municipal Prosecutor's office since the preliminary hearing is held in Municipal Court. The County Prosecutor classifies his relationship with the police as "good" and this tends to be substantiated by the police. The contact between the police and the Prosecutor has been limited in that this is his first year as Prosecutor and several of the policemen have not had an opportunity to work with him as yet.

In summary, inter-system strife between the police and County Prosecutor seems to be minimal, and this relationship presents the strongest link in the chain among the various systems.
THE MUNICIPAL PROSECUTOR

The City Prosecutor is male, white, Catholic, 33 years of age, born in Cleveland, Ohio, and has been a resident of Freedom for seven years. He is a family man, having been married for 10 years, and is the father of three children. After completing high school, he entered Ohio Northern University, majoring in political science and received his B.A. degree in 1958. Law school followed at the same institution where the LL.B. degree was conferred in 1962.

The office of City Solicitor and Prosecutor is considered part-time employment, thus permitting its occupant to maintain a private law practice. The Prosecutor handles a wide variety of duties and refers to his private practice as general, rather than specialized.

After being appointed City Solicitor and Prosecutor in 1962, the office became an elected one the following year. Thus, in 1963, and again in 1965, the Prosecutor was elected to successive two year terms and to a four year term in 1967 when the term was lengthened from two to four years. While a novice when he accepted the position, he now has seven years experience in this post.

While in law school, this man decided to settle in a small city following his graduation. Consequently,
he wrote officials of various cities inquiring about the opportunity to start a law practice in their area. Officials in Freedom contacted him, and an interview was arranged, which resulted in his appointment as City Solicitor and Prosecutor to fill the unexpired term of the man who resigned. He wanted the position because the annual salary of $5,400 provided a basic income, the opportunity for contact with more people, and the opportunity to gain more trial experience.

The City Prosecutor's job consists of being legal advisor to the city; advising all city officials, boards of review and the board of education; preparing all city contracts and easements, and other legal documents. The Municipal Court has county jurisdiction; thus, preliminary hearings for all city and county cases—misdemeanors or felonies—are heard in this Court and it is the Prosecutor's duty to prepare these cases. This function, compared to civil cases, consumes the major portion of the Prosecutor's time, since there are many cases and the Court has three weekly sessions.

The Prosecutor maintains he is overworked and underpaid and that there is enough work to warrant a full-time man with a salary of $15,000 per year. A further source of irritation is the fact that while his private office doubles as the Prosecutor's office, the city pays
nothing toward its maintenance, nor does the city provide him with a separate office for his municipal duties.

**Inter-System Strain**

The Prosecutor contends that he has a good working relationship with the policemen; that he is readily available for consultation, and that he must educate the police. On the other hand, only a minority of the police believe the Prosecutor is doing an adequate job, while the majority believe he leaves much to be desired as a prosecuting attorney. Several of the policemen stated that, "He doesn't know the law" and others suggested that "All one needs is an attorney to win a case in Municipal Court". Two other policemen said, "He permits the defense attorney to crucify you on the stand", and they cited several incidents to substantiate their statements. For example, during a trial, the Prosecutor asked one patrolman to explain to the jury how the breathalyzer functioned. Before beginning his explanation, the officer distributed printed instructions on the operation of the instrument to members of the jury and then repeated the operational instructions from memory. The defense attorney proceeded to quiz the officer concerning chemicals used in the breathalyzer and their functions. The Prosecutor did not object. Finally, the Judge commented, "Mr. Prosecutor, if you are not going to object to this line of questioning, I am."
The officer gave a perfectly lucid account of how the machine operates and he was trained merely in its operation, not in the intricacies of its chemical components.

As one of the senior officers told the researcher, "I learned a long time ago not to beat my head against a brick wall. When the Prosecutor suggests a certain disposition of a case, you either go along or he doesn't fight very hard in court".

THE COMMON PLEAS COURT JUDGE

Judge Edwards is male, white, Protestant, 67 years of age, born in a small community 12 miles north of Freedom and, with the exception of the time spent in college, has been a resident of the county all his life. He has been married 27 years and is the father of two daughters. He had no military service since he was too young for World War I and too old for World War II. After graduation from high school, his education consisted of one year at Wittenberg University and three years at Ohio State University, but he did not receive a degree because he lacked the course requirements for graduation. While attending college, he was tutored by a lawyer to prepare for the bar examination which he successfully passed in 1924.

Prior to his admission to the bar, Judge Edwards worked for several years as a deputy in the Probate Court
of Liberty County. He engaged in active trial practice for 35 years before assuming the judgeship in 1960. The Judge had six years as prosecuting attorney of the county as well as considerable experience as substitute judge of the Freedom Municipal Court, filling in for various judges during vacations and illnesses. While serving as Common Pleas Judge, he has been assigned to many other Ohio counties where he hears both civil and criminal cases.

The Common Pleas Court judgeship is considered to be a full-time job. Consequently, the judge is not permitted by state statute to give legal advice. In 1960, the former Common Pleas Court judge died and someone was needed to fill his unexpired term. The only lawyer interested in the position was a very young and inexperienced man. Although Mr. Edwards did not want the job, rather than let the young attorney assume the post by default, he decided to oppose him. The primary reason none of the other lawyers wanted the judgeship was its low salary of $10,000 per year. They were making more than that from their practices. Indeed, this was true of Edwards also, since his income was twice that of the judge's salary, but he decided to take the position for four years. Four years later, in November of 1964, there was still no one interested in the position. The Judge, despite his personal reservations, ran unopposed in the election and began his
first full term (six years) in office in January, 1965. State law prohibits a judge from running for office after his 70th birthday. Thus, the Judge hoped to be reelected for another term in November, 1970, and then retire.

The Common Pleas Court judgeship involves presiding at criminal and civil trials involving damages over $500 and hearing and rendering decisions in domestic relations cases. Relative to criminal proceedings, the Judge presides at the seating of the grand jury, and reads the charge to the jury prior to their retiring to consider the cases. He also presides at arraignments. In civil cases involving damages, considerable time is consumed in pre-trial conferences with the attorneys and sometimes the clients. At these sessions, the primary objective is to shorten court proceedings by agreeing on the court date, the facts in the case, the law(s), and on eliminating the irrelevant aspects of the case. Frequently, these conferences end in out of court settlements, further reducing the court docket.

Civil cases require more of the Judge's time than criminal cases, with the former being equally divided between domestic and damage suit cases. Considerable time is spent in reviewing petitions and motions and the issuing of summons as well as setting pretrial conferences and trial dates. More time is spent in the office than in the courtroom.
Occasionally, if a judge in another jurisdiction is ill for an extended period of time, or feels he must disqualify himself from a particular case, someone else must take his place. In such an instance, Judge Edwards may be sent to another jurisdiction to serve as judge for a short period of time. If no one replaces him while he is absent, then his duties in Freedom are deferred and this may result in court docket delays.

Job dissatisfaction relates to Judge Edwards' duties as the judge in criminal cases. If an individual is convicted and denied probation, he must be incarcerated. It is the Judge's duty to impose the sentence, thus depriving individuals of their freedom. In short, Judge Edwards dislikes sentencing anyone to jail or prison. This is clearly reflected in his sentencing policy and is elaborated in the following paragraph.

Sentencing Policy

After conviction and relative to sentencing, the Judge's discretion is exercised in one of two ways: first, in granting probation, and second, in employing the relatively new technique of shock treatment. If the accused is convicted of violation of a specific statute, denied probation, and shock treatment is not employed, then the sentence is prescribed by law and invariably is of an indeterminate nature. Consequently, the Judge must impose
the prescribed sentence.

In those instances where probation is possible, that is, cases in which the offender is not a recidivist nor the act too severe, Judge Edwards normally orders a presentence investigation. The County Prosecutor and Judge both agree that the present investigator is extremely competent and that his reports are thorough. The presentence report includes the defendant's family status, personal history and community roots, educational and employment history, financial and physical condition, prior criminal record, if any, and the investigator's recommendation.

Both the presentence investigator and the County Prosecutor make recommendations concerning the disposition of cases. Usually, if there is agreement between these two, the Judge follows their recommendations. However, on occasion, the Judge does not accept their advice, but follows his "hunch" and places a defendant on probation. In practice, this means that anyone eligible for probation generally receives it.

In several instances, Judge Edwards has implemented shock treatment, a technique whereby the perpetrator is committed to a penal institution. Thirty to 90 days after incarceration, by judicial order, the defendant is remanded to the jurisdiction of the court and
placed on probation for a definite period of time. It is hoped that his penal experience will deter him from further criminal activity. Of those cases where this technique was employed, the Judge noted he "only had to send one back again".

**Inter-System Strain**

It appears that inter-system strain is minimal between Judge Edwards and the County Prosecutor. They characterized their working relationship as "excellent" and "very good", respectively. The Prosecutor is permitted complete freedom in the preparation of cases. The Judge is never present at negotiated justice conferences. However, he has to agree on all negotiations and the sentence remains the Judge's prerogative. Thus, he can symbolically wash his hands of any prior "agreements". When the Judge asks the defendant in court if there had been any agreement concerning his case and the defendant should slip and answer, "Yes", the Judge will refuse to sentence him.

The principal police criticism of the Common Pleas Court centers around the excessive use of probation by Judge Edwards. However, the criticism is neither extensive nor vehement. There are three reasons for this: fewer cases were heard in Common Pleas Court as compared to those heard in Municipal Court; second, some of the
officers never have had a case heard in this court; and third, except for the use of probation or shock treatment, sentencing discretion is minimal in Common Pleas Court, whereas the Municipal Judge has much discretion in imposing sentence.

THE MUNICIPAL COURT JUDGE

Judge Truman is white, male, Protestant, born in Cincinnati, Ohio, 56 years ago, and has been a resident of Freedom for 24 years. He has been married for 29 years and has one daughter. After completing high school, he entered Ohio State University where he received his B.A. and immediately entered law school at the University of Cincinnati which granted him the LL.B. degree.

Judge Truman was admitted to the bar in 1937 and since that date has been practicing law both in Cincinnati and Freedom except for a tour of duty in the armed forces. The Judge has had extensive experience in civil and criminal cases. Service to the city included Assistant Municipal Solicitor and Municipal Solicitor for four years prior to becoming Judge. Truman was elected to a six year term in 1965, and is serving his fourth year in that capacity. He has occasionally been called upon to serve in other jurisdictions around the state for brief periods of time. The judgeship is a part-time position, permitting Mr. Truman to maintain a private practice that can best be
described as general in nature.

In ruminating about his judgeship aspirations, Judge Truman claims to have decided to oppose his predecessor for several reasons: first, the former judge was tough and fines and sentences were stiff, supposedly giving Freedom a bad reputation throughout the state and causing people to avoid the town, which made the merchants unhappy; second, there were only two court sessions per week; third, there were few or no bond forfeitures; fourth, he felt qualified for the job, and fifth, the job pays $5,400 per year and comes under the Public Employee Retirement System from which he would receive a pension when he retires. Neither of the men campaigned energetically and there was a tacit agreement to "let the people decide". Truman won in a close election.

The Municipal Court has county wide jurisdiction and is the only inferior court in the judicial system. Thus, unless the Prosecutor takes a case directly to the grand jury through "information", all preliminary hearings and/or summary trials are held in this Court. If guilt is established in a summary trial, the Judge imposes the sentence which can be a fine and/or a sentence. In the case of a preliminary hearing, the Judge must determine if a crime has, in fact, been committed and, if so, is there enough evidence to refer the case to the grand jury.
When queried concerning what aspect of the job consumed most of his time, the Judge unhesitatingly replied, "traffic offenses". Generally, Judge Truman seems to like his job. However, he particularly dislikes placing people in confinement and depriving them of their freedom and property. Nevertheless, he is aware that someone must occupy the position and he reluctantly does so.

Sentencing Policy

The Judge is not familiar with the cases on the court docket unless the case was continued from a previous court session, or if he reads about the arrest in the newspaper. Judge Truman attempts to approach each court session with a "clear mind" and no predisposition concerning a case, but to render each decision on the "facts" of the case, questions asked, and the circumstances of the case. The overriding factor in sentencing policy is the belief "that 90 percent of these people unintentionally violated the law and should not be excessively punished". If policy and practice are consistent, this should be apparent when misdemeanor cases are analyzed.

Inter-System Strain

The Judge characterized his relationship with the Municipal Prosecutor as one of cooperation and harmony.
Conferences are frequently held with the Prosecutor and defense counsel concerning cases, and agreements are often reached concerning charges, concurrent sentences, and the sentence expected for a guilty plea. There does not appear to be much overt strain between the Judge and the Municipal Prosecutor.

Two of the patrolmen, when questioned about court dispositions in general, stated they "were satisfied" with the Court's handling of cases. Two others were not satisfied but rationalized that court decisions were not their business. The majority of the police were critical of Judge Truman's decisions. The main complaints were that fines and sentences were "too lenient" in general, or too lenient on a specific offense such as driving while intoxicated, or too lenient on recidivists. Concerning the latter, several officers related how defendants would have part of their fine, and all of their sentence suspended if they remained on good behavior for one year. Then, a few months later, the same individual would appear in court on a new charge and not have the remainder of the previous sentence imposed. According to the policemen, this made the Court look ridiculous and stupid. The researcher questioned Judge Truman about this matter and he admitted this could happen since no court records are kept on recidivism. Several officers have approached the Judge
concerning certain defendants whom the police believe deserve stiff penalties, but this has not resulted in satisfactory action so far as the patrolmen are concerned.

THE JUVENILE COURT JUDGE

Juvenile Court is a part of the Probate Court in the City of Freedom, with county wide jurisdiction. The Probate Court Judge is female, white, Protestant, born in Newark, Ohio, and has been a resident of the city for some thirty years. She is presently married, has been divorced, and has a daughter by her first husband. After graduation from high school, she attended Ohio Northern University, receiving the B.A. degree and she also attended law school there. She successfully passed the bar examination and was admitted to the practice of law in 1929.

The Judge practiced law from 1929 until 1935 at which time she gave up the law for marriage. After a twelve year absence, she resumed her practice of law in 1947. In addition to this experience, she has been chief deputy clerk in a neighboring town. She was elected to a six year term of office in November of 1960, and assumed the duties of Judge in February, 1961. In 1966, she was reelected to her second term. Thus, she has been Probate Judge for eight years.

She wanted the judgeship for three reasons: first,
she knew the procedures of the Court from her experience as chief deputy clerk; second, the work was enjoyable, and third, the duties presented no special difficulties.

The duties of the Probate Judge include hearing juvenile cases (official and unofficial), adult misdemeanor cases where the adult contributed to the delinquency of a minor, bastardy cases, and support and non support cases involving juveniles.

**Sentencing Policy**

If the offense is not serious, the child has not previously been in trouble, then the case is handled unofficially and the child is placed on probation. If the offense is a felony, the juvenile is generally committed to the Ohio Youth Commission. Conditions which could alter these generalizations are the attitude of the juveniles and/or the parents, a history of multiple offenses, or the home atmosphere. Dispositional options include probation in the juvenile's own home, placement in a boarding school or foster home, referral to the Southwick Guidance Clinic for evaluation and "cure", and commitment to the Ohio Youth Commission. Generally, the latter is employed only as a last resort and is a covert admission that nothing can be done in the community to cope with the juvenile. Theoretically, the child's welfare is paramount in any disposition.
Inter-System Strain

The Judge characterized her working relationship with the police as "good", yet the policemen, without exception, do not agree with the Judge's contention. The patrolmen believe the Judge is too lenient and in most instances, does nothing more than "slap the juvenile's wrist". As one officer phrased it: "The Judge doesn't believe there is any such thing as a bad kid". The police want the Judge to "bring these children up short" and possibly deter them from becoming involved in criminal conduct again. Several of the officers no longer apprehend juveniles (since the Judge does not do anything to them), unless the offense is blatant and serious. Instead, they admonish the juvenile and send him home or take him to headquarters and require the parents to come and pick him up. The relationship between the Juvenile Judge and the police is the most strained of all the inter-system relationships.

In summary, a number of problems do exist in the police department and every effort should be made to correct them. Salary increases are mandatory in order to obtain the proper personnel. Additional equipment is needed to increase the efficiency of the department. Men should receive training prior to joining the force as well as periodic supplemental training. Lack of effective
leadership has led to organizational inefficiency as well as lack of discipline and low morale.

Based on education and experience, the prosecutors and judges are eminently qualified to perform their duties. Indeed, an examination of the data alone tends to indicate that they perform their tasks adequately, if not well. There seems to be no overt strain between these functionaries and little or no covert inter-system strain. Since these administrators were all trained in the law this could possibly explain the lack of strain between them. At least they should be familiar with each other's functions and be able to appreciate the problems inherent in the other's duties.

Inter-system strain exists between the police and the Juvenile Judge, the police and the Municipal Prosecutor and Municipal Judge. Very little of this strain is covert but it has its effect on police functions. For example, some officers fail to bring juveniles in because the Juvenile Judge only "slaps their wrists" or, if the Prosecutor suggests a certain disposition, the police better agree or the Prosecutor does not fight very hard in Court.
FOOTNOTES

69. Ibid., p. 9.
70. Bayley and Mendelsohn, pp. 31-32.
CHAPTER V

FELONY OFFENSES

This chapter describes all phases of the criminal justice system as it operates in felony cases in Freedom—the reporting, investigating, the arresting, charging, prosecuting, and sentencing of offenders. Specifically, the "crime problem" and its management in the city will be compared and contrasted with data available for Ohio and for cities of comparable size throughout the United States. This chapter examines Part I offenses plus those additional crimes handled in the Common Pleas Court. The justification for including these latter offenses—forgery and practicing medicine without a license—is that these cases were brought before this Court as felony offenses, rather than before the Municipal Court as misdemeanors. In those cases in which the charge was reduced from a felony to a misdemeanor, the offense is included in this chapter and again, insofar as disposition is concerned, in the chapter on misdemeanors.

The seven Part I offenses, which together constitute the Crime Index, include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary (breaking and entering), grand larceny (theft),
and auto theft. In 1969, no criminal homicides or forcible rapes were reported in the city so that the most serious known crimes were two robberies and one aggravated assault.

REPORTED FELONY OFFENSES: AN OVERVIEW

Reported felony offenses that occurred in Freedom during 1969 are summarized in Table 1.

Table 1. Frequency and Percentage of Reported Felony Offenses into Various Sub-Classifications and Persons Charged, Freedom, 1969

<table>
<thead>
<tr>
<th>Classification</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported Felony Offenses</td>
<td>155</td>
<td>100</td>
</tr>
<tr>
<td>Unfounded</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>Questionable</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Verified</td>
<td>132</td>
<td>85</td>
</tr>
<tr>
<td>Verified Offenses</td>
<td>132</td>
<td>100</td>
</tr>
<tr>
<td>Unsolved</td>
<td>98</td>
<td>74</td>
</tr>
<tr>
<td>Solved but No Charge</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Suspect but Insufficient Evidence to Arrest</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Cleared by Arrest</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>Persons Charged by Police</td>
<td>22</td>
<td>100</td>
</tr>
<tr>
<td>Guilty as Charged</td>
<td>9</td>
<td>41</td>
</tr>
<tr>
<td>Guilty of Lesser Charge</td>
<td>10*</td>
<td>46</td>
</tr>
<tr>
<td>Referred to Juvenile Court</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Acquitted</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Two of these cases were resolved in Common Pleas Court. Consequently, they do not appear in the chapter on misdemeanors.
As the table indicates, there were 155 reported felony offenses in the city. After police investigation, 19 of these offenses, or 12 percent, were classified as unfounded. That is, insofar as the police were concerned, no offenses had, in fact, occurred. In addition, four (3 percent) were categorized as questionable, leaving 132 verified offenses. In 16 of these 132 verified cases (12 percent), the police had a known suspect(s), but did not have sufficient evidence to arrest. There was one additional case that was solved by the police but no charges were filed. Continued investigation by the police resulted in 17 offenses (13 percent) being cleared by arrest leaving 102 cases (74 percent) unsolved.

The police filed charges against 22 individuals who were implicated in the 17 cases cleared by arrest. The differential between cases and individuals was attributable to five offenses in which two persons each were involved. As the cases moved through the judicial process, none were dismissed and consequently all were resolved in the courts. Nine, or two-fifths, of the defendants were found guilty as charged; slightly less than half (10) were found guilty of a lesser charge, and three, or one-eighth, were referred to Juvenile Court.
ROBBERY

There were two reported cases of robbery in the city during 1969, and both occurred during the month of June. This robbery rate of 17.7 per 100,000 population was about one-sixth the rate for the whole state (102.0), and slightly over half the rate for cities of comparable size in the United States (31.0).71

About 11:15 A. M. on June 2, a lone gunman walked into a loan company office and forced the lone female clerk into a back room where he taped her mouth, hands and feet. The perpetrator took $200 from the cash drawer and fled. A customer, finding no one in the office, became suspicious, and called the police. They found the clerk in the back room but she was so flustered and frightened she could not give an accurate description of the robber. The police think they know his identity but cannot bring him in for lack of evidence.

Early on the morning of June 22, a man was drinking at Benny's Place, a local tavern. He had a considerable sum of money and flashed it so that several people in the tavern were aware of it. As he left the tavern and was walking through the alley, someone approached him from the rear and struck him on the head with an unknown heavy object. As he lay on the ground, the robber relieved him of his wallet containing $110. After lying in the alley for a time, he staggered out to the street and somehow managed to call the police. The man was taken to the hospital where his wound was treated, but he refused to remain in the hospital and left against doctor's orders. This case remains unsolved.

* Rates for Freedom were calculated on a population of 11,302.
AGGRAVATED ASSAULT

There was only one case of aggravated assault in Freedom during 1969. The rate per 100,000 population was 8.8 compared to 80.7 for all of Ohio, and 85.7 for cities of comparable size throughout the nation. Aggravated assault was obviously not a serious police problem in Freedom.

The shooting occurred at 4:00 P. M. on December 15, in a local bar not more than 75 yards from the police station. The researcher happened to be in the police station when one of the citizens of the city burst through the front door of the station, and excitedly announced that Jack Palmer had shot someone. The station immediately emptied of all police officers as they scrambled through the door and over the counter on their way to the scene. The researcher remained at the station rather than rush to the scene with the police and possibly hinder their investigation.

In a few minutes one of the patrolmen returned to the station with the weapon—a .22 caliber pistol—and a brief account of what occurred. One man had shot another man three times and fled out the back door of the tavern. The victim was in serious condition and on his way to the hospital. The identity of the accused was known and some of the officers were dispatched to the Liberty Hotel where the accused reportedly was living.

The policemen failed to locate the suspect at the hotel and were sent to patrol the highways leading out of the city. In the meantime, the Chief gathered all available information on the suspect and put out an APB (All Points Bulletin). A brother of the suspect is a deputy sheriff of Liberty County and the Chief called to inform him of the events. The patrolmen checking the highways reported on location but there was no trace of the culprit. Shortly
thereafter, the police received an anonymous phone call informing them that the suspect was at the Liberty Hotel.

Two patrolmen were dispatched to the hotel and located footprints in the snow leading from the roof down the fire escape to one of the hotel windows. The officers attempted to open the window but it was locked. They determined the location of the room, descended the fire escape and went into the hotel and up to the designated floor. They knocked on the door of the room with the window where the footprints stopped and inquired of the occupant whether anyone had come through that window in the past hour. The occupant said no one had. The officers checked and confirmed they were in the right room. Further questioning produced nothing so the officers left the room and searched the hotel. The suspect was not located but it was learned later that the officers had been very close to him on two occasions.

At about 8:00 P. M. that evening, one of the officers "played a hunch", stopped at the Liberty Hotel to see if the suspect was there. He had been talking with the desk clerk for a couple of minutes when Jack Palmer came down the stairs and turned himself in. The suspect knew this patrolman and told him, "I waited for you because I didn't want to go in with anyone else".

Prior to the altercation, the suspect had been living with a female, and they were having "trouble". The perpetrator purchased the pistol earlier in the day and planned to use it on the female. He had been drinking most of the day. Shortly before the shooting, he was at the hotel when the girl telephoned him. She urged Palmer to come to the bar and he agreed, providing she would stop quarreling with him. Upon his arrival at the tavern, the victim put his arm around the shoulder of the girl and began taunting Palmer. Words were exchanged, a scuffle ensued, and Palmer pulled the gun, firing three times, hitting the victim twice in the shoulder and once in the stomach. He dropped the gun and fled out the rear door of the tavern. The
victim was rushed to the city hospital in serious condition. Later that evening he was transferred to a hospital in a larger city where he subsequently recovered.

Palmer was housed in the city jail prior to his appearance in Municipal Court on December 17th. He appeared before Judge Truman, asked for and was granted a week's continuance. On the 24th, Palmer pled guilty, waived the preliminary hearing, and his case was bound over to the grand jury. Bond was set at $2,500 but no one came forth to post bail or bond. Thus, he remained in the county jail awaiting trial. Palmer was indicted by the January, 1970 session of the grand jury. His arraignment occurred on March 17, and he pled not guilty to the assault charge.

The County Prosecutor informed the researcher that Palmer was willing to plead guilty to "anything" so long as he did not have to return to prison. The problem was that he had served time in Ohio and was released from a California prison in August, 1969, where he had been serving a sentence for burglary. This case was a source of irritation and embarrassment to all involved in the judicial system in Freedom because Palmer's brother was a deputy sheriff.

On the morning of Palmer's trial, his attorney approached the County Prosecutor and informed him that his client was willing to plead guilty to pointing and discharging a firearm.

Section 3773.04. Pointing and discharging firearms. No person shall intentionally and with malice, point or aim a firearm so pointed or aimed, or maim or injure a person by the discharge of a firearm so pointed or aimed.72

Section 3773.99. Penalties. ... (c) Whoever violates Section 3773.04 of the Revised Code shall be fined not more than one hundred dollars or imprisoned not more than one year, or both.73

The Prosecutor approached Judge Edwards concerning this proposition. The Judge said he had no objections so long as the sentence remained his prerogative. The Prosecutor contacted the
police who also had no objections to reducing the charge. The jury was dismissed and Palmer pled guilty to the lesser charge. Palmer's attorney requested that the time spent in jail (six months) be counted toward the sentence imposed. The Prosecutor requested that time spent in jail not be counted. The Judge took both requests under advisement and set sentencing for the following day. At that time, Palmer was sentenced to one year in jail with no reduction for time previously spent in jail. He was also ordered to pay the costs of the jurors.

Palmer was permitted to plead guilty to the lesser charge because he probably would have received the maximum sentence. This, plus his previous time in jail, would amount to 18 months served. If he had been sentenced for assault with a dangerous weapon and was found or pled guilty, the sentence would have been one to five years. For good behavior, he could have been out of prison in a year. Such was the rationale for justice in Freedom.

**BREAKING AND ENTERING**

Reported burglaries* in Freedom during 1969 are summarized in Table 2.

There were 75 burglaries in the city, two of which were unfounded, thus resulting in 73 verified B & E's. In 12 of these cases the police established that an attempt to enter was made but no actual entry occurred. In 18 other cases, entry actually occurred but nothing apparently

* Burglary, breaking and entering, and B & E were used interchangeably throughout this study.
Table 2. Frequency and Percentage of Reported Burglaries into Various Sub-Classifications and Persons Charged, Freedom, 1969

<table>
<thead>
<tr>
<th>Classification</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported Burglaries</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Unfounded</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Verified</td>
<td>73</td>
<td>97</td>
</tr>
</tbody>
</table>

| Verified Burglaries                 | 73        | 100        |
| Unsolved                            | 31        | 43         |
| No Entry                            | 12        | 17         |
| Entry-No Theft                      | 18        | 25         |
| Property Recovered -                |           |            |
| No Charge                           | 2         | 2          |
| Suspect but Insufficient            |           |            |
| Evidence to Arrest                  | 4         | 5          |
| Cleared by Arrest                   | 6         | 8          |

| Persons Charged by Police           | 8         | 100        |
| Guilty as Charged                   | 3         | 37         |
| Guilty of Lesser Charge             | 5         | 63         |
| Acquitted                           | 0         | 0          |

was taken. The items stolen in two additional cases were recovered and no charges were filed. There were four cases in which the police had suspects but not enough evidence to make an arrest. Six cases were cleared by arrest, leaving 31 cases unsolved.

Incidence and Rate Per 100,000 Population

There were 73 verified burglaries in Freedom in 1969, resulting in a rate of 645.9 per 100,000 population. This rate was slightly below the burglary rate of 659.4 for Ohio and the rate of 656.1 for cities whose population
ranged from 10,000 to 25,000.

Spatial Patterns

Figure 2 (see page 113) indicates the incidence of breaking and entering in Freedom by voting precinct. There were 15 precincts in the city and 43, or 57 percent, of the burglaries occurred in five precincts—1-B, 2-B, 2-C, 4-A, and 4-B. Population characteristics and distribution by precinct were not available, but from observation and conversations, the researcher could not distinguish any population variables that could account for the high incidence of burglary in these precincts.

A plausible explanation for the high rate of B & E's in these precincts pertained to the apparent vulnerability of the places burglarized. There were 12 places where two or more burglaries occurred during the year. Nine places were burglarized twice; one, three times, and two places, six times each. Of these 12 places with multiple burglaries, seven were located in these five precincts, including the three places with three or more burglaries each. Further, there were 33 B & E's committed in these 12 places, 23 of which occurred in these five precincts, indicating the vulnerability of these locations.

Table 3 presents the frequency and percentage of breaking and entering by place of occurrence.
Each dot represents one breaking and entering. Two or more dots, side by side, and touching, represent locations where multiple breaking and enterings occurred.

Figure 2--Location Where Breaking and Entering Occurred, by Voting Precinct, Freedom, 1969
Table 3. Frequency and Percentage of Breaking and Entering by Place of Occurrence, Freedom, 1969

<table>
<thead>
<tr>
<th>Place of Occurrence</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Business Establishment</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>Laundromat or Car Wash</td>
<td>21</td>
<td>28</td>
</tr>
<tr>
<td>Office</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>Garage or Storage Building</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>School or Church</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>73</td>
<td>100</td>
</tr>
</tbody>
</table>

As the table indicates, 80 percent of the acts occurred in places where there was no resident population. That is, these buildings were in use for only a portion of the day and mostly from 7:00 A. M. to 5:00 P. M., with only the exception of the laundromats, car washes, and garages. Use of these buildings declined until 11:00 P. M. and was virtually nil from that time until 7:00 A. M. the following morning. Further, use declined on weekends with the exception of the churches, laundromats, car washes, and the garages. Consequently, if burglaries were to occur, there was ample opportunity for such occurrences based on the use patterns of these buildings.
Temporal Patterns

The exact time of day when burglaries occurred could not be ascertained in many instances because they were not recorded on police records. In some instances, the time recorded was the time of discovery, time of reporting, or the approximate time of occurrence. Examination of police records, the call book, and conversations with the policemen established that at least four-fifths of the burglaries happened between 6:00 P.M. and 6:00 A.M.

Categorizing B & E by days of the week revealed that eight occurred on Monday, six on Tuesday, seven on Wednesday, 14 on Thursday, 10 on Friday, nine on Saturday, and 20 on Sunday (one could not be classified by day). The three days with the highest frequency in descending order were: Sunday, Thursday, and Friday. Slightly more than half the burglaries took place on the week-end (Friday, Saturday, and Sunday) compared to the other four days of the week.

By month, the burglaries were concentrated in January, March, June, and September, with 11, 10, nine and 11, respectively. There were six each in February, April, and August, and only one in November. The year was trichotomized into winter (November, December, January, and February), spring-fall (March, April, September, and
October), and summer (May, June, July, and August). On this basis, spring-fall ranked first with 31 burglaries, followed by winter (23) and summer (21). Thus, a few more burglaries occurred in the spring-fall than in the other two seasons of the year.

**Police Disposition of Cases**

(a) No Entry

Examination of police records, the call book, and interviews with the officers permitted analysis of police efficiency regarding the 75 reported burglaries. In 12 of the cases, an attempt to break and enter was made but no actual entry occurred. The potential burglar either accidently set off the burglar alarm, was "spooked" by a passerby, or the occupant of the house returned unexpectedly. None of these cases was solved since the complainants could not give an adequate description and/or identify the perpetrator, or there was not enough physical evidence at the scene to establish who the guilty party might be.

(b) Entry, No Theft

In addition, in 18 other cases, the police established that entry was gained but apparently nothing was taken. Again, none of these cases was solved because of lack of evidence or witnesses. Police theorized that juveniles were probably responsible for most, if not all,
of the aforementioned cases. No one who "knows what he is doing" is going to set off a burglar alarm, be "spooked" by a passerby, or enter a building and take nothing. Two typical cases illustrate this last point.

Entrance was gained to the office at Liberty Livestock by breaking a window and reaching in and unlocking same. Apparently the burglars could not find what they were looking for so they drank five bottles of pop, left the bottles on the floor, and departed.

The kitchen door of a home was pried open to gain entry. The house was thoroughly ransacked, but nothing taken. Yet the money from the day's business was under the mattress, untouched. As one of the patrolmen asked, "Where is the first place you look for money?"

(c) Property Stolen, Recovered, No Charges

In two other cases the property stolen was recovered and no prosecution resulted in either case.

In the first case, $1,700 worth of guitars and amplifiers were removed from a building and left in a field adjacent to one of the county roads. One of the sheriff's deputies discovered the equipment and informed the police who identified the owner. When the owner was called, he didn't know the equipment was missing. The owner was reluctant to assist the police in locating the culprit.

Thieves actually gained entrance to the building of a wholesaler by breaking a window. Stolen articles were removed from the premises. The burglary was discovered by Charles Summer, the man hired by some of the local merchants to check their buildings. He summoned the police and upon returning to the scene of the theft, discovered the thieves about to load the merchandise. The burglars spotted Summer and fled, leaving behind $300 worth of radios, tape players, and tape recorders.
(d) Insufficient Evidence

There were four additional cases where the police had positive suspects but for various reasons could not apprehend and prosecute them.

Entry was gained to a dry cleaning establishment by breaking the glass in the door, reaching in and unlocking it. It appeared as though the thief knew what he wanted and where to get it because he did not touch the clothes or machines but took money from behind a section of paneling on the wall that was well disguised. It would be quite difficult to locate this hiding place if one was unaware of its existence. When questioned by the police, the owner was evasive about the amount of money taken and "did not seem to want the investigation pushed". It was also known that the owner's son was losing heavily at gambling. These factors, taken in concert, led the police to conclude the owner's son was the guilty party.

A tire store was broken into by knocking out the glass in the overhead door, reaching in and unlocking the door. In doing so, one of the thieves cut himself seriously enough to spill blood on the floor. Despite the injury, the thieves escaped with tapes, TVs, and an FM radio. One of the policemen discovered the burglary while on patrol. Noticing the blood, he immediately contacted the local and surrounding county hospitals to be on the lookout for an individual with a serious cut. The B & E occurred on a Saturday evening. The manager of the store was called and advised to leave the glass on the floor so that men from the Bureau of Criminal Investigation could collect and assemble it and analyze the blood on Monday morning. In the meantime, one of the hospitals in a nearby county called to advise the police they had treated a man with a serious cut and had removed a sliver of glass from his arm. The police were convinced that with this evidence they had a good case. However, the manager of the tire store apparently neglected to inform his cleanup man about leaving the evidence where it was,
because he cleaned the floor on Sunday. Despite losing the major portion of the evidence, the police still had the sliver of glass taken from the suspect's arm. The hospital identified the suspect and his brother who brought him to the hospital. Both of these men have records of committing burglary. The officers thought these two men should have been prosecuted, but they have not been charged.

Two cash boxes were missing from a service station, where no sign of any forced entry existed. The owner of the station pays low wages, has a large turnover of employees, and is not too careful about who gets keys to the station. A former employee is suspected of taking the cash boxes but no "proof" exists to substantiate the theory. The police refer to this theft as the "B & Key" case.

A coin collection was reported stolen from a private home. The police believe that two juveniles living in this home are responsible for its disappearance but are powerless to act upon their suspicions.

(e) Unfounded

There were two cases where the police are convinced no burglaries occurred.

The operator of another service station called and informed the police that groceries, clothes, and money were taken from his apartment. Police investigated but found no signs of forced entry. This, plus the man's reputation as a "boozer", and his history of lying to the police on previous occasions, led the police to conclude that the burglary was fictitious.

A man was being sued for divorce and the court had ordered him to give the TV and record player to his ex-wife. He was unable to do so since he had sold them previously. The police naturally enough suspect that he conveniently turned in a report of a theft to cover his sale of the articles.
In summary, there were 75 reported burglaries during 1969 in the city. Two of these were unfounded, resulting in 73 certified burglaries. Of these, the police discovered 12 in which no entry was made, 18 where entry occurred but nothing was taken, two in which the items stolen were recovered, four cases where there is a suspect who cannot be arrested for lack of evidence, and six cases were solved. If these cases were subtracted from the verified burglaries, then 31 cases remain which were not "cleared" by the police.

Cases Resolved in the Courts

To maintain clarity and continuity throughout this study, the individuals and places involved in these six burglaries were given pseudonyms. The cases are numbered from one to six and reported in serial order based on date of occurrence. This same method was employed with regard to the apprehension of the accused as well as the movement of their cases through the criminal justice system. Two of the defendants were involved in more than one case and the sequence of events in their cases overlapped, necessitating the numbered and serial presentation.

Case 1. On January 12, the Cross Pharmacy was burglarized and a Swinger camera, two Timex watches and a radio were taken. A window was broken with a beer bottle which was left at the scene. The B & E was discovered by one of the officers on routine patrol. The beer bottle was
taken to the Bureau of Criminal Identification in the hope that the fingerprints on it would reveal the identity of the thief.

Case 2. Early on the morning of January 19, a private club called the Silver Spoon, was broken into. Four cases of beer, 12 bottles of whiskey, some coins, and a rifle were taken. A citizen who lived nearby called the police to complain about being awakened by children running up and down outside his home. During the investigation of this complaint, the police discovered the burglary.

The men of the Bureau of Criminal Identification identified the thief of Case 1 by matching prints from the beer bottle with those of Tim Stephens. Based on this evidence, the young man was arrested, charged with breaking and entering, and placed in the city jail on January 29th. The following day, two brothers, Paul and Phil Richards, visited Tim Stephens in jail. Unknown to the police at the time, Tim Stephens and Paul Richards were the thieves of the burglary at the Silver Spoon. During the visit, Stephens asked the two brothers to move part of the loot, which they subsequently did. Thus, Phil Richards now knew of the theft and the location of at least part of the booty.

Stephens appeared in Municipal Court before Judge Truman on the 31st of January, where he entered no plea, waived the preliminary hearing and his case was bound over to the grand jury.

Early in February, the police received a break in the case of the burglary at the Silver Spoon. Phil Richards and another youth, Bob Reynolds, picked up part of the loot from the theft. They and a young lady went to a lonely spot where the boys began drinking. Both youths had intercourse with the girl. Richards forced the girl to drink by pouring whiskey into her mouth. According to the youths, she drank more without any coercion. At any rate, she became very ill and an ambulance was summoned. The boys left her where she could be found and then fled. At the hospital, the girl began to talk about being forced to drink and implicated the youths.
The police arrested Phil Richards and Bob Reynolds on February 6th. Both were charged with concealing stolen property. On the following morning they appeared in Municipal Court, pled guilty to the charge and were sentenced to thirty days in the county jail and were fined $50 plus court costs. These cases are included in the data of the next chapter on misdemeanors.

Police continued their investigation and on the evening of February 7, Paul Richards was arrested and charged with the burglary at the Silver Spoon. The following morning, Tim Stephens was arrested and similarly charged in connection with the same case. Both youths appeared in Municipal Court on the morning of February 10th, when they requested and were granted a week's continuance in their cases.

Later that same day, Tim Stephens appeared in Common Pleas Court with his court-appointed attorney where he waived indictment and pled guilty to breaking and entering.

Section 2907.10. Breaking and entering uninhabited dwelling at night. No person shall in the night season maliciously and forcibly break and enter, or attempt to break and enter an uninhabited dwelling house. ... Whoever violates this section shall be imprisoned not less than one nor more than fifteen years. 74

Judge Edwards placed Stephens on five years probation. The Judge took a special interest in this youth since he knew his family quite well and felt sorry for the boy. The boy had been fatherless since he was a baby and his mother had had a rough time of it. The Judge gave the youth every opportunity to straighten out as the record will indicate.

On February 19, Tim Stephens and Paul Richards appeared in Municipal Court where they requested and were granted another week's continuance. Both appeared on February 26, and the breaking and entering charge against each was dismissed at the request of the City Prosecutor. Tim Stephens pled guilty to larceny under $60 which is a misdemeanor. Paul Richards
pled guilty to trespass and concealing stolen property. These cases appear in the data of the next chapter.

Case 3. About Midnight on March 29, Mom & Pop's Grocery Store was burglarized. The culprit used a beer bottle and a soft drink case to smash the front door glass and a window. He then reached in through the opening and took a ten pound bag of charcoal. A citizen observed the event from the very beginning and called the police. She gave them a running account of what had occurred and identified the youth when the police arrived. It seemed the youth had stolen a bicycle, rode it to the grocery store, and probably would have used it to leave the scene, but the police arrived before he could do so. He then started to walk away when the police apprehended him. Property damage to the store amounted to $105. The offender was Phil Richards, the same youth implicated in the burglary of the Silver Spoon. When picked up, he stated he was "going to get some sleeping pills to do himself in". There is some question concerning the boy's mental capacity. The youth was charged with violation of Section 2907.10--breaking and entering in the night season.

Phil appeared in Municipal Court on March 31, and entered no plea to the charge of breaking and entering, waived the preliminary hearing, and was bound over to the grand jury. He and his court-appointed attorney appeared in Common Pleas Court on April 19, waived the indictment and pled guilty to the charge. Judge Edwards referred him to Lima State Hospital for examination and observation. Upon his return from Lima on May 29, the Court ordered Richards imprisoned in Mansfield Reformatory for one to fifteen years. If the youth had not been implicated in the Silver Spoon burglary, the Judge would have placed him on probation. However, the Court employed the recent innovation of "shock treatment", and on August 25, the Judge ordered a warrant issued to the sheriff for the return of Phil Richards for further court proceedings. The youth was then placed on probation for three years on August 28th. Phil is now working and to this date (June, 1970), seems to have made a satisfactory adjustment.
Case 4. There had been a series of burglaries in which coin machines were broken into at the laundromats and car washes in Freedom. The police had a suspect and knew the make and color of his car but insufficient proof on which to bring the thief in. On April 19, one of the officers on patrol thought he saw someone in a laundromat trying to force open the coin machine. He parked the cruiser and got out to investigate. He noticed a car parked nearby but it was not the color of the suspect's car. Approaching the front door, he saw a man go out the back entrance and started in pursuit. The man headed for his car and the officer knew he could not stop him so he returned to the cruiser to give chase. The offender headed out of the city on one of the county roads with the cruiser in pursuit at speeds of up to 100 miles per hour. When the two cars slowed to negotiate a curve and before the suspect could increase his speed on the straightaway, the officer removed his revolver from its holster and fired a warning shot in the air. The next shot was fired just over the car and with the third shot, the officer attempted to hit the offender. The shot must have been close enough, because the suspect stopped his car. As the officer approached the other car, the perpetrator got out and said, "If I had known you really meant it, I would have stopped sooner". He was placed under arrest and charged with violation of Section 2907.121—tampering with a coin receiving device. This defendant, Van Lewis, was the individual the police suspected of the other burglaries. However, he never admitted any of the other crimes.

Section 2907.121. Forcing entry into coin-receiving device. No person shall, with intent to steal, enter, force, or attempt to force an entrance into, tamper with, or insert any part of an instrument into any...money changing machine, or any other device designed to receive money. Whoever violates this section shall be imprisoned not less than one nor more than three years.75

Lewis appeared in Municipal Court on the 21st of April, asked for and was granted a continuance until April 25th. On that date, he
entered no plea, waived the preliminary hearing and the case was bound over to the grand jury. This body indicted Lewis during their May session. The defendant's lawyer contacted the County Prosecutor and attempted to have the charge reduced to malicious destruction of property. The Prosecutor contacted the arresting officer and asked him if he would agree to such an arrangement. The officer refused, so no deal was made. According to the Prosecutor, he never reduces a charge unless the arresting officer concurs. At his arraignment on October 10, Lewis pled not guilty but on November 19, he retracted his plea and pled guilty to the charge. Judge Edwards ordered a presentence investigation. The defendant was released on bail but before the presentence investigation could be completed, Lewis began issuing checks with insufficient funds. The Court ordered the sheriff to bring the defendant in immediately. On December 31, Lewis was sentenced to one to three years in the Mansfield Reformatory. There is every reason to believe that if Lewis had not issued the bad checks he would have been granted probation.

Case 5. The police were called to the home of Tim Stephens' sister (Mrs. Booth), to investigate a breaking and entering. Mr. Booth tends bar at the Silver Spoon and it was his rifle that was taken during the burglary there. The police had recovered it, returned it to him and he took it home. Stephens broke into the Booth residence and obtained the rifle. Mr. Booth was awakened by Stephens who was standing at the foot of his bed, pointing the rifle at him. Booth got out of bed, took the gun from Stephens and hit him in the mouth with the butt of the rifle. Booth then threw Stephens out of the house. When the police arrived, Stephens was standing in front of the house, yelling challenges at his brother-in-law. As the police were about to place him under arrest, he attempted to flee, but was seized by one of the officers. During the ensuing scuffle, Stephens attempted to pull a knife from beneath his belt. The other officer saw this and took the knife from him and prevented further trouble. Stephens could have been charged with B & E, intoxication, assault with a deadly weapon or resisting arrest, but
the police decided to charge him with carrying a concealed weapon since that charge could be easily proven and any conviction was a violation of his parole.

Tim appeared in Municipal Court before Judge Truman on April 21, to answer the charge and was granted a continuance until April 25th. On that date, he pled guilty to the charge and was sentenced to thirty days in the county jail and fined $200 plus court costs. On May 22, Judge Truman revoked his probation and sent him to Lima State Hospital for tests and observation. Following his release from Lima, on July 24, the Judge sentenced him to Mansfield Reformatory for one to fifteen years and ordered him to pay the court costs.

Case 6. Charles Summer, who had thwarted an earlier burglary attempt, was making his rounds on September 5, and as he approached Benny's Place, a local tavern, he heard a truck horn sound twice. He walked over to the pick-up truck and asked the occupant what he was doing there. The reply was unsatisfactory so Summer ordered the youth out of the truck and walked with him to the nearest police call phone. After placing his call, they waited there for the police to arrive. When the cruiser came, the boy, Tom Johnson, was placed in the cruiser and Summer and the policeman returned to the tavern. There they found the side door had been forced open and upon entering the tavern, discovered another youth, Bernie Frost, feigning sleep in one of the booths. Both Johnson and Frost were arrested and charged with burglary.

The following day, Johnson and Frost appeared in Municipal Court, requested and were granted continuances to September 10th. On that date, the City Prosecutor requested that the charge of B & E be dropped and the youths pled guilty to malicious trespassing. Disposition of these two cases occurred in Municipal Court so they will be analyzed in the next chapter.

In summary, of the original 73 verified B & E's, the police only cleared six cases (8 percent) by arrest.
Eight defendants were charged in these six cases and five of them were found guilty of lesser charges. Thus, only three defendants had pleaded guilty to breaking and entering and had their cases resolved in Common Pleas Court. These three defendants were white, male, single, and 20, 22, and 19 years of age, respectively. The first two had previous arrests, with the former having been arrested once and the latter twice. Another similarity between the two was the fact that both were involved in more than one offense during 1969. All three appeared in Municipal Court at the earliest session of the Court following their arrests. At their initial appearance in Court, the first two entered no plea, waived the preliminary hearing, and their cases were bound over to the grand jury. The last youth was granted one continuance before his case followed the same route of the other two.

The first two boys waived their indictment and pleaded guilty to violation of Section 2907.10. In addition, both were sent to Lima State Hospital for examination, although the former was sent after violating his probation, whereas the latter was sent before he was sentenced. The third youth pled not guilty at his arraignment, subsequently changed his plea to guilty; thus, all pleaded guilty. While only the first youth was placed on probation prior to incarceration, all probably would have been
except for the extenuating circumstances in each case. Incarceration occurred because the first youth violated probation; the second youth pled guilty to a misdemeanor earlier in the year, and the third youth passed bad checks while his presentence investigation was being conducted. All spent time in a penal institution. However, the second youth's stay was terminated in three months when the Court returned him to Freedom and placed him on three years probation.

**GRAND LARCENY**

Reported grand larcenies that occurred in Freedom are summarized in Table 4.

Of the 57 grand larcenies reported in Freedom, five (9 percent) were unfounded and four (7 percent) were questionable, leaving 48 verified larcenies. Of these, the police have suspects in 12, or one-quarter of the cases. One case was solved by the police but no charges were filed. The police cleared two cases by arrest, resulting in 33 (69 percent) unsolved cases. In the two cases where arrests were made, the police filed charges against three people. All were juveniles; thus, their cases were analyzed in detail in Chapter VII.

In Ohio, $60 is the value that separates grand and petit larceny. Anything taken valued at $60 or more is a
Table 4. Frequency and Percentage of Reported Grand Larcenies into Various Sub-Classifications and Persons Charged, Freedom, 1969

<table>
<thead>
<tr>
<th>Classification</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported Larcenies</td>
<td>57</td>
<td>100</td>
</tr>
<tr>
<td>Unfounded</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Questionable</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Verified</td>
<td>48</td>
<td>84</td>
</tr>
<tr>
<td>Verified Larcenies</td>
<td>48</td>
<td>100</td>
</tr>
<tr>
<td>Unsolved</td>
<td>33</td>
<td>69</td>
</tr>
<tr>
<td>Suspect-Insufficient Evidence</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Solved, No Charges</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Cleared by Arrest</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Persons Charged by Police</td>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>Referred to Juvenile Court</td>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>Acquitted</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Incidence and Rate Per 100,000 Population

There were 48 larceny cases reported to the Freedom police in 1969. The rate per 100,000 population of
424.7 was appreciably less than the rate of 505.7 for cities whose population ranged between 10,000 and 25,000. This was also lower than the rate of 479.4 for the State of Ohio. However, state and national rates were calculated on cases of larceny of $50 or more. Thus, the comparison loses some of its meaningfulness.

Spatial Patterns

Figure 3 (see page 131) reveals the incidence of larceny in Freedom by precincts. Since there are 15 precincts in the city, by chance alone there should have been four larcenies in each precinct. Three precincts had more larcenies than was expected by chance alone. These three were 1-B with nine, 3-C with seven, and 4-A with six. The 12 remaining precincts had four or less larcenies. Again, no population characteristics seem to explain the larcenies in these precincts. Place of occurrence offered a plausible explanation for the high frequency of larceny. Each of these precincts has a parking lot where two or more larcenies occurred, and there was no attendant at any of the lots.

Larcenies were classified according to the location from which the thefts occurred and these appear in Table 5. Two-fifths of the stolen items were taken from autos, one-fourth from places of residence, almost one-fifth from places of storage and the remainder from
Each dot represents one grand larceny. Two or more dots, side by side, and touching, represent locations where multiple grand larcenies occurred.

Figure 3—Location Where Grand Larceny Occurred, by Voting Precinct, Freedom, 1969
Table 5. Frequency and Percentage of Larceny by Location where Offense Occurred, Freedom, 1969

<table>
<thead>
<tr>
<th>Location</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>House, apartment or dormitory</td>
<td>14</td>
<td>24</td>
</tr>
<tr>
<td>Business</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Auto</td>
<td>23</td>
<td>40</td>
</tr>
<tr>
<td>Garage, storage building, or area</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100</td>
</tr>
</tbody>
</table>

Temporal Patterns

The police were lax in recording the time when larcenies occurred. However, based on those records where time was recorded, the call book, and interviews, it was determined that over half the larcenies occurred between 6:00 P. M. and 6:00 A. M.

Examination of larceny by days of the week revealed that Monday and Wednesday each had 11, Friday and Saturday each had 10, and Thursday had eight. Thus, these five days accounted for 50 of the 56 larcenies. Sunday had the lowest frequency with only two. The usual pattern of more personal offenses occurring on the weekend did not hold true for larcenies. Only 22 larcenies occurred on the weekend as compared to 34 for the remaining days of the
week. No explanation for this was apparent to the researcher, but certainly the low frequency on Sunday was a contributing factor. At least in Freedom, Sunday did not seem to be a day on which to commit larceny.

Analysis of larceny by month indicated frequencies ranged from a low of two in December to a high of nine in October. Six months—February, March, April, August, October, and November—accounted for over three-fifths of the larcenies. Classification by season of the year indicated that 24 occurred in the spring-fall and 16 each in summer and winter. This pattern was quite similar to the burglary pattern.

Type of Articles Taken and Approximate Dollar Value

Table 6 indicates the types of articles taken in the larcenies.

Thefts of auto accessories—radios, tape players, tapes, tachometers, alternators and tires—ranked highest; household items—jewelry, clothes and televisions—ranked third after the theft of money; tools and other equipment ranged from fishing equipment to a manure spreader, and ranked fourth; and the miscellaneous category included anything from roller skates to a go-kart. One-third of the larcenies involved some type of auto accessory; one-fifth involved money; slightly less than one-fifth involved household goods; about one-sixth, tools and other equipment,
and the remainder, miscellaneous articles.

Table 6. Frequency and Percentage of Larceny by Types of Articles Taken, Freedom, 1969

<table>
<thead>
<tr>
<th>Types of Articles</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto accessories</td>
<td>19</td>
<td>33</td>
</tr>
<tr>
<td>Coins and/or currency</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>Household</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Tools and other equipment</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100</td>
</tr>
</tbody>
</table>

Articles taken were classified by their dollar value by $200 intervals and Table 7 provides this distribution.

The value of two-thirds of the articles taken ranged between $60 and $199. When the next classification of $200 to $399 was added, over 90 percent of the articles taken were valued at less than $400. Thus, less than one-tenth of the thefts involved merchandise valued at more than $400. Taking the midpoint of each interval and multiplying by the frequency of that interval and summing these computations, resulted in an estimate of $12,100 as the approximate total value of these thefts.
Table 7. Frequency and Percentage of Larceny by Value of Articles Taken, Freedom, 1969

<table>
<thead>
<tr>
<th>Value of Articles</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>$60* - $199</td>
<td>38</td>
<td>66</td>
</tr>
<tr>
<td>$200 - $399</td>
<td>14</td>
<td>25</td>
</tr>
<tr>
<td>$400 - $599</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>$600 and over</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100</td>
</tr>
</tbody>
</table>

* $60 represents the legal limit of grand larceny

Police Disposition of Cases

The police conducted investigations of each of the cases, at least to the extent of taking a report, which included talking to the individual(s) who had been victimized. Continued investigation depended upon the nature of the larceny, particularly the probability of its solution. After investigating, the police found several cases that were unfounded or unquestionable. In several others, they had a suspect but could not make an arrest. A few were solved. Excluding the latter category, the others will be examined briefly and a typical case presented to illustrate the classification.

(a) Unfounded

In five of the 57 cases, the police were reasonably
certain that no larceny had, in fact, occurred and that the supposed victim had turned in a false report to the police. The decision was based on the police investigation, the victim's reputation and/or circumstances known to the police. Robert Kent's situation mentioned earlier in connection with the burglary cases, typified this category of case.

Shortly after opening his service station on the morning of February 26th, Kent phoned the police to report the theft of about $200 from his safe. Arriving at the scene, the police checked over the premises and could find no point of entry. The safe also showed no indication of forced entry. Questioning Kent, they established that all entrances and windows were locked when he opened the station that morning and the safe also was locked. Based on this information and Kent's reputation as a "boozar" and the fact that he was in financial difficulty with the oil company from which he leases the station, the police concluded the case was "unfounded".

(b) Questionable

The difference between the classifications of unfounded and questionable was the degree of certainty. The four cases categorized as questionable were so classified because the police were less certain that they did not occur.

On the morning of October 29, a young man reported to the police that someone had removed the tape player from his car sometime during the night. Investigation revealed that the car had been locked and there was no sign of forced entry. Since this young man
was having difficulty making his car payments, and had a record of theft as a juvenile, the police concluded he removed the tape player himself and turned in the report. He could then send the report to his insurance company which would reimburse him for his "loss".

(c) Insufficient Evidence

There were 12 cases of larceny in which the police had a suspect(s) but not enough evidence to make an arrest and prosecute in court. Examples include:

Mr. Wysong was drinking at a local bar one evening with Thomas Blanton and Tom Johnson (the lookout at Benny's Place involved in a B & E). Sometime during the evening, $75 of Wysong's money disappeared from the bar in front of him. While several others were in the tavern, no one except Blanton and Johnson had access to the money since one was seated on either side of Wysong. The bartender was not suspect because he had a good reputation and any theft in the tavern was bad for business. The police were convinced some of the others at the bar saw the youths take the money but were afraid to tell the police.

On October 11, a woman who works in the kitchen of a local restaurant, sent Jack Palmer (the aggravated assault suspect) to the bank to cash a $200 check for her. When Palmer returned with the money, she put it in her purse and placed her purse on a shelf in the kitchen. She checked her purse as she was leaving work and discovered the money was missing. Investigation revealed that only she and Palmer knew the money was in the purse. Palmer verified cashing the check, returning to the restaurant and giving the woman the money. He also admitted he was aware that the money was in her purse and of its location. However, he denied taking the money. The woman is a good worker, reliable and not a suspect. Based on the circumstances and Palmer's past record of theft and burglary and imprisonment, the police suspected him.
(d) **Cleared But Not Prosecuted**

In one case, the larceny was solved but the case was not resolved in Common Pleas Court. A former employee "borrowed" some tools from a construction site of his former employer. The police located the tools and returned them. The employer was satisfied with the return of the tools and did not want his former employee prosecuted.

**Cases Resolved in the Courts**

There were two cases cleared by arrest which resulted in charges being filed against three individuals. All these people were juveniles. Thus, their cases were referred to Juvenile Court. These cases will be examined in some detail in Chapter VII.

In summary, there were 57 reported grand larcenies in the city during 1969. Police investigation indicated that five of the cases were unfounded and four were questionable, leaving 48 verified offenses. Of these cases, the police had a suspect in 12 cases, but could not arrest for lack of evidence. One case was solved but no charges filed, and two cases were cleared by arrest. This resulted in 33 unsolved cases. Only two cases (4 percent) were cleared by arrests, resulting in charges against the three juveniles whose cases were handled in Juvenile Court. The small number of arrests can be attributed to several reasons. Larceny is rarely committed in view of witnesses;
physical evidence is usually negligible, and the police have little time for investigation.

AUTO THEFT

Incidence and Rate Per 100,000 Population

Of the 15 reported cases of auto theft in Freedom, police investigation revealed that 12 were unfounded. Based on the three verified offenses, the rate per 100,000 was 26.5. This rate was only one-fourteenth of the rate for Ohio (380.2) and one-seventh the rate of 199.7 for cities of comparable size throughout the nation. Obviously, auto theft was not a serious problem in Freedom during 1969.

Temporal Patterns

The time of the theft was recorded on about half the police records, but by examining the call book and by personal inquiry, it was determined that 90 percent of the reported thefts occurred between 6:00 P. M. and 6:00 A. M. This same pattern, although not to the same extent, was present in burglary and larceny.

Examination by day of occurrence indicated a low of one reported auto theft each on Tuesday and Sunday and a high of three each on Thursday, Friday, and Saturday. Weekday thefts compared to weekend thefts were about equal with eight and seven, respectively. Too few cases prevented
any further meaningful analysis.

Reported thefts occurred in only six months: January (three), February (one), March (four), May (two), November (three), and December (two). The range was from a low of one in February to a high of four in March. Nine of the auto thefts occurred in winter as compared to four in the spring-fall and two in summer.

**Police Disposition of Cases**

As indicated previously, 12 of the thefts turned out to be unfounded. A brief description of some of the typical cases follows:

In one instance, an intoxicated man returned to his hotel, parked his car with the keys in it, and went to bed. The next morning, he discovered his car was missing and called the police. They found the car parked a short distance from the hotel.

Jack Stacey, 15 years of age, borrowed his father's car without his permission, and drove to a neighboring city where the police stopped him and asked for his driver's license. Being under age, he had none. This case was handled in Juvenile Court.

A female loaned her car to her boyfriend. When he did not return "on time", she called the police and reported the car stolen.

Mr. and Mrs. Thacker came to Freedom and parked their car in a parking lot where they were to meet each other later in the day. Mr. Thacker returned early, took the car and subsequently ran it off the road into a ditch. He called the police and reported it stolen. For his trouble, the police charged him with giving false information.
A husband called a local garage to tow his car to the garage for repairs. His wife discovered the car missing and phoned the police, reporting the car stolen.

Cases Resolved in the Courts

Auto theft can be a felony or misdemeanor, depending upon which section of the statute the accused is charged.

Section 4549.04. Stealing motor vehicles. No person shall commit any of the following acts: (A) Steal any motor vehicle; (B) Purposely take, drive, or operate any motor vehicle without the consent of its owner...

Whoever violates division (A) ...of the Revised Code shall be imprisoned not less than one nor more than twenty years for a first offense... Whoever violates division (B) of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, for a first offense...

In two of the three solved cases, the defendants were charged with taking and operating a motor vehicle without the owner's consent. Therefore, these cases were analyzed in the section on misdemeanors, since the cases were resolved in Municipal Court.

Bill Boyd and Larry Goldsmith stole an auto from a car dealer's lot on the night of January 23rd. They drove the car to a neighboring town, then returned to Freedom and abandoned the car on one of the roads in town. Following the police investigation, Boyd was arrested on March 3, and charged with auto theft. He appeared in Municipal Court on March 5, waived the preliminary hearing, and his case was bound over to the grand jury. Boyd and his court-appointed attorney appeared in Common Pleas Court on April 21, where he
waived indictment and pled guilty to auto theft. Judge Edwards placed him on probation for three years. In October, Boyd violated his probation and on October 11, he appeared in Court. The Judge reprimanded Boyd and continued his probation for three years with these additional conditions: the defendant is not to ride in any motor vehicle except to and from work or church or in a bona fide emergency; he is to refrain from the use of alcoholic beverages; and from going into any establishment which serves alcoholic beverages. Early in 1970, Boyd violated his probation again. Judge Edwards held a hearing, revoked Boyd's probation and sentenced him to one to twenty years in the Ohio Penitentiary.

The police did not charge Larry Goldsmith, Boyd's companion, but the County Prosecutor, after examining the evidence, decided Goldsmith was not entirely innocent in the matter. He took the case through "information" to the grand jury and they indicted Goldsmith who was charged with taking a motor vehicle without the owner's consent. At his preliminary hearing on April 18, he pled not guilty and his trial was set for May 5th. He did not appear for his trial. Consequently, the Judge revoked bond and ordered his arrest. On May 22, his case was continued to June 21, due to the illness of his lawyer. On June 27, he retracted the not guilty plea and pled guilty. The Judge sentenced him to thirty days in the county jail and fined him $200 plus court costs.

FORGERY

Forgery is defined by statute as follows:

Section 2913.01. No person, with intent to defraud, shall falsely make, alter, forge, counterfeit, print, photograph a record or other authentic matter of a public nature, ...check,...knowing it to be false, altered, forged, counterfeited, falsely printed or photographed. Whoever violates this section is guilty of forgery and shall be imprisoned not less than one nor more than twenty years.78
There were four cases of forgery in Freedom during 1969 involving five different individuals. All five were arrested and charged with forgery. Rates were based on arrests; consequently, the rate for the city was 44.2. This rate was over twice the rate of 20.1 for cities of comparable size throughout the nation and equivalent to the rate for Ohio.

All the defendants thus far have been males, but two of the forgery cases involved female defendants. In one of these cases, the charge of forgery was withdrawn by the complainant and the defendant pled guilty to insufficient funds—a misdemeanor. This case appears in Chapter VI on misdemeanors. Thus, the ratio of cases involving females and males was one to two.

Early on the morning of January 2, Brad Scott passed a bad check for $75 at an auto parts company. The owner took the morning receipts to the bank at Noon. It was soon discovered that the check was invalid. The bank notified the parts company manager who immediately filed a complaint against Scott, since it was known he had cashed the check. Scott was arrested that evening and charged with forgery. He appeared in Court the following day and was subsequently granted six continuances over the next five weeks. In the meantime, he passed another bogus check at a service station. He was arrested for this offense on February 2, and charged with insufficient funds since this check was for $20. For this offense, Scott appeared in Municipal Court on February 10, where he pled not guilty on both counts and his cases were bound over to the grand jury.
On April 14, Scott and his court-appointed attorney appeared before Judge Edwards in Common Pleas Court where he waived indictment and pled guilty to both offenses. Sentencing was deferred and on May 22, the Judge sentenced Scott on the lesser check charge, a violation of Section 2911.111(B), which is a misdemeanor. This case is incorporated in the chapter on misdemeanors.

On this first offense, Scott was sentenced to six months in jail and to pay the court costs. The sentence was suspended because of the disposition of the other case. On the larger check charge, Judge Edwards sentenced Scott under Section (C) of the same statute.

Section 2911.111. Fraudulent check, draft or order on bank or depository... (C) No person, with intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of more than sixty dollars upon any bank or other depository if such person, at the time, has insufficient funds or credit with such bank or depository. ... (F) Whoever violates division (C) of this section shall be fined not less than fifty nor more than two hundred dollars or imprisoned not less than one nor more than seven years, or both.79

Scott was sentenced to one to seven years in the Ohio Penitentiary. He was not placed on probation because he had passed the second check. Permitting Scott to plead guilty to the lesser offense that carried a one to seven years sentence compared to forgery with a sentence of one to twenty, really did not make that much difference.

The female passed a bad check at a supermarket but before the police could pick her up, she left town. Shortly thereafter, she returned and was recognized. A warrant was issued for her arrest and she was brought in on February 21st. At the preliminary hearing on February 24, she entered no plea but waived the preliminary hearing and her case was bound over to the grand jury. On March 8, she and her court-appointed attorney appeared in Common Pleas Court where she waived indictment and pled
guilty to the forgery charge. Judge Edwards ordered a presentence investigation. On April 3, the Judge placed her on three years probation. In the latter part of May, she violated her probation and on May 29, following a hearing, the Judge rescinded probation and sentenced her to one to twenty years in the Ohio Reformatory for Women.

Early in July, Fred James met Greg Hamilton at a friend's home in Freedom. Hamilton informed James that he had just been released from the penitentiary. He also said he needed money and knew how to get some but if James "ratted" on him, he would go back to the pen. Both got into Hamilton's car and went uptown. Hamilton went into a bank and got some blank checks. He made out a check for $71.28, then went to a supermarket where he bought a six pack of soda pop and some potato chips and cashed the check. On the 16th, 21st, and 24th of July, James cashed checks for $57, $47.26, and $41, at three different places in Freedom. James was known in Freedom but was living in a neighboring city. The police located him and arrested him on October 11th. He appeared in Municipal Court on October 13, where he pled guilty, waived the preliminary hearing and his case was bound over to the grand jury.

James implicated Hamilton, who was arrested on the 17th of October. In the intervening three weeks he was granted three continuances. Thus, on November 7, Hamilton waived his preliminary hearing and his case was bound over to the grand jury.

Fred James is white, 18 years of age, and absent without leave from the Navy. Greg Hamilton is white, 21 years of age, and when employed, has worked as a laborer. He has been in a penal institution for forgery and is now on parole.

James and his court-appointed attorney appeared before Judge Edwards on November 4, when he waived indictment and pled guilty to the forgery charge. Following a presentence investigation, he was placed on three years probation on November 28th. Conditions of probation
included restitution of the forged checks; his return to the Navy, and in the event of a dishonorable or undesirable discharge, he is to be returned to the Court. The County Prosecutor informed the researcher that James had cooperated fully and was willing to testify against Hamilton. As James had no prior record, and considering the circumstances, sending him to prison would have served no real purpose.

Hamilton appeared in Common Pleas Court on December 15, with his court-appointed attorney, where he waived the indictment and pled guilty to forgery. The Judge postponed sentencing after Hamilton indicated that he would rather spend Christmas in the county jail than in the Ohio Penitentiary. At the same time, Hamilton requested and was granted permission to marry. In fact, Judge Edwards graciously offered the courtroom for the ceremony. Thus, on December 16, the sheriff escorted Hamilton to the hospital for his blood test and to Probate Court for the marriage license. The five-day waiting period was waived and the couple were united in holy matrimony on December 17th. Hamilton returned to Court on December 27, and was sentenced to one to seven years in the Ohio Penitentiary. He was permitted to plead guilty to the lesser statute which follows:

Section 2911.111. Fraudulent check, draft or order on bank or depository. ...(C) No person, with intent to defraud, shall make, utter, draw, or deliver any check, draft, or order for the payment of more than sixty dollars upon any bank or other depository if such person, at the time, has insufficient funds or credit with such bank or depository. ...(F) Whoever violates division (C) of this section shall be fined not less than fifty nor more than two hundred dollars or imprisoned not less than one nor more than seven years, or both.

The County Prosecutor agreed to this arrangement since "one to seven was not much different than one to twenty".

On December 29, Hamilton asked the Court to suspend further execution of the sentence
and to be placed on probation. The motion was denied since this was his second offense and he was on parole in another county for his first offense. As the Prosecutor stated, "We would look awfully silly putting a parole violator on probation".

PRACTICING MEDICINE WITHOUT A LICENSE

An agent for the State Licensing Bureau posed as a patient and was treated by Wayne Murphy, who is not a licensed practitioner of medicine. Murphy was arrested on September 3, and charged with practicing medicine without a license. He appeared in Municipal Court on September 5, requested and was granted a two week continuance. He pled not guilty at the September 19 session of Court and the preliminary hearing was set for September 24th. On that date, Judge Truman deemed there was sufficient evidence to bind the case over to the grand jury. This body indicted Murphy. Represented by his attorney, he pled not guilty at his arraignment in Common Pleas Court on December 22, and the trial was set for January 26, 1970. He was found guilty of the charge by a jury of his peers on January 28th. The Court continued the matter and the defendant's bond on that date. Murphy filed a motion to arrest judgment and also a motion for new trial, on January 31st. At this writing (June, 1970), the Judge has not acted upon either motion.

The specific statute under which Murphy was found guilty was:

Section 4731.41. Practice of medicine or surgery without certificate. No person shall practice medicine or surgery, or any of its branches without a certificate from the state medical board; no person shall advertise or announce himself as a practitioner of medicine or surgery, or any of its branches, without a certificate from the board; no person not being a licensee shall open or conduct an office or other place for such practice without a certificate from the board; no person shall conduct an office in the name of some person who has a
certificate to practice medicine or surgery, or any of its branches; and no person shall practice medicine or surgery, or any of its branches, after a certificate has been revoked, or, if suspended, during the time of such suspension. 81

Section 4731.99. (A) Whoever violates section 4731.41 of the Revised Code shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than one year, or both for the first offense; for each subsequent offense, such person shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not less than one year nor more than three years, or both. 82

The outcome of the case has particular significance for Murphy, since he had been convicted of a similar offense in 1966. If his motions or any other legal maneuvers fail, he could be fined up to $500 and sentenced to one to three years in prison.

SUMMARY OF FELONIES:
OFFENSES, OFFENDERS, AND COURT DISPOSITION

Offenses

1. There were no reported homicides or forcible rapes in Freedom during the calendar year 1969.

2. Table 8 presents the rates per 100,000 population of felony offenses in Freedom, Ohio, and for cities of comparable size.

Comparison of Freedom and the state indicates the rates were equivalent for forgery, Freedom's slightly lower for B & E and larceny, and considerably lower for
Table 8. Offenses Known to Police, Rates Per 100,000 Population for Freedom, Ohio, and Cities of Comparable Size

<table>
<thead>
<tr>
<th>Offenses</th>
<th>Freedom</th>
<th>Ohio</th>
<th>Other Cities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>17.7</td>
<td>102.0</td>
<td>31.0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>8.8</td>
<td>80.7</td>
<td>85.7</td>
</tr>
<tr>
<td>Breaking and Entering</td>
<td>645.9</td>
<td>659.4</td>
<td>656.1</td>
</tr>
<tr>
<td>Grand Larceny</td>
<td>424.7</td>
<td>479.4</td>
<td>505.7</td>
</tr>
<tr>
<td>Auto Theft</td>
<td>26.5</td>
<td>380.2</td>
<td>199.7</td>
</tr>
<tr>
<td>Forgery</td>
<td>44.2</td>
<td>44.2</td>
<td>20.1</td>
</tr>
</tbody>
</table>

robbery, aggravated assault, and auto theft. The rate for forgery in other cities was less than half the rate in Freedom. Aside from this rate, Freedom's rates were below the rates of other cities for all other offenses.

3. The rate per 100,000 population for the total index of crime in Freedom was 1167.9, compared to 2234.8 for the nation, 1719.5 for the state, and 1339.6 for cities of comparable size throughout the nation. Based on this comparison, the city has less crime than the nation, the state and cities of about the same size throughout the United States.

4. The felony "crime problem" in Freedom was
property crime, not violent crime.* The rate for violent crime in the city was 26.5 compared to 1141.4 for property crime. Freedom's rate of violent crime was one-seventh that of the state (200.4) and one-fifth that for cities of comparable size (131.6). The city's rate for property crime was considerably less than the state rate (1519.1), and slightly less than the rate of cities of approximate size (1207.9).

5. Of the 127 verified Part I offenses, only 12 (9.4 percent) were cleared by arrest. The percentage cleared by arrest nationally was 20.9 and for cities of comparable size throughout the United States, 20.6. Based on this comparison, the police in Freedom were less than half as efficient as their counterparts in the nation and cities of approximate size in the nation.

Offenders

6. Twenty-two persons were arrested in the 17 cases cleared by arrests. The differential between people and cases was due to five cases with two offenders.

7. Three defendants were referred to Juvenile Court. The remaining 19 defendants were charged with some offense, nine were guilty as charged, and 10 were guilty of a lesser charge. Two of the latter defendants' cases

* Violent crime includes robbery and aggravated assault, and property crime includes B & E, larceny and auto theft.
were handled in Common Pleas Court. These two defendants plus those guilty as charged, had their cases resolved in Common Pleas Court.

8. Felony offenses were primarily a male phenomena since 10 of the 11 defendants were male.

9. All defendants were white but 11 percent of Freedom's population is black.

10. Based on occupational information, and the fact that eight of the 11 defendants received court-appointed attorneys, it was concluded that the vast majority of offenders brought to court were from the lower socio-economic strata of the population.

11. Seven of the felony cases involved a single offender and two involved two perpetrators.

Court Disposition

12. Ten defendants pled guilty and the other was found guilty by a jury. In all these cases, the County Prosecutor had an abundance of evidence. Apparently only those cases where there was a certainty of conviction were prosecuted.

13. Judge Edwards' sentencing policy and practice was consistent and can be characterized as lenient. Everyone who could reasonably be placed on probation was, unless there were extenuating circumstances in the case.
14. Originally, there were 17 cases of felony according to police charges: assault (one), B & E (six), larceny (two), auto theft (three), forgery (four), and practicing medicine without a license (one). Excluding the two larceny cases which were handled in Juvenile Court, the initial charge of the police was reduced sufficiently in six cases—B & E (three), auto theft (two), and forgery (one)—so that disposition of the case occurred in Municipal Court. Apparently the guilt or innocence of the defendants was not at issue but rather the charge on which they were to be found guilty. The City Prosecutor was responsible for handling these reduced charge cases. It appears that by the time the defendants had preliminary hearings and had been indicted by the grand jury or had waived these, the chances of charges being reduced had declined.


73. Ibid., Section 3773.99.
74. Ibid., Section 2907.10.
75. Ibid., Section 2907.121.
76. Ibid., Section 2907.20.
77. Ibid., Section 4549.04.
78. Ibid., Section 2913.01.
79. Ibid., Section 2911.111.
80. Ibid.
81. Ibid., Section 4731.41.
82. Ibid., Section 4731.99.
CHAPTER VI

MISDEMEANOR OFFENSES

Most arrests in the United States are not for the seven felonies which comprise the so-called Part I offenses in the Federal Bureau of Investigation system, but for other offenses covered under Part II offenses in the Federal Bureau of Investigation reports. Of the 5,526,835 arrests that occurred in the nation during 1968, 4,479,615, or 81 percent, were for these more minor offenses. The vast majority of these offenses were misdemeanors.

Arrests in Freedom accurately reflect this national pattern—92 percent of the arrests in the city in 1969 were for misdemeanors. Most offenders violated public order statutes such as public intoxication, disturbing the peace (disorderly conduct), assault and battery, driving while intoxicated, resisting arrest, fleeing a police officer, and consumption of alcohol in a motor vehicle. These and other misdemeanors, such as the malicious destruction of property, giving false information, and soliciting without a permit, and their management by the police, Municipal Prosecutor and Judge are the subject of this chapter. The initial concern of this chapter is with
those offenses originally charged as felonies by police but subsequently reduced to misdemeanors and adjudicated in Municipal Court.

Table 9 presents the frequency and percentage of the various misdemeanors committed in Freedom.

Of the 276 offenses for which an arrest occurred, only 15 (5 percent) were dismissed prior to summary trial. In short, 95 percent of those arrested for misdemeanors had court trials. However, almost half (127) of the 255 never appeared in court since they had posted bond and merely forfeited same. (Over half the bond forfeitures occurred in intoxication cases, almost one-fifth in disturbing the peace, and slightly more than one-eighth in DWI actions.)

Of the 255 who appeared in court, 84 (33 percent) were fined and assessed the court costs.* (Over half these cases in which a fine was levied were for intoxication, one-fifth for disturbing the peace, and slightly more than one-eighth for assault and battery.)

Finally, of the 255 who had trials, less than one-fifth received fines and sentences and two-thirds of these cases involved driving while intoxicated. In contrast, all the defendants in the reduced charge cases from the

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* When an individual was fined, he was also assessed court costs. Henceforth, this will not be mentioned, but is to be assumed.
MISDEMEANOR OFFENSES: AN OVERVIEW

Table 9. Frequency of Misdemeanors by Court Disposition, Freedom, 1969

<table>
<thead>
<tr>
<th>Misdemeanor</th>
<th>Frequency</th>
<th>Dismissed*</th>
<th>Juvenile Court</th>
<th>Summary Trial</th>
<th>Bond Forfeiture</th>
<th>Fine</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intoxication</td>
<td>114</td>
<td>-</td>
<td>2</td>
<td>112</td>
<td>69</td>
<td>43</td>
<td>-</td>
</tr>
<tr>
<td>DWI</td>
<td>48</td>
<td>1</td>
<td>-</td>
<td>47</td>
<td>17</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>Disturbing the Peace</td>
<td>45</td>
<td>4</td>
<td>-</td>
<td>41</td>
<td>25</td>
<td>16</td>
<td>-</td>
</tr>
<tr>
<td>Assault and Battery</td>
<td>26</td>
<td>7</td>
<td>-</td>
<td>19</td>
<td>2</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Resisting Arrest and Fleeing</td>
<td>10</td>
<td>1</td>
<td>-</td>
<td>9</td>
<td>-</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Consumption of Alcohol in a Motor Vehicle</td>
<td>5</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Insufficient Funds</td>
<td>5</td>
<td>2</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Petit Larceny</td>
<td>5</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Concealing Stolen Property</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>16</td>
<td>-</td>
<td>1</td>
<td>15</td>
<td>12</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>276</td>
<td>15</td>
<td>6</td>
<td>255</td>
<td>127</td>
<td>84</td>
<td>44</td>
</tr>
</tbody>
</table>

Reduced Charge Cases

| Auto Theft                                | 2         | -          | -              | 2             | -               | -    | 2        |
| Malicious Trespass                        | 2         | -          | -              | 2             | -               | -    | 2        |
| Insufficient Funds                        | 1         | -          | -              | 1             | -               | -    | 1        |
| Receiving Stolen Property                 | 1         | -          | -              | 1             | -               | -    | 1        |
| Pet Warden                                | 1         | -          | -              | 1             | -               | -    | 1        |
| Concealed Weapon                          | 1         | -          | -              | 1             | -               | -    | 1        |
| TOTAL                                     | 8         | 0          | 0              | 8             | 0               | 0    | 8        |

* Dismissed Prior to Trial
Common Pleas Court appeared in Court and were fined and sentenced.

Reduced Charge Cases

People in the reduced charge cases from the Common Pleas Court were charged with the same offense as some of the misdemeanants. These offenses were: receiving stolen property, insufficient funds, carrying a concealed weapon, and petit larceny. The reduced charge cases and misdemeanants of the same type were analyzed first and together, to provide continuity and to avoid redundancy.

RECEIVING STOLEN PROPERTY

Paul Richards was charged with breaking and entering in connection with the burglary at the Silver Spoon as described in Case 2 of the B & E section in the last chapter. Richards was arrested on February 7, and appeared in Municipal Court on the 10th. Between that date and February 26, he was granted two continuances. On February 26, the City Prosecutor requested that the B & E charge be dropped and Richards pled guilty to receiving stolen property. He was fined $100 and sentenced to 30 days in jail on this charge. Judge Truman suspended the 30 days pending the defendant's good behavior for one year.

Section 2907.30. Receiving stolen property. No person shall buy, receive, or conceal anything of value which has been stolen. ... Whoever violates this section shall...if the value thereof is less than sixty dollars...be fined not more than three hundred dollars or imprisoned not more than ninety days, or both.
In addition, Paul Richards pled guilty to the following offense:

Section 2909.21. Trespassing upon lands or premises of another. No person shall without authority trespass upon the land or premises of another. ...Whoever violates this section shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

He was sentenced to 10 days in jail and fined $25. Again, the Judge suspended the jail sentence on condition of good behavior for one year.

This offense is included in this section because of the youth who was involved in the infraction, and no one else committed this offense during the calendar year 1969.

On February 6, two other youths were arrested in connection with the Silver Spoon B & E and were charged with receiving stolen property. Both boys appeared in Court the next day to answer the charge and they pled guilty. Judge Truman fined each $50 and sentenced each to thirty days in jail.

These youths were male, white, single, and all but one had prior arrest records. The first boy was 22, and the other two, 20 years of age. Two youths were employed as laborers, and the other was unemployed at the time of the offense. Based on these data there seemed little to differentiate one youth from the other. The reasons for the disparity in the charges and the fines and sentences imposed could not be ascertained.

This offense—receiving stolen property—seemed
to be the prerogative of youthful, single, white males
from the lower economic strata of the city who usually had
previous arrest records. The calculated arrest rate per
100,000 population for this offense was 26.5. This rate
was somewhat higher than the rate for cities of approxi-
mate size throughout the United States (21.0).

FRAUDULENT CHECK

This reduced charge case involved a young lady who passed a fraudulent check at a business establishment. Her identity was known but be-
fore she could be apprehended, she left town.
Shortly thereafter, she returned to Freedom and
was recognized. A warrant was issued and she
was arrested on March 17th. The young lady is
white, single, with no previous record and was
employed as a factory worker. She was origi-
nally charged with forgery by the police. On
March 19, she asked for and was granted a week's
continuance. A week later she requested and re-
ceived another continuance. On April 4, the
complainant requested that the forgery charge be
dropped and Judge Truman agreed. She pled guilty
to the following lesser charge and was sentenced
to pay a fine of $50 and to serve sixty days in jail.

Section 2911.111. Fraudulent check, draft,
or order on bank or depository. ...(B) No per-
son, with intent to defraud, shall make, draw,
utter, or deliver any check, draft, or order for
the payment of sixty dollars or less upon any
bank or other depository if such person, at the
time, has insufficient funds or credit with such
bank or depository. ...(E) Whoever violates
division (B) of this section shall be fined not
less than fifty nor more than two hundred dol-

ars or imprisoned not more than six months, or
both, for a first offense; for any subsequent
offense such person shall be fined not less than
fifty nor more than two hundred dollars or im-
prisoned for not less than seven years, or both.
Typically, in this type of case, the check passer intended to pay but something occurred which prevented him from doing so. The merchant sent out a letter demanding payment. He rarely received a reply and usually turned the case over to the sheriff since he was a good collector. In some instances the sheriff resolved the difficulty without recourse to the court; if not, it became a court matter. The merchants did not like to prosecute unless absolutely necessary. They do not like to spend time swearing out complaints and appearing in court. Thus, if they were reimbursed for the purchases, they did not prosecute.

There were four cases in which defendants were initially charged with fraudulent checks. Two were resolved out of court and two through court action.

Early in March, a young lady bought some merchandise in a clothing store and asked the clerk to cash a check in excess of the cost of the items purchased. The manager cleared the check but when it was taken to the bank it was returned marked "insufficient funds". The girl was arrested on March 6, and appeared in Municipal Court on the 10th. During the next several weeks she received three continuances. On April 18, the complainant requested that the case be dismissed and the Judge agreed. The accused agreed to make restitution for the check and to pay the court costs.

In September, a white male cashed a $50 fraudulent check at a grocery market. The man was arrested on September 18, and appeared in Municipal Court the following day. At that time the Judge dismissed the case at the request of the complainant. The accused agreed
to make restitution for the check.

The individuals involved in these two cases were from neighboring towns. The two remaining cases involved white males who passed checks at grocery stores.

The first man passed a check late in January and was arrested on the 31st. He appeared in Court on February 3, and was granted a four day continuance. The defendant pled guilty on February 7, and was fined $50 and sentenced to six months in jail. Judge Truman suspended four months of the jail sentence on the condition the defendant remain on his good behavior for one year.

The other defendant was arrested on October 17, and appeared in Municipal Court on the 20th. At that time he pled guilty to the charge and was fined $50 by the Court.

The rate for fraudulent checks was 44.2 per 100,000 population and was slightly above the rate of 39.3 for cities of comparable size. Females were involved in two of the five cases examined; thus, this represented one of the few crimes in which the number of females and males were approximate. Lack of information concerning these offenders prevented further analysis.

CARRYING A CONCEALED WEAPON

Tim Stephens was arrested in front of his sister's home on April 20, and charged by the police with carrying a concealed weapon. At the time he was on probation as a result of pleading guilty to the B & E at the Cross Pharmacy (Case 1). Stephens appeared in Court the next day and was granted a four day continuance. On April 25, he pled guilty to the charge and Judge Truman sentenced him to thirty days in jail and
fined him $200. Being convicted of this offense was a violation of his probation and ultimately resulted in his incarceration in a penal institution, as explained in the chapter on felonies.

There was an additional case where the defendant was initially charged with this offense.

On August 31, a husband went to the sheriff concerning a family problem. The sheriff called the police who picked the man up at the sheriff's office. The couple had family problems for some time and the woman had a long history of mental problems. The husband and the police started looking for the man's wife. They found her walking down the main street. The police talked to her and she told them she wanted out of the marriage. She intended to shoot herself with an unloaded .22 caliber pistol she had in her bra. The police arrested her and charged her with carrying a concealed weapon. On September 2, in Municipal Court, she was fined $50 plus costs by Judge Truman. Shortly after this episode, the woman was committed to the Columbus State Hospital for the mentally ill.

Section 2923.01. Carrying of concealed weapons. No person shall carry a pistol, bowie knife, dirk, or other dangerous weapon concealed on or about his person. ...Whoever violates this section shall be fined not more than five hundred dollars, or imprisoned in the county jail or work house not more than one year, or both. 56

The rate of 17.7 for carrying a concealed weapon in Freedom was considerably below the rate of 38.3 for cities across the nation of approximate size. The female and male were both white; the former was 28 years of age and the latter, 20. The male had a prior arrest record but the woman did not. This offense was similar to forgery in that the number of cases involving males and females was the same.
PETIT LARCENY

As noted in the felony chapter, the charge against Tim Stephens was reduced from breaking and entering to larceny in connection with the theft at the Silver Spoon. This case will be included with those cases resolved in court later in this chapter. Initially, this section begins with an analysis of reported petit larceny.

Incidence and Rate Per 100,000 Population

There were 143 reported larcenies in Freedom for the year 1969, but 34 were unfounded. The rate for the city was 964.4, which was considerably lower than the rate of 1234.9 for cities of approximate size throughout the United States. The rate for the nation was calculated on larcenies of $50 and under and would have been higher had it been calculated on larcenies $60 and under.

Spatial Patterns

Figure 4 (see page 164) shows the incidence of petit larceny in Freedom by voting precinct. Since information concerning the location of three larcenies was unavailable, the total number of offenses distributed was 140. By chance alone, there should have been ten larcenies in each of the 15 precincts. In fact, there were five precincts—1-B, 3-F, 4-A, 4-C, and 4-D—that had more than
Each dot represents one petit larceny. Two or more dots, side by side, and touching, represent locations where multiple petit larcenies occurred.

Figure 4--Location Where Petit Larceny Occurred, by Voting Precinct, Freedom, 1969
10 larcenies. These five precincts accounted for 89, or 64 percent, of the 140 reported offenses. As with burglary and grand larceny, population characteristics did not seem to explain the high frequency of larcenies in these precincts. Instead, the vulnerability of certain locations seemed to provide a plausible explanation for these high frequencies. There were 11 locations in the city where two or more offenses occurred. Nine of these were located in these five precincts. These 11 multiple offenses accounted for 33 larcenies and 26 of these were located in these five precincts. Precincts 1-B and 4-A were high frequency locations for burglary, grand and petit larceny, thus indicating their particular vulnerability.

Table 10 presents the distribution of petit larcenies according to the location where the theft occurred.

<table>
<thead>
<tr>
<th>Location</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>House or apartment</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Business</td>
<td>31</td>
<td>22</td>
</tr>
<tr>
<td>Auto</td>
<td>60</td>
<td>42</td>
</tr>
<tr>
<td>Storage building or area</td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
<td>100</td>
</tr>
</tbody>
</table>
Almost twice as many thefts occurred from autos as business locations. Based on scant available information and conversations with the officers, the cars were unlocked in about three-fourths of the thefts.

Temporal Patterns

As indicated previously, police were lax in recording the time when these offenses occurred. Based on available data, the call book, and conversations with officers, over half the larcenies occurred between 6:00 P. M. and 6:00 A. M. This same pattern existed for grand larceny.

Analysis of larceny by days of the week indicated that daily frequencies ranged from 12 to 27 and that Saturday (27) had the highest frequency, closely followed by Thursday (26), Friday (24), and Wednesday (20). Monday and Tuesday each had 17, and Sunday was last with only 12 offenses. Thus, Wednesday, Thursday, Friday, and Saturday accounted for 97, or 68 percent, of the total number of offenses. More larcenies (80, or 56 percent) occurred on weekdays than the weekend. This same pattern also existed for grand larceny.

Examination of larceny by month revealed that frequencies ranged from nine each in May, June, July, and September, to 15 each in April and December. August and November had 14 each, closely followed by February, March,
and October with 13 each, and January with 10. Cate-
gorization of larceny by season revealed that winter (52) ranked first, followed closely by spring-fall (50), and summer (41). This pattern was slightly dissimilar from grand larceny where spring-fall ranked first, followed by winter and summer with the same frequency.

Type of Articles Taken and Approximate Dollar Value

Table 11 specifies the type of articles stolen, using the same classifications as in grand larceny.

<table>
<thead>
<tr>
<th>Kind of Article</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto accessories</td>
<td>40</td>
<td>28</td>
</tr>
<tr>
<td>Currency</td>
<td>31</td>
<td>21</td>
</tr>
<tr>
<td>Household goods</td>
<td>32</td>
<td>22</td>
</tr>
<tr>
<td>Tools and other equipment</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>22</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>143</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Auto accessories were taken more often than any other kind of article, but this was expected since over two-fifths of the thefts were from autos. However, the percentage of auto accessories taken was not as great as the theft from cars, indicating that some other type of
articles were taken from cars in addition to auto accessories. Invariably, the other articles taken were clothing that had been left in the car. Slightly over one-fifth of the larcenies involved household goods and currency. About one-sixth were miscellaneous items and one-eighth involved tools or other equipment. The only similarity between the distributions of articles taken for petit and grand larceny was that auto accessories ranked first.

Articles taken were categorized by dollar value into $15 intervals and Table 12 presents this distribution.

Table 12. Frequency and Percentage of Dollar Value of Articles Taken in Petit Larceny, Freedom, 1969

<table>
<thead>
<tr>
<th>Dollar Value</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1 - $15</td>
<td>50</td>
<td>35</td>
</tr>
<tr>
<td>$16 - $30</td>
<td>57</td>
<td>40</td>
</tr>
<tr>
<td>$31 - $45</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>$46 - $60</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>143</td>
<td>100</td>
</tr>
</tbody>
</table>

The value of two-fifths of the articles stolen ranged between $16 and $30, and slightly more than one-third were valued at $15 or less. Thus, three-quarters of the articles taken were valued at $30 or less. Slightly less than one-sixth of these articles were valued
between $31 and $45, and one-tenth between $46 and $60. Using the midpoint of each interval as the average value of the articles in each classification and multiplying this by the frequency of each interval, the total value of the articles taken was estimated to be $3,264. The value of articles stolen in petit larceny was slightly more than one-fourth the estimated value of the goods taken in grand larceny.

**Police Disposition of Cases**

Police investigation of this type offense included taking a report and talking to the individual(s) who had been victimized. In many instances these activities terminated the police investigation. As the Chief stated, "Many of these reports were taken in order to keep the peace". Police discretion relative to continued investigation was particularly apparent here.

Factors influencing this condition included: it was a property offense; the type and value of articles; the validity of the report, and availability of witnesses. Less time per case was spent on this type of crime than any other type of offense. Another major factor effecting the small amount of time spent on these cases was the type of insurance policies available to the public, in particular, the "homeowner" and "comprehensive" auto policies.
The Chief said, "This type of theft has increased 50 percent since these policies came out and people discovered what they could do with them." For example, if an individual had a chaise lounge stolen from his front porch, or clothing taken from his house, a radio or stereo tape player taken from his car, and had insurance to cover this, he notified his insurance company of the theft. The insurance company, of course, wanted to know if the theft had been reported to the police. If not, the insurance company insisted on a report, thus resulting in reports of thefts that actually occurred days, weeks, and in rare instances, as much as a month earlier. Further, if an individual bought a sports car complete with all the accessories, he might find himself a "little short" for his next car payment. He would remove the stereo tape player, report it stolen, and collect from the insurance company and make his car payment. Thus, police wanted to know when a report was filed whether the individual had insurance. If so, and the report itself was considered legitimate, that ended the investigation since insurance would cover the loss.

Following investigation, the police classified 34 cases as unfounded. There were 11 cases in which there were suspects but no arrest could be made; four cases in which items stolen were recovered but no charges filed;
there was partial recovery of articles taken in three cases and no charges were filed; three cases which were solved but no charges resulted, and five cases were resolved in court. Two of these five cases involved juveniles and their cases will be analyzed in the next chapter. These latter cases were examined in some detail in this chapter; the others were examined briefly, and typical cases presented to illustrate the categorization.

As indicated previously, the police had reason to believe that no theft occurred in 34 cases and, for some reason, the supposed victim gave a false report to the police. These decisions were based on investigations, the "victim's" reputation and/or circumstances known to the police. To illustrate:

Two men worked in the same repair shop where they shared a portable TV. Jim informed John that he wanted to borrow the TV the following day. However, John misunderstood Jim's intention. John arrived at the shop the next day and discovered the TV was missing. The police located Jim and the missing TV within 30 minutes.

A merchant reported to the police that a $15 transistor radio was missing from his store. This was the first of three such calls during 1969. In addition, the merchant reported items missing from the garage at his home. Based on the untrustworthy reputation of the man involved in the case, the police classified the case as unfounded.

Near the end of June, police received a phone call concerning some missing pigs. The report was considered to be invalid and attributed it to the effort of one family to get
another family in trouble. There was a history of conflict between these families. In addition, two weeks earlier, both families had been to the police station to file charges against each other. Based on these circumstances, the police concluded that the report was unfounded.

There were 11 cases, including the one used as an example below, in which the police had a definite suspect(s) but could not apprehend them for lack of evidence.

A male living in an apartment complex reported a radio missing from his apartment. The whole complex is "bad news" to the police because they had been there many times before. The suspect in the case lived in the next apartment and had access to the apartment from which the radio was taken. The suspect was a "wino" who pawned anything he could get his hands on.

There were four cases in which the articles stolen were recovered but no arrests resulted. In these cases the items taken were recovered by the police a short distance from where the theft occurred and apparently were just left by the thieves. In three other cases, partial recovery of the articles occurred but no arrests were made.

The police were called to a clothing store to investigate a theft. A purse of one of the employees was missing from a ledge beneath the cash register. The investigation provided no clues concerning when or how the purse was taken. The purse contained $20 in cash, credit cards, car keys, and the usual feminine articles. A few hours later, the credit cards and car keys were found behind another building. The thief took what he wanted and discarded the unwanted articles.

Three cases were solved but the complainants would
not cooperate. Thus, the police were unable to file charges.

A truck driver for a beverage company had his truck parked at a carryout store. Returning to the truck from the carryout, he discovered some beer missing. He immediately began looking around to see if the thief could be located. He spotted the thief about a block away, gave chase and caught the juvenile. The police were called and asked the driver to press charges against the juvenile because the boy had been in trouble previously. The driver refused to do so because the beer had been recovered and he did not want to appear in court. Thus, the youth was released. The police were very chagrined with the truck driver.

Cases Resolved in the Courts

Two of the five cases resolved in the courts involved juveniles and will be examined in detail in the next chapter. The three remaining cases and the reduced charge case of Tim Stephens follow.

On August 22, a case of oil and a battery were taken from a supply company. The thief was seen leaving the scene and the make, license number and direction of flight were noted. The police were notified and they, in turn, notified the county sheriff in the neighboring county. The car was spotted and with the help of the sheriff and the State Highway Patrol, the car was stopped. The occupant was arrested on suspicion when the case of oil and the battery were discovered in the trunk of his car. The Freedom police were notified and they took the owner of the supply company to identify the loot.

The defendant was male, Negro, 24 years of age, unemployed, and with no prior arrest record. He appeared in Municipal Court on August 29, and pled guilty. Judge Truman sentenced him to 45
days in jail and fined him $150 plus court costs.

Section 2907.20. Larceny; firearms defined. No person shall steal anything of value. Whoever violates this section is guilty of larceny...if the value is less than sixty dollars, such person shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both.

On the afternoon of August 23, a male was caught by the manager of a supermarket, stealing a package of meat. The police were called and the manager agreed to press charges. The man was arrested and charged with larceny.

The man was white, married, 54 years of age, employed as a grave digger. He had an extensive arrest record dating back to the forties. He failed to appear in Municipal Court on August 25, so a citation was issued for him to appear at the next Court session. He appeared on September 3, and the Judge sentenced him to 30 days in jail and a fine of $100. The jail sentence and $75 of the fine were suspended pending good behavior of the defendant for one year.

On November 11, at 3:30 A.M., a citizen saw a young man tampering with an auto. While following the youth, the citizen saw a police cruiser on patrol. He flagged the cruiser and told the officers what he had seen. The police stopped the young man and asked him what he was doing with the battery he had in his possession. He informed the officers that he had borrowed it to start his car. The police located the owner of the car from which the battery was taken and he identified the battery. The young man was arrested and charged with larceny.

This young man was white, married, 24 years of age, a laborer with no prior arrest record. He appeared in Court the next day and pled guilty to the charge. Judge Truman fined him $150 and sentenced him to 30 days in jail. The 30 days and $50 of the fine were suspended on condition of good behavior for one year.
Tim Stephens was charged with larceny as a result of his part in the break-in at the Silver Spoon. Tim is white, male, single, 20 years of age, a laborer with a prior arrest record. He was arrested on February 8, and appeared in Court on the 10th. He was granted three continuances before the B & E charge was reduced to petit larceny. He pled guilty to this offense on February 26, and was sentenced to 30 days in jail and fined $100.

In summary, petit larceny was an offense committed by males who were, with one exception, in their early twenties. It was primarily a crime perpetrated by whites, but one offender was black. This was the first Negro defendant in all the cases examined thus far. Based on occupation, all defendants were from the lower socioeconomic strata of the city.

INJURING AND COMMITTING NUISANCES IN BUILDINGS

Tom Johnson and Bernie Frost were apprehended at the scene of the burglary at Benny's Place on September 4th. Both youths were charged with breaking and entering by the police.

Johnson and Frost are male, white, and 19 and 23 years of age, respectively. Neither of the youths had a prior arrest record. Johnson was serving in the Marines and was home on leave at the time of the B & E, and Frost was unemployed. The youths appeared in Court on September 5, when they requested and were granted a five day continuance by Judge Truman. The Prosecutor requested that the charge of breaking and entering be dismissed and the Judge complied at the September 10 session of Municipal Court. The justification for this decision, according to the police, was that the Prosecutor thought it would be difficult to prove intent in Court. The police were upset with this decision
because the boys claimed they were locked in the club, by accident, when it closed. The police had witnesses who placed the boys at another location during part of the time they were supposedly locked in the club. There was also evidence of a forced entry. In addition, the bartender assured the police that the youths were not locked in the club by mistake and that he had locked the door.

Both youths pled guilty to the following offense:

Section 2909. Injuring and committing nuisances in buildings. No person shall maliciously injure or deface a church edifice, schoolhouse, library, tombstone, or other cemetery property, dwelling house, or other building, its fixtures, books, or appurtenances, or commit a nuisance therein, or purposely and maliciously commit or trespass upon the enclosed grounds attached thereto or fixtures placed thereon, or an enclosure or sidewalk about such grounds. Whoever violates this section shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Judge Truman fined each of the youths $500 plus costs and sentenced each to six months in jail. He suspended $250 of the fine and the entire jail sentence for each, pending their good behavior for one year. Johnson's being a Marine influenced the Judge's sentence and fine. In addition, he did not feel he could give one man a stiffer penalty than the other.

AUTO THEFT

Two defendants mentioned in the felony chapter were charged with violation of section (B) of the statute on auto theft; consequently, their cases were handled in Municipal Court.
On January 15, a citizen parked his car at the town square, leaving the motor running and entered a store for a moment. Upon returning, he discovered his car was missing. The police were called immediately and the thief apprehended a short time later.

The thief was white, single, and employed as a laborer. It was discovered that he was on parole in a neighboring county. The police decided to return him as a parole violator. Rather than charge him with a felony, the police charged him with the misdemeanor section of the auto theft statute. Thus, the case could be handled quickly, yet officially, in Municipal Court.

Section 4549.04. Stealing motor vehicles. No person shall commit any of the following acts: ...(B) Purposely take, drive, or operate any motor vehicle without the consent of its owner. ...Whoever violates division (B) of the Revised Code shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, for a first offense. ...

Two days after his arrest, the man appeared before Judge Truman and pled guilty to the charge. He was sentenced to 30 days in jail and fined $150. The jail sentence and $100 of the fine were suspended pending good behavior of the defendant for one year.

A 20-year old youth took the car of an acquaintance from the parking lot of a manufacturing plant. The youth was a resident of Freedom, absent without leave from the Navy. He was intoxicated when he took the car and took it because he wanted to go for a ride. After completing his shift at the plant, the owner discovered the car was missing, so he notified the police. The car was located shortly thereafter and the thief apprehended. He appeared in Municipal Court the following day, March 18, and was granted a week's continuance. One week later he was granted an additional one week continuance. Thus, on April 4, he pled guilty to the charge and was sentenced to three months in jail and fined $100. The Judge suspended two months of the
sentence, pending the defendant's good behavior for one year.

PUBLIC ORDER OFFENSES

As indicated previously, most misdemeanors are public order offenses which include public intoxication, driving while intoxicated, disturbing the peace, assault and battery, resisting arrest, consumption of alcohol in a motor vehicle, and fleeing a police officer. Analysis of these offenses includes demographic factors, spatial and temporal patterns of offenses, and court disposition of the cases.

PUBLIC INTOXICATION

Incidence and Rate per 100,000 Population

There were 114 cases of public intoxication in Freedom during 1969, resulting in a rate of 1000.9 per 100,000 population. This rate is considerably below the national rate of 1204.2, but slightly above the rate of 922.0 for cities of comparable size throughout the United States. From talking with the officers, this rate is far lower than it could have been because the officers did not arrest every intoxicated individual they saw. Generally, the police arrested a person for this offense only when the officer felt he had to. There is consensus among policemen that if an intoxicated individual is heading for
home and can still navigate, no arrest is made. Furthermore, the vast majority of the officers sit in the cruiser and watch, or drive around the block, to make certain the individual arrives home. A few of the officers have even taken drunks home in the cruiser. Invariably, they know these individuals quite well. As one patrolman put it, "After all, we live in this town and may see these people on the street". In short, for this offense they are not "arrest crazy" or arresting "just for the hell of it".

Arrests were usually made when: the individual could not control himself; if there was danger that he might injure himself or others; if he was creating a problem; there had been a complaint against him, or if his attitude was bad. Often those arrested were financially unable to post bond. Consequently, they remained in jail until their court appearance. If at trial, the individual was fined but could not pay, he went to jail where the fine was paid off at the rate of $7.50 for each day in confinement. This created a hardship for those involved, particularly the wives and children of these men. The police were not eager, of course, to impose this hardship unless absolutely necessary.

There was another reason why policemen disliked this offense. In many instances, the offender was extremely intoxicated and could not walk. Therefore, he had to
be helped bodily into the cruiser; his clothing might be in various stages of disarray, or, in one instance, completely off; he might have vomited all over himself before or while in the cruiser; he might have urinated on his clothing; in a few instances, officers had been spat upon by the intoxicants, and alcohol tends to make some people belligerent, thus making arrest difficult.

Demographic Factors

Of the 114 people arrested for public intoxication, 108 (95 percent) were males and only six were females. The percentage of males arrested for drunkenness was only slightly higher than the national figure of 93 percent. This distribution by sex of those arrested in the city was representative of the nation.

Examination by race indicated that eight, or 93 percent, of those arrested for this offense were black. Based on the percentage of blacks in the population of Freedom, there should have been 12 Negroes arrested for drunkenness in 1969. Thus, Negroes were slightly under-represented in this type of offense. The national percentage of blacks arrested for public intoxication was 22, indicating that in Freedom, the percentage of Negroes involved in this offense was about one-third that of the nation.
There were 14 persons arrested more than once during 1969. These people were responsible for 33, or almost one-third, of the 114 offenses. Nine of these individuals were arrested twice; three persons three times; one four times, and one six times. All of these people were male, white, and well known to the police. Several had been picked up so often, they knew the arrest routine well enough so that no one had to say a word throughout the entire procedure.

Almost three-fifths (67%) of those arrested for drunkenness in Freedom had been arrested at least once previously. The number of previous arrests ranged from one to 25. In addition, nine of these individuals had ten or more arrests, the majority for intoxication. This evidence, plus the number of individuals with multiple offenses, is illustrative of the "revolving door" phenomenon so apparent in our handling of this problem in the United States.

Table 13 presents the distribution by age of those arrested for drunkenness in 1969.

The distribution was almost bimodal since approximately one-third of those arrested for intoxication were between 50 and 59 years of age and slightly more than one-fourth were between 30 and 39. Thus, these two age
Table 13. Age of Individuals Arrested for Public Intoxication, by Frequency and Percentage, Freedom, 1969

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 20</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>20 - 29</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td>30 - 39</td>
<td>30</td>
<td>28</td>
</tr>
<tr>
<td>40 - 49</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>50 - 59</td>
<td>33</td>
<td>31</td>
</tr>
<tr>
<td>60 and over</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>109*</td>
<td>100</td>
</tr>
</tbody>
</table>

* The ages of five defendants were unknown

categories accounted for three-fifths of those arrested for this offense. The median of the distribution was 42 and the mean, 43. This offense was not a youthful crime since only four percent of those arrested were under 20 years of age. Further, it cannot be called an offense of young adults since slightly more than one-fifth of the offenders were between 20 and 29 years of age. It was an adult offense, particularly for those between 30 and 59 years of age.

The percentages of individuals arrested in these same age classifications nationally were four, 18, 21, 28, 19, and 10, respectively. Comparison of these two distributions indicates that the percentages in the first two
and last categorization were comparable. While the remaining three classifications revealed considerable variation, the total percentages for the three classifications were almost the same. Thus, the evidence that the age distribution of those arrested for intoxication in Freedom was representative of that for the nation, was equivocal.

**Spatial Distribution**

Figure 5 (see page 184) presents the incidence by place of arrest for public intoxication in Freedom during 1969. The location of six arrests could not be determined. Arrests tended to be concentrated in the center of the city. Sixty-one, or 54 percent, of the arrests occurred within a five block radius of the center of the city. This concentration was to be expected since most of the establishments where liquor can be purchased are located in this area. Four of the five prominent taverns are located here, as well as the three private clubs in the city. There were twelve locations in Freedom where two or more arrests occurred. Eight of these locations were within this five block radius. A total of 33 arrests took place in these 12 locations and 23 of these arrests occurred within this area.

Examination by residence of those arrested for this offense indicated that almost two-thirds (74) of these
Each dot represents one arrest. Two or more dots, side by side, and touching, represent locations where multiple arrests occurred.

Figure 5—Location of Arrests for Intoxication, by Voting Precinct, Freedom, 1969
people were residents of Freedom. Conversely, just over one-third (40) lived outside the city; however, half of these people lived within a 15 mile radius of Freedom. Consequently, over four-fifths of those arrested were residents of the city or the surrounding community. One offender lived in Kentucky, another in New York, and another in Pueblo, Colorado. These represented residences most distant from the city.

Places where arrests occurred included the police station, the hospital, the street, front yard and front porch.

A husband and wife came to the police station so the police could settle their quarrel. The police advised them as to what they could do; however, this did not satisfy them because they began to quarrel outside the station. The police arrested both and charged the husband with disturbing the peace and the wife with intoxication.

One of the "town drunks" went to the hospital to visit someone. While there, he began talking loudly. When the nurses asked him to quiet down, he became obnoxious. The police were called and the man arrested.

While on patrol one night, the officers saw a man lying in the street. He was a known drunk and smelled like a brewery, so they haled him in.

A drunk was going from house to house, trying to find a friend's house. He tried to enter what he thought was his friend's home. The occupants had trouble getting rid of him but when they finally did, they called the police. He was found by the officers sitting on a porch a few houses away.
Temporal Patterns

Time of arrest for drunkenness by hour of the day is presented in Table 14.

Table 14. Frequency and Percentage of Distribution of Intoxication by Four Six Hour Periods of the Day, Freedom, 1969

<table>
<thead>
<tr>
<th>Hours</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 P.M. - 1:59 A.M.</td>
<td>59</td>
<td>52</td>
</tr>
<tr>
<td>2:00 A.M. - 7:59 A.M.</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>8:00 A.M. - 1:59 P.M.</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>2:00 P.M. - 7:59 P.M.</td>
<td>24</td>
<td>21</td>
</tr>
<tr>
<td>Total</td>
<td>114</td>
<td>100</td>
</tr>
</tbody>
</table>

Over half the arrests for public intoxication occurred between 8:00 P.M. and 1:59 A.M. The next most frequent time of arrest was 2:00 P.M. to 7:59 P.M., where one-fifth of the arrests occurred, closely followed by the 2:00 A.M. to 7:59 A.M. time period. Fewest people were arrested for this offense from 8:00 A.M. to 1:59 P.M.

The distribution of arrests for drunkenness by day of the week is presented in Table 15.

Frequency of arrest ranged from six on Sunday to a high of 39 on Saturday. Three days, Saturday, Tuesday, and Wednesday, had higher frequencies than could be
Table 15. Frequency and Percentage of Distribution of Intoxication by Day of the Week of Occurrence, Freedom, 1969

<table>
<thead>
<tr>
<th>Day of the Week</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Tuesday</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>Wednesday</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td>Thursday</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Friday</td>
<td>13</td>
<td>11</td>
</tr>
<tr>
<td>Saturday</td>
<td>41</td>
<td>35</td>
</tr>
<tr>
<td>Sunday</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>114</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

expected by chance alone. Over one-third of the arrests occurred on Saturday which was just slightly less than twice the next highest frequency. One-fifth of the arrests occurred on Tuesday, closely followed by Wednesday with slightly more than one-sixth. There were only six arrests on Sunday and seven on Monday. The low number of arrests on Sunday was not unexpected, since the taverns are closed on that day. The only alcoholic beverage sold is 3.2 beer by some grocery stores and carryouts. Comparison of weekend to weekdays revealed that 51 percent of the arrests occurred on the former.

The distribution of arrests for intoxication by month of the year indicated that the frequencies ranged
from a low of two each in February and April to a high of 19 each in September and May. In addition to September and May, other months having frequencies higher than might be expected by chance alone included June (15), and November (12). July and August each had 10, the number expected by chance alone. Those months with the lowest frequencies included March and October, with seven each and January (6). Analysis by season indicated that slightly less than one-half the arrests occurred during the summer, slightly less than one-third in the spring-fall, and slightly more than one-fifth during the winter. Arrests for drunkenness was primarily a warm weather phenomenon. If April and September are considered warm weather months, then 65 percent of the arrests were made during these months.

Court Disposition of Cases

In order for the police to make an arrest for a misdemeanor, the officer must witness the offense or a citizen must be willing to swear out a complaint against the offender and appear in court as the complainant. Consequently, all cases examined in the remaining sections of this chapter resulted in arrests. If the case was not dismissed between arrest and trial, then some court disposition occurred. Furthermore, it was implicitly assumed
that if an officer made an arrest, the offender was guilty. In most instances, the arresting officer never appeared in Court, but sent a statement of fact that was read by the bailiff in Court.

**Operation—Municipal Court**

Three officials preside at sessions of the Freedom Municipal Court—the Judge, Prosecutor, and bailiff—the latter begins the session when the Judge approaches the bench by asking the court to rise. Bailiff: "Hear ye, hear ye, the Municipal Court of the City of Freedom is now in session, the honorable Judge Truman presiding. Please be seated." The Prosecuting Attorney calls the number of the first case and the name of the defendant. There is a slight pause while the defendant approaches the bench. When the defendant reaches the bench, the Prosecutor reads the charge, after which he inquires: "Do you understand the charge?" The defendant responds, "Yes." Prosecutor: "Do you wish a continuance to see an attorney?" The accused: "No." The Prosecutor then asks: "How do you wish to plead?" The defendant responds: "Guilty." At this point in the proceedings, the bailiff says, "If it please the Court", and then proceeds to read the statement of the arresting officer. The Judge then assumes command by asking, "What do you have to say, Mr. Jones?" Jones then recites his version of the incident.
It appears that if the Judge is satisfied at this juncture, there is a very slight pause and he says, "The Court sentences you to . . .". If the Judge is not satisfied, he may ask the defendant questions concerning himself and the circumstances surrounding the case.

This process is repeated until the courtroom is almost clear, when the Prosecutor asks those in the audience if they have a case. Those who do give their names and Court continues until these latter cases have been heard. Those defendants who were to have appeared and did not are issued a citation to appear at the next session of Court. Failure to do so results in a warrant for that individual's arrest. Cases of bond forfeiture are read into the record and dismissed. Thus, justice is served in the city of Freedom.

An individual arrested for a misdemeanor was permitted to post bond in lieu of his Court appearance and be released from jail. Bond for intoxication is $25 and was set by Judge Truman. If the accused could not post bond, he remained in jail until his appearance at the next session of Municipal Court. This particular arrangement of the Court places a hardship on those persons from the lower socioeconomic strata of society. In addition, not being able to post bond guaranteed that the individual had to appear in Court, whereas the more affluent merely posted
bond and forfeited same.

All the people arrested for drunkenness were, with the exception of two cases referred to Juvenile Court, charged with violation of the following statute.

Section 3773.22. Prohibition against being found intoxicated. No person shall be found in a state of intoxication or, being intoxicated, shall disturb the peace and good order, or shall conduct himself in a disorderly manner. The county has final jurisdiction to hear and determine any prosecution arising under this section. Whoever violates this section of the Revised Code shall be fined not less than five nor more than one hundred dollars.90

For this offense, justice in Freedom is sure, certain, and swift. In all but three instances, the Court appearance occurred at the earliest possible session of Municipal Court following arrest. Of the 112 persons charged with intoxication, 69, or 62 percent, posted and forfeited $25 bonds. Of the 43 who appeared in Court, the fines ranged from $5 to $50. The amount and frequency of fines levied was as follows: $5 (3), $10 (5), $15 (24), $20 (3), $25 (5), $35 (1), and $50 (2). Three of the individuals fined $15 had their fines suspended on condition that they leave town by 6:00 P. M. on the day the fine was imposed. These defendants were indigent transients and to make certain they got out of town, the police escorted them to the city limits. Over half the fines were $15. It might be a coincidence, but when court costs are added
to this fine, the total cost is about $23 which approximates the bond for intoxication. The distribution also revealed that Judge Truman was extremely lenient with sentences since no one was fined more than half the maximum provided by law.

Fines given to those with records were compared with those who had no prior arrest records. Low frequencies restricted the comparison to those who forfeited bonds or were fined $15. Those with prior records forfeited bond in 64 percent of the cases as compared to 61 percent of those with no records. Persons with previous arrests were fined $15 in 22 percent of the cases as compared to 20 percent for those with no record. It appeared that a prior arrest record did not influence the sentence for public intoxication. This tended to substantiate Judge Truman's assertion that he tries to appear in Court with a clear and uncluttered mind.

**DRIVING WHILE INTOXICATED**

**Incidence and Rate Per 100,000 Population**

During 1969, there were 48 arrests for driving while intoxicated* resulting in a rate of 427.7 for the city. This rate was over twice the national rate of 211.4

* Driving while intoxicated, DWI, and driving under the influence, are used interchangeably throughout this paper.
and just slightly less than twice the rate of 237.1 for cities throughout the nation of approximate size. This represented the only offense examined thus far in which the rate of the city was so much larger than the rate for cities of comparable size throughout the nation and the nation as a whole.

It is interesting to note the manner in which the police became aware of suspected DWI's. In many instances the defendant committed some other traffic violation such as speeding, squealing tires when starting out, and failing to stop for a stop sign.

The defendant burned rubber taking off from an intersection where he had stopped. Officers observed this and gave chase. It required several blocks for the police to overtake him and get him stopped. He was so drunk he took the breathalyzer test and signed the form, but could not remember any of it the next day.

The police often times recognized the offender from prior encounters and began following him.

The defendant came staggering out of a tavern and was recognized by one of the officers. They waited until he got in his car and began to follow him. The defendant took off at a high rate of speed but when he observed the police car, he slowed down. However, when the officers kept following him, he tried to elude them since he was driving while under suspension. A chase began involving two cruisers. It took the officers seven miles and speeds of over 110 miles per hour to finally get him stopped.

On several occasions citizens called in and reported the direction and make of car of someone they
observed driving erratically.

A citizen called to report the defendant was driving erratically and weaving all over the road. The citizen described the car and the direction of travel. At that time, the defendant was outside the city limits so the police waited for him to enter the city. He did so, they followed and arrested him.

On a few occasions, the police became suspicious because the suspect was driving so slowly.

The officer became suspicious when he observed the defendant driving very slowly. The defendant also stopped his car very erratically and had difficulty following the road. His blood alcohol content tested at .22 percent.

Several other arrests resulted from incidents in which the defendant hit a car(s) and attempted to flee.

One evening as the police were checking a building for unlocked doors, they heard a loud crash. They then heard squealing tires and the roar of a car engine as the defendant left the scene. The officers observed the car of the defendant as it turned onto a side road. They pursued the car and finally stopped the defendant. His car had major damage to the right front and the auto he hit had moderate damage on the left side. While the police did not actually see the accident, circumstantial evidence pointed to the defendant.

In several instances while on patrol, the officers happened upon an individual who was later arrested for driving under the influence of alcohol.

The defendant was driving at a high rate of speed when he lost control of his car. The car ended up in a ditch. The defendant was unhurt and left the scene. While he was gone, the police discovered the car and began to investigate. The defendant returned to the scene and identified himself. The police arrested him for
driving while intoxicated. As one of the officers admitted, "Had he gotten a good lawyer, it would have been a real sticky situation." The police actually did not see him driving the car.

In making these arrests, the police had to have sufficient cause for stopping a suspect since the officers could not know how intoxicated the offender might be. If he has committed another infraction, that is sufficient justification; however, if he has not, then the police follow him until they observe him driving erratically, left of center, failing to stop, or speeding. This procedure also serves another purpose. If it develops that the defendant's blood alcohol content is lower than .15 percent required by statute, then the officer can charge him with the lesser violation. An officer may charge the accused with DWI even though the blood alcohol content is less than .15 percent if he observes other behavior that indicates the defendant is a menace on the highway.

Once an individual had been stopped, there are a number of things an officer can do immediately to determine the state of intoxication of the defendant. For example, the odor of alcohol may be classified as faint, moderate, or strong. Unusual actions include profanity, hiccupping, belching, or vomiting. The officer can observe the color of the individual's face, the state of his clothing, if his eyes are bloodshot, his attitude and his
speech. He may ask the accused to walk a straight line, put his finger to his nose, or pick up a coin. With these techniques and a little experience, the officer can usually tell if an individual is sufficiently intoxicated so that his blood alcohol content is .15 percent or above.

As indicated previously, four of the officers each spent one week at the State Highway Patrol Academy learning to operate the breathalyzer in compliance with the state statutes. An individual brought to the police station as a suspected DWI can refuse to submit to the breathalyzer test but if he does, the consequences are spelled out in the following statute:

Section 4511.191. Chemical tests for determining alcoholic content of blood; effect of refusal to submit to test.

(A) Any person who operates a motor vehicle upon the public highways in this state shall be deemed to have given consent to a chemical test or tests of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested for the offense of driving while under the influence of alcohol. The test or tests shall be administered at the direction of a police officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways in this state while under the influence of alcohol. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered.

(B) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn consent provided by division (A) of this section and the test or tests may
be administered, subject to sections 313.11 to 313.16, inclusive, of the Revised Code.

(C) Any person under arrest for the offense of driving a motor vehicle while under the influence of alcohol shall be advised at a police station of the consequences of his refusal to submit to a chemical test designated by the law enforcement agency as provided in division (A) of this section. The advice shall be in a written form prescribed by the registrar of motor vehicles and shall be read to such person. The form shall contain a statement that the form was shown to the person under arrest and read to him in the presence of the arresting officer and one other police officer or civilian police employee. Such witnesses shall certify to this fact by signing the form.

(D) If a person under arrest for the offense of driving a motor vehicle while under the influence of alcohol refuses upon the request of a police officer to submit to a chemical test designated by the law enforcement agency as provided in division (A) of this section, after first having been advised of the consequences of his refusal as provided in division (B) of this section, no chemical test shall be given, but the registrar of motor vehicles, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways in this state while under the influence of alcohol and that the person refused to submit to the test upon the request of the police officer and upon the receipt of the form as provided in division (C) of this section certifying that the arrested person was advised of the consequences of his refusal, shall suspend his license or permit to drive, or any nonresident operating privilege for a period of six months, subject to review as provided in this section; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the registrar shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation.
If a person's license is suspended, he has the right to appeal and procedures are set up for him to do so, if he wishes.

**Demographic Factors**

Driving while intoxicated is primarily a male phenomenon, since 45, or 94 percent of those arrested for this offense were male. This percentage was identical to the percentage of males arrested for DWI nationally, in 1968.

Examination by race indicated that one (2 percent) of those arrested for DWI was black. Based on the percentage of blacks in the population of the city, there should have been five Negroes arrested for this offense. Consequently, blacks were underrepresented in this offense according to population percentage. The national percentage of blacks arrested for driving while under the influence was 17 percent, indicating that in the city the proportion of Negroes involved in this offense was one-eighth the national average.

Two individuals were arrested for this offense more than once and both were problem drinkers.

The defendant was arrested in May and fined $75, sentenced to five days in jail and his driver's license suspended for 30 days. In November, he was apprehended for the same offense and fined $100, sentenced to three days in jail and his license suspended for 60 days. In addition, he was arrested in July for intoxication and fined $15.
Steve was arrested in April, at the time when his license was suspended from a previous offense. He refused to take the breathalyzer test which should have meant a six month license suspension. However, he was permitted to forfeit his $300 bond. In July, he was arrested for the same offense after a seven mile high speed chase. He was charged with DWI, driving while under suspension, and fleeing a police officer. He was sentenced for these offenses to $100 and five days in jail, $50 and five days, and $50 and 5 days, respectively. Late in September, the defendant was arrested for intoxication and forfeited his $25 bond. Later in the year, this man was arrested by the State Highway Patrol for driving while intoxicated and the Judge revoked his license.

Examination of prior arrest records indicated that slightly less than two-fifths (18) of the defendants had been arrested at least once previously. However, none of these individuals had extensive records as had some of the persons arrested for intoxication. The highest number of arrests for anyone in this group was seven.

Table 16 presents the distribution by age of those arrested for driving while intoxicated in 1969.

The ages ranged from 18 to 65 with a median of 35.5 and a mean of 34.7 years of age. The distribution was trimodal as the categories 20-29, 30-39, and 40-49, had frequencies of 13, 12, and 13, respectively. Almost four-fifths of those arrested for this offense were between 20 and 49 years of age. Driving while intoxicated was an offense of older adults since two-thirds of the violators
Table 16. Frequency and Percentage of Distribution of Driving While Intoxicated by Age, Freedom, 1969

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 20</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>20 - 29</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>30 - 39</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>40 - 49</td>
<td>13</td>
<td>27</td>
</tr>
<tr>
<td>50 - 59</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>60 and over</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>48</td>
<td>100</td>
</tr>
</tbody>
</table>

were 30 years of age or older. Compared to intoxication, the proportion in this age group was not as large.

The percentages of persons arrested by these same age categories for the United States was three, 27, 25, 25, 14, and six, respectively. Comparison of these two distributions revealed that they were quite comparable. In short, the age distribution in Freedom for driving while intoxicated was representative of the nation.

Spatial Distribution

Figure 6 (see page 201) presents the incidence by place of arrest for driving while under the influence. Arrests tended to be concentrated along the main routes
Each dot represents one arrest.

Figure 6—Location of Arrests for Driving While Intoxicated, by Voting Precinct, Freedom, 1969
running east and west, and north and south in the city. Almost three-fifths of the arrests occurred on these two routes.

Examination by residence of those arrested for this offense indicated that 33, or almost seven-tenths, lived within the city limits. Conversely, slightly less than one-third lived outside the city. However, 11 of these lived either just outside the city limits, or in the surrounding community. One individual lived in Cleveland which represented the most distant place of residence from Freedom.

Temporal Patterns

Time of arrest for driving while intoxicated indicated the peak period of arrest was from 8:00 P. M. to 1:59 A. M., when 29 (61 percent) of the arrests occurred. The next most frequent period of arrests was the period from 2:00 A. M. to 7:59 A. M., with 13, or just over one-fourth of the arrests. Almost nine-tenths of all arrests occurred during this 12 hour period of the day. Only three arrests were made during each of the other two time periods.

The distribution of arrests by days of the week indicated arrests ranged from three each on Thursday and Friday to 17 on Saturday. Sunday (11) had the second highest frequency, followed by Wednesday (6), and Monday
and Friday with four each. Only Saturday and Sunday had higher frequencies than could be expected by chance alone. Driving while intoxicated was primarily a weekend phenomenon since over three-fifths of the arrests occurred during this period. An interesting feature of this distribution was the unusually high frequency of arrests on Sunday as compared to the other offenses examined thus far.

Analysis by month revealed that frequencies ranged from a low of one each in January and February to a high of nine in July. May and September with six each had the second highest number closely followed by October and December with five each. These five months were the only months that had higher frequencies than could be expected by chance alone. They accounted for almost two-thirds of all arrests made for DWI. April and August with four each had the number to be expected by chance alone. Months with the lowest frequencies were November (3), and March and June with two each. Analysis by season of the year indicated that summer ranked first (21), followed by spring-fall (17) and winter (10). This same pattern was true for intoxication. If summer and spring-fall are considered warm weather months then almost four-fifths of the arrests occurred during warm weather.

Court Disposition of Cases

Those arrested for drunken driving were charged
with the following state statute:

Section 4511.19. Driving while intoxicated or drugged; tests; blood alcohol content.

No person who is under the influence of alcohol, narcotic drugs, or opiates shall operate any vehicle, streetcar, or trackless trolley within this state.

In any criminal prosecution for a violation of this section, or ordinance of any municipality relating to driving a vehicle while under the influence of alcohol, the court may admit evidence on the concentration of alcohol in the defendant's blood at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within two hours of the time of such alleged violation. When a person submits to a blood test at the request of a police officer under section 4511.191 of the Revised Code, only a physician or a registered nurse shall withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the taking of breath or urine specimens. Such bodily substance shall be analyzed in accordance with methods approved by the director of health by individual possessing a valid permit issued by the director of health pursuant to section 3701.143 of the Revised Code. Such evidence gives rise to the following:

(A) If there was at that time a concentration of less than fifteen hundredths of one percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(B) If there was at that time a concentration of fifteen hundredths of one percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol.
Upon the request of the person who was tested, the results of such test shall be made available to him, his attorney, or agent, immediately upon the completion of the test analysis.

The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a police officer.

Whoever violates this section, in addition to the license suspension or revocation provided in section 4507.16 of the Revised Code, shall be fined not more than $500 and imprisoned in the county jail or workhouse not less than three days nor more than six months and no court shall suspend the first three days of any sentence provided for under this section.

Section 4507.16. Suspension or revocation of license. The trial judge of any court of record shall, in addition to, or independent of all penalties provided by law or by ordinance, suspend for not less than thirty days nor more than three years or revoke the license of any person who is convicted of or pleads guilty to any of the following: ...(B) operating a motor vehicle while under the influence of intoxicating liquor or narcotic drugs; ...

Of the 48 people arrested for this offense, only six cases were not handled at the earliest session of Court following the arrest. In these cases, the delays ranged in time from five to 10 days. The reason(s) for these delays could not be ascertained.

As indicated previously, Judge Truman's policy
was to grant one continuance without reason, but for each additional continuance, the defendant had to have a legitimate reason. There was no limit to the number of continuances granted so long as legitimate reasons were provided. Continuances were granted in one-third of the cases and the frequency ranged from one to four. Most persons were granted one continuance (9), two continuances (5), and one individual each was granted three and four continuances. It was interesting to note that the individual who received four continuances also had his case dismissed. In addition, this individual refused to take the breathalyzer test. This should have resulted in his license being suspended for six months. It was not.

Seventeen defendants never appeared in Court because they forfeited bond. Bond was $300 unless one was involved in an accident. Then it became $500. The majority of the defendants (15) who posted bond, posted $300. Those who appeared in Court either were fined and sentenced to jail; fined and had their driver's license suspended; or fined, sentenced, and had their driver's license suspended. Most defendants (22) received the latter sentence; eight received the former; one was fined $75 plus costs and his driver's license was suspended for 30 days. Sentences levied revealed wide disparity. For
example, of those fined and sentenced, four received $75 fines and three days in jail, and three were fined $100 each and sentenced to three, five and ten days respectively. Sentence disparity was even more apparent for those fined, sentenced to jail and had their driver's license suspended. Fines ranged from $75 to $250; jail sentences from three to ten days, and driver's license suspensions, 30 days to one year. Ten different combinations of fines, jail sentences and license suspensions occurred. Modal categories were $75, three days in jail and license suspended for 30 days (5), and $100, three days and license suspended for 60 days (6).

Maximum penalties by statute included a $500 fine, six months in jail, and driver's license suspended for three years or revoked. Sentences levied by Judge Truman were both lenient and disparate.

If an individual had his driver's license suspended in Municipal Court, there was a procedure whereby he could get his license back on a limited basis. When an individual paid his fine, he was handed a copy of the following form, outlining the requirements for modification of his driver's license suspension.
The following procedure shall be followed in making application for modification of Court suspension of driving rights. Such application shall be in writing signed by the person under suspension and sworn to before a notary public and shall contain the following:

(a) reason for such application;

(b) if request is to travel back and forth to work,

(1) distance from home to place of employment,
(2) hours of beginning and ending work for each day requested,
(3) whether other private or public transportation exists which will substantially accomplish this purpose;

(c) if request is to drive as is necessitated in employment,

(1) whether or not defendant will lose his employment if request is not granted,
(2) hours of beginning and ending work for each day requested,
(3) whether employment consists of driving employer's or his own personal vehicle,
(4) type of vehicle to be operated.

This application shall be accompanied by (1) evidence of liability insurance coverage for any vehicle to be driven by defendant (which will be returned to the defendant), and (2) a statement from employer verifying facts with respect to employment.

Notice of the filing of such application shall be given to the prosecutor prior to the hearing on said application which hearing shall
be held at the next criminal court session following the day of filing such application. Such hearing date may be extended at the request of the applicant.

The granting of such application shall be solely within the discretion of the Court and inconvenience of applicant will not be considered as grounds for modification.

January 2, 1965
/s/ Judge, Freedom Municipal Court

Of those who applied and qualified, requests were seldom, if ever refused.

DISTURBING THE PEACE

Incidence and Rate Per 100,000 Population

There were 45 cases of disturbing the peace in Freedom during 1969, resulting in a rate of 398.2 per 100,000 population. This rate was slightly less than the national rate of 408.2, but slightly higher than the rate of 384.6 for cities of comparable size.

Demographic Factors

Of the 45 persons arrested for disturbing the peace, 37, or 82 percent, were male, indicating that this was primarily a male offense. This percentage was slightly lower than the 87 percent rate of males in the nation. Conversely, females in Freedom were arrested for this offense almost half again as often as females in the nation.
Examination by race indicated that only three, or seven percent, of the 45 arrested for this offense were black. Based on the proportion of Negroes in the population, five blacks should have been arrested for disturbing the peace in Freedom. Consequently, blacks were underrepresented for this offense. In the nation, 36 percent of those arrested for disorderly conduct were black. Negroes in Freedom were arrested for this offense only one-fifth as often as blacks in the United States.

Slightly more than half (23) of those arrested for this offense had been arrested at least once before. Several of these people had long arrest records but these were the same people who had extensive records in the section on drunkenness.

Further examination of the data revealed that this offense tended to run in families. Four individuals were arrested for disorderly conduct twice during 1969. Two of these four were brothers. In addition, the wife of one of the brothers was also arrested, as well as a third brother. Thus, four members of this family were arrested for this offense a total of six times. Two brothers of another family each were arrested once. A husband and wife as well as the husband's brother were also arrested once each for this offense. These five families accounted for 15, or one-third, of all arrests for disturbing the peace in Freedom during 1969.
Table 17 presents the age distribution of those arrested for disturbing the peace.

Table 17. Frequency and Percentage of Distribution by Age of those Arrested for Disturbing the Peace, Freedom, 1969

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 20</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>20 - 29</td>
<td>26</td>
<td>58</td>
</tr>
<tr>
<td>30 - 39</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>40 - 49</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>50 - 59</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>100</td>
</tr>
</tbody>
</table>

Ages ranged from 19 to 52 with a median of 25 and a mean of 29.1 years of age. This distribution was unimodal since the 20-29 age bracket contained almost two-fifths of all the cases. This offense tended to be committed by teenagers and young adults since almost two-thirds of those arrested were less than 30 years of age.

The percentages of persons arrested nationally by the age categories in Table 17 were 13, 37, 23, 18, and nine, respectively. Comparison of these two distributions indicated that only the proportion in the 30-39 age bracket was comparable. The proportion of individuals less than 30 years of age was greater in Freedom than in the
nation. Conversely, the percentage 40 and over was higher in the nation than in Freedom. The evidence indicated that the age distribution for this offense in Freedom was not representative of the nation.

**Spatial Distribution**

Figure 7 (see page 213) presents the incidence by place of arrest for disturbing the peace. Arrests tended to be concentrated in the center of the city. Almost half (21) of the arrests occurred within a two block radius of the city square. This concentration might be expected since four of the five prominent taverns are located within this area. There were six locations where more than one arrest occurred, five of these places were located within this area, and four of the five are taverns. Further, excluding the two arrests made at the police station (Precinct 2-A) all the multiple arrests occurred at taverns—a total of 19 arrests, or 49 percent.

Analysis by residence of those arrested for disturbing the peace revealed that 35, slightly more than three-quarters, were residents of the city. Conversely, less than one-quarter lived outside the city. However, of these 10, seven lived in the surrounding community. Two persons lived in Kansas, representing the most distant place of residence from Freedom.
Each dot represents one arrest. Two or more dots, side by side, and touching, represent locations where multiple arrests occurred.

Figure 7—Location of Arrests for Disturbing the Peace, by Voting Precinct, Freedom, 1969
Temporal Patterns

Time of arrest indicated that the peak period of arrest was from 8:00 P. M. to 1:59 A. M., when 21 (47 percent) of the apprehensions occurred. This pattern existed for intoxication and DWI also. The time period 2:00 P. M. to 7:59 P. M. ranked second with 18 (40 percent) of the arrests. This high frequency represented a unique pattern among public order offenses. Four individuals (9 percent) were arrested between 2:00 A. M. and 7:59 A. M., and two were arrested between 8:00 A. M. and 1:59 P. M.

Examination of arrests by day of the week revealed that they ranged from four each on Sunday and Thursday to 16 on Tuesday. Friday and Saturday ranked second with eight each, but they had only half as many arrests as Tuesday. These three days had frequencies higher than could be expected by chance alone and accounted for over 70 percent of all arrests. Wednesday had the third highest frequency (5). Weekdays (25) had more arrests than weekends, primarily because of the high frequency on Tuesday. Attributing to this high number of arrests on Tuesday were the six persons in a group arrested in a tavern on that day.

A husband and wife and the husband's brother came to Freedom and met three of their friends at a tavern. They began drinking and the longer they
...drank, the louder they became. The tavern owner asked them to quiet down. Words and threats were exchanged. The police were called and when they arrived, they immediately summoned help. The four officers had to use mace to get two of the men into the cruisers.

Arrests by month ranged from one each in February and December to eight each in June and October. July (7) had the second highest frequency, followed by April with five. These months had frequencies higher than could be expected by chance alone. Slightly more than three-fifths of all arrests occurred in these four months. May (4) had the only frequency expected by chance alone. The months with fewest arrests were November (3), and January, March, August, and September with two each. Summer (21) had the highest number, spring-fall next with 17, and winter last with seven. If summer and spring-fall are considered warm weather months, then 85 percent of the arrests occurred during warm weather.

Court Disposition of Cases

Those arrested for disturbing the peace were charged with violating the following municipal statute:

Section 19-7. Disturbance of the peace generally. It shall be unlawful for any person to disturb the good order and quiet of the city by intoxication and drunkenness, by fighting, by using obscene or profane language on the sidewalks, streets, or other public places of the city to the annoyance of any of its inhabitants, by indecent, disorderly, lewd or lascivious behavior, by abusing,
insulting, striking, beating, threatening or challenging to fight, provoking to quarrel, or by unreasonable and unnecessary clamor or noise, whether such conduct directly disturbs the tranquility of the city at large or any individual therein, or is detrimental to the public peace, or tends to subvert good order. Any person so offending shall, on conviction thereof be fined not to exceed fifty dollars for each offense, and shall pay the costs of prosecution.

Of those arrested for disturbing the peace, eight individuals did not appear before the Court at its earliest session following their arrest. Delays ranged from five to eight days and thus were not extensive. Reason(s) for the delays could not be ascertained.

Continuances were granted in slightly more than one-quarter of the cases. Most individuals were granted one continuance (9), two continuances (2), and one person each was granted three and five continuances, respectively. The individual who received five continuances was apparently trying to outlast the Court.

When arrested, this man was charged with intoxication, resisting arrest, and disturbing the peace. He succeeded in having the resisting charge dismissed and attempted to do the same with the disturbing charge. He failed and finally forfeited bond.

In four cases, charges were dismissed by the complainant who was either a wife or a tavern owner. Typically, a wife would call the police because her husband was "raising hell". The police arrived and arrested the
husband because the wife was going to swear out a complaint. She would change her mind and later refuse to appear in court against her husband. Cases involving the tavern owners were similar, since the proprietors did not want to cause their customers any trouble. It appeared that the police were called to alleviate the immediate situation. Once this occurred, the complainant was willing to forgive and forget. However, the Court is no longer willing to do so. Anyone now filing a complaint must post bond equivalent to the bond required of the offender. If the complainant appears in Court, bond is refunded; if not, bond is forfeited.

Most defendants (25) did not appear in Court and they forfeited the $25 bond. The fines, when assessed, ranged from $10 to the maximum of $50. The range of fines was $10 (1), $15 (5), $20 (1), $25 (3), and $50 (6). The disparity of these sentences could not be accounted for. It appeared that for this particular offense, Judge Truman did impose the maximum fine in three-eighths of the cases. However, this is deceiving since in four of these cases, the Judge suspended all or a portion of the fine, pending the defendant's good behavior for one year. Specifically, $25 was suspended in one case, $45 in two cases, and the total fine in the last case. Thus, two defendants had to pay the maximum penalty. Of those
cases examined thus far, these were the only misdemeanor cases in which this occurred.

ASSAULT AND BATTERY

Incidence and Rate Per 100,000 Population

There were 26 cases of assault and battery in Freedom, resulting in a rate of 230.1 per 100,000 population. This rate was substantially higher than the national rate (165.1) and the rate for cities of approximate size throughout the nation (154.2). This marked the second rate (DWI was the other) in Freedom which was substantially higher than both the national and cities of comparable size rates.

Demographic Factors

Of the 26 persons arrested for this offense, 24, or over 92 percent were male. This rate was slightly higher than the national rate (88 percent) for males. Analysis by race revealed that only two Negroes were arrested for this offense. Based on the proportion of blacks in the population of the city, three Negroes should have been arrested for this offense. Again, blacks were slightly underrepresented, based on population. In the United States, Negroes were arrested for other assaults 42 percent of the time; therefore, blacks in Freedom were arrested only one-fifth as often as Negroes in the nation.
Slightly more than half (14) of those arrested for assault and battery had been arrested at least once previously. This same pattern existed for those arrested for disturbing the peace. Most persons had been arrested previously from one to three times; however, two individuals each had over ten arrests.

Table 18 presents the age distribution of those arrested in Freedom for this offense.

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 20</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>20 - 29</td>
<td>8</td>
<td>36</td>
</tr>
<tr>
<td>30 - 39</td>
<td>7</td>
<td>32</td>
</tr>
<tr>
<td>40 - 49</td>
<td>5</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>22*</td>
<td>100</td>
</tr>
</tbody>
</table>

* The ages of four individuals were unknown.

Ages ranged from 18 to 47 with a median of 30.5 and a mean of 31.2 years of age. The distribution was approximately bimodal since the classifications 20-29 and 30-39 had frequencies of eight and seven, respectively. This offense was committed by older adults, since over half of the offenders were between 30 and 47 years of age.
The percentages of people arrested nationally for this offense by the same age categories were 11, 45, 27, and 17. Comparison of the two distributions revealed that the rank order was the same, but the percentages in the various classifications differed somewhat. The age distribution of arrests in Freedom was representative of the national distribution.

**Spatial Distribution**

There were too few arrests for assault and battery for any meaningful analysis concerning location of arrest by precinct. Most of the assaults occurred in homes and the next most frequent place was the street. The vast majority (23) of those arrested for this offense were residents of the city. The remaining three lived in neighboring towns less than 15 miles from Freedom.

**Temporal Patterns**

Examination by time of arrest revealed that most arrests (9) occurred between 8:00 P. M. and 1:59 A. M. This time period was closely followed by eight arrests each between 8:00 A. M. and 1:59 P. M., and 2:00 P. M. and 7:59 P. M. Only one arrest occurred between 2:00 A. M. and 7:59 A. M. This marked the only public order offense where so high a proportion of the offenses occurred between 8:00 A. M. and 1:59 P. M.
Over one-third (9) of the arrests occurred on Tuesday, a pattern exhibited in disturbing the peace. No other day of the week had a frequency higher than could be expected by chance alone. Wednesday and Sunday had the lowest number, one each; Thursday (3) and Monday, Friday, and Saturday, four each. The weekend had only nine offenses compared to 17 for weekdays. This same pattern existed for disturbing the peace but not to the same extent as in assault and battery.

Arrests by month ranged from none in October to six in July. June and May had the second highest number with four each, closely followed by April with three arrests. These four months had higher frequencies than could be expected by chance alone and accounted for over three-fifths of all arrests. Frequencies for the remaining months were two each for September and December, and one each in January, February, March, August, and November. Arrests by season indicated that 15 occurred in the summer, six in spring-fall and five in winter. Assault and battery was primarily a warm weather occurrence.

Court Disposition of Cases

Those arrested for assault and battery in Freedom were charged with either the state or municipal statute. The state statute carries the more severe penalty—a fine
and sentence—whereas, the municipal statute only carries
a fine.

Section 2901.25. Assault and battery, and menacing threats. No person shall assault or threaten another in a menacing manner, or strike or wound another. Whoever violates this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.95

Section 19-1. Assault and battery, etc. Whoever unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another, or whoever tortures or cruelly or unlawfully punishes another, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars for each offense, and shall pay the costs of prosecution.96

If anyone assaulted an officer, he was automatically charged under the state statute, or if the police wanted to "get" someone, that statute was used. In addition, if the police were convinced the complainant would probably not appear in Court against the defendant, then that statute was used. Consequently, if the defendant could not post bond and remained in jail, the state paid for his room and board and not the city.

Seven defendants had their cases dismissed and six of these were charged under the state statute. In five of these seven cases, wives had complained against their husbands and then decided not to appear in Court.

A husband choked his wife and threatened her with a knife. She called the police and was informed she should see the City Prosecutor
and swear out a complaint. She did this and a warrant was issued for her husband's arrest. The police went to the home of the couple to make the arrest. The husband began to give the police a bad time so they used gas mace. As the police were dragging him out, the wife became hysterical, crying, "I didn't know this was going to happen". In addition, their children were clutching at the officers' trousers. A warrant was issued and justice was served.

Two defendants never appeared in Court because they forfeited $100 bonds. Both had been charged under the state statute. Exactly why they were permitted to forfeit bond was not ascertained.

Seventeen defendants appeared in Court. Eight were charged under the state statute, and nine under the municipal ordinance. The eight received the following sentences: $25 (1); $35 (1); $50 (1); $50 and five days (1); $100 and five days (3), and $100 and 60 days (1). The individual fined $35 had $15 of the fine suspended; the one fined $50 had $35 suspended; two of those fined $100 and five days had $50 and the five days suspended, and the other, $75 and five days suspended. The individual who was fined $100 and 60 days had $75 and the 60 days suspended.

Those charged under the municipal ordinance received the following fines: $1 (1); $25 (1); $35 (1); $40 (1); $50 (4), and $50 and five days (1). An oddity occurred here, because the last sentence carried a five
day jail sentence but the ordinance called only for a fine. The individual sentenced to pay $40 had $35 suspended; three of those fined $50 had $25 suspended, and the last person had $25 and the five days suspended.

Of those sentenced under the state statute, no one received the maximum sentence. Five of those fined under the municipal ordinance received the maximum; however, the fines were reduced in four of the cases. Three individuals (one for assault and battery and two for disturbing the peace) have received the maximum possible sentence of all the cases examined thus far.

RESISTING ARREST AND FLEEING A POLICE OFFICER

Seven persons were arrested for this offense in Freedom, resulting in a rate of 61.9 per 100,000 population. All those involved in this offense were white, male, residents of the city, with prior arrest records. They ranged in age from 24 to 38 with a median age of 29 and a mean of 29.6 years of age. One individual was arrested for this offense on two separate occasions.

This offense was generally committed as a by-product of another offense which initially brought the police and the defendant together. The other offenses included intoxication (3), disturbing the peace (3), and driving while intoxicated (1).
A wife called the police because she could not get her husband out of their car. The police arrived and tried to persuade the man to go into his home. He was intoxicated and not too cooperative. One of the officers attempted to reach into the car to remove the keys from the ignition and give them to the man's wife. The man in the car grabbed the keys out of the ignition and came out of the car, swinging. He was subdued by the officers.

Those arrested for this offense were charged with the following statute:

Section 2917.33. Resisting or abusing a judge or officer. No person shall abuse a judge in the execution of his office or knowingly and willfully resist, obstruct, or abuse a sheriff, or other officer in the execution of his office. Whoever violates this section shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.97

All defendants appeared in Court at the earliest possible opportunity following their arrest. Continuances were granted in only one case and in this instance, five were granted. This was the case that was eventually dismissed and cited as an example in the intoxication section.

The man involved in this offense was charged with two additional charges and "really did not resist arrest" according to the arresting officer. The others were sentenced to $25, $35, $100 (2), $35 and five days in jail, and $100 and ten days in jail. In the last two cases, the five days were suspended in the first, and $50 and 10 days in the latter case.
Three persons were arrested and charged with fleeing a police officer.

Section 4511.02. Compliance with order of police officer; fleeing from police officer after signal to stop. No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic... Whoever violates sections 4511.01 to 4511.76, inclusive of the Revised Code, for which no penalty is otherwise provided in this section, unless such violation is made a felony by any section of the Revised Code, shall, for a first offense, be fined not more than fifty dollars...

All the defendants were male, white, residents of the city, with prior arrest records. They ranged in age from 19 to 36, with a median age of 20 and a mean of 25 years of age. All three had committed some other offense or the police had reason to believe they had and attempted to stop them. All three fled in their autos and had to be chased. Two of them were previously cited in this paper.

In addition, two of the three defendants had their driver's licenses suspended under the following statute:

Section 4507.16. Suspension or revocation of license. The trial judge of any court of record shall, in addition to, or independent of all other penalties provided by law or by ordinance, suspend for not less than thirty days nor more than three years or revoke the license of any person who is convicted of or pleads guilty to any of the following: ... (g) willfully eluding or fleeing a police officer.

The young man in Case 4 of the burglary section was seen tampering with a coin machine
and fled. The officer chased the youth and fired three warning shots before the youth finally stopped his car. He was charged with fleeing an officer in addition to B & E. He was apprehended on April 19, and appeared in Court on the 21st. Over the next month he received three continuances. Therefore, on May 21, he pled guilty to the charge. He was fined $50 and his driver's license was suspended for one year.

The second individual was mentioned in the DWI section as an example of the police making an arrest because they knew the individual. He was observed coming out of a tavern and the police waited until he got to his car and began following him. When he discovered the police were following him he tried to elude them. He was finally apprehended after a high speed chase. He was charged with driving while intoxicated and fleeing an officer. He was arrested on July 29, and appeared in Court the next day where he received a five day continuance. On August 4, he pled guilty and was fined $50 and sentenced to jail for five days. His license was already under suspension from a previous offense.

The police had stopped at an intersection when they noticed a car make a "cowboy stop" and take off. That is, the car never really came to a complete stop at the intersection. The police chased the offender "all over town" before apprehending him. He was also charged with failing to stop. He appeared in Court the next day and pled guilty to fleeing. The Judge fined him $50 and suspended his driver's license for 60 days.

CONSUMPTION OF ALCOHOL IN A MOTOR VEHICLE

Four individuals were arrested for consuming alcohol in a motor vehicle and one for having an open container in a public place. One of those arrested for consuming alcohol in a motor vehicle was a juvenile whose
case was referred to Juvenile Court and will be analyzed in the next chapter. The defendants in the remaining cases were male, white, with no prior arrest record. Three of them lived in neighboring towns and one was a resident of the city. Ages ranged from 18 to 28, with a median of 18.5 and a mean of 20.7 years of age.

Three of the youths were charged with violation of the following statute:

Section 4301.64. Prohibition against consumption in motor vehicle. No person shall consume any beer or intoxicating liquor in a motor vehicle. Whoever violates this section of the Revised Code shall be fined not less than twenty-five dollars nor more than two hundred dollars or imprisoned not less than ten days nor more than three months, or both.100

All the men appeared to answer the charges at the earliest session of Court following their arrest. One was granted three continuances and then subsequently forfeited his $50 bond. At their initial Court appearance, the other two youths pled guilty to the charge. One was fined $15 and the other $25.

The other youth was charged with violation of the following statute:

Section 4301.62. Open container prohibited. No person shall have in his possession, an opened container of intoxicating liquor in any other public place. ...(G) Whoever violates section 4301.62 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars.101
The defendant never appeared in Court because he forfeited his $25 bond.

MISCELLANEOUS OFFENSES

Three types of offenses comprised this classification--malicious destruction of property, giving false information to the police, and soliciting without a permit. Two youths, male, white, ages 17 and 19, high school students from a neighboring town, were involved in the first offense. The youngest of the two had his case referred to Juvenile Court and disposition appears in the next chapter. The older boy's case was handled in Municipal Court.

Section 2909.01 (12477). Malicious destruction of property. No person shall maliciously destroy or injure property not his own. Whoever violates this section shall be imprisoned not less than one nor more than seven years if the value of the property destroyed, or the injury done, is one hundred dollars or more. If the value is less than one hundred dollars, such person shall be fined not more than $500 or imprisoned not more than thirty days, or both.

The two youths went to the restroom in the local cinema. The manager noticed they had been there a long time. The boys came out of the restroom as the manager went in. They had torn an ashtray off the wall and the manager immediately observed this. He called the police and the boys were apprehended as they went to leave the theater. One of the boys had a piece of the ashtray on his person as a souvenir of "doing his thing".

The older youth pled guilty in Court and Judge Truman fined him $50 and sentenced him to five days in
jail. The jail sentence was suspended pending the youth's good behavior for one year.

The second type of offense involved the man mentioned previously in the section on auto thefts. He ran his car into a ditch, then called the police and reported it stolen. He was charged with giving false information to the police.

Section 4507.36. Prohibition against false statements. No person shall knowingly make a false statement to any matter or thing required by sections 4507.01 to 4507.39, inclusive, of the Revised Code. ...(B)...Whoever violates sections 4507.01 to 4507.39, inclusive, of the Revised Code, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.103

The man pled guilty to the charge and was fined $50 by Judge Truman.

Thirteen persons were charged with soliciting within the city without a permit, or after hours. They were charged with violation of the following municipal ordinance:

Section 21-1. License or exemption certificate required. It shall be unlawful for any person, as an itinerant peddler, hawker, huckster, or vendor, or as a salesman or solicitor temporarily within the city, to sell, barter, or exchange, in the city, any article of value or any service until there shall have first been obtained from the mayor a license, countersigned by the chief of police.104

Section 21-2. License fee. Whoever, under the provisions of section 21-1, is required to obtain a license shall, for such license, pay
to the mayor for the use of the city, a license fee of ten dollars per week or any part thereof.  

Section 21-10. Penalty for violation of article. Any person violating any of the provisions of this article shall be fined not more than $50 and shall pay the costs of prosecution.

These people were various salesmen soliciting from door to door. Some irate citizen would call the police to complain about them and the police would pick up the salesmen. All violators posted $15 bonds and forfeited them in Court. No other information was available on these people.

SUMMARY OF MISDEMEANORS: OFFENSES, OFFENDERS, AND COURT DISPOSITION

1. Table 19 presents the rates per 100,000 population of misdemeanors in Freedom, the nation, and cities of comparable size.

Comparison of the rates for Freedom and other cities of comparable size indicated that, with the exception of concealed weapon and concealing stolen property, all rates in Freedom were higher. Freedom's rates for driving while intoxicated, and assault and battery were higher than these same rates for the nation. Conversely, all other rates for Freedom were lower than the rates for the nation.
<table>
<thead>
<tr>
<th>Offense</th>
<th>Freedom</th>
<th>United States</th>
<th>Other Cities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intoxication</td>
<td>991.0</td>
<td>1204.2</td>
<td>922.0</td>
</tr>
<tr>
<td>Driving while intoxicated</td>
<td>427.7</td>
<td>211.4</td>
<td>237.0</td>
</tr>
<tr>
<td>Disturbing the peace</td>
<td>398.2</td>
<td>408.2</td>
<td>384.0</td>
</tr>
<tr>
<td>Assault and battery</td>
<td>230.1</td>
<td>165.1</td>
<td>154.2</td>
</tr>
<tr>
<td>Concealed weapon</td>
<td>17.7</td>
<td>57.6</td>
<td>38.2</td>
</tr>
<tr>
<td>Concealing stolen property</td>
<td>17.7</td>
<td>26.0</td>
<td>21.0</td>
</tr>
</tbody>
</table>

2. The rate per 100,000 population for misdemeanors in Freedom was 2070.4, for the nation, 1842.9, and for cities of approximate size, 1757.2. Based on this comparison, the city had a high rate of misdemeanor offenses.

3. Public Order Offenses--intoxication, DWI, disturbing the peace, and assault and battery--were the major contributor to the misdemeanor "crime problem" in Freedom. These offenses accounted for over four-fifths (233) of all misdemeanor arrests in the city.

4. By definition, those arrested for intoxication and DWI were drunk, 39 and 15 of those arrested for disturbing the peace and assault and battery were also drunk or had been drinking prior to arrest. Thus, 93 percent of
those arrested for public order offenses were drunk or had been drinking prior to arrest.

Offenders

5. Misdemeanors were primarily a male offense since males were arrested for 91 percent (246) of the offenses.

6. Based on proportion in the population (11 percent), Negroes were slightly underrepresented since only six percent (15) of those arrested were Negro.

7. Almost three-fifths (142) of those arrested were between 20 and 39 years of age.

8. Slightly over one-half (138) of those arrested had been arrested previously at least once.

9. Over 70 percent of those arrested were residents of the city, and over 85 percent lived within a 15 mile radius of the city.

Court Disposition

10. Almost 95 percent of those arrested had a summary trial. Only 15 (5 percent) of the cases were dismissed.

11. Almost half (127) of these individuals never appeared in Court--they merely forfeited bonds.

12. Of those who appeared in Court (138), slightly over three-fifths (84) were fined and assessed court
costs. Slightly less than one-third (¼) received fines and jail sentences.

13. Penalties imposed were invariably light and often a portion of the penalty imposed was suspended pending the defendant's good behavior for one year.
FOOTNOTES


84. Ibid., Section 2909.21.
85. Ibid., Section 2911.111.
86. Ibid., Section 2923.01.
87. Ibid., Section 2907.20.
88. Ibid., Section 2909.09.
89. Ibid., Section 4549.04.
90. Ibid., Section 3773.22.
91. Ibid., Section 4511.191.
92. Ibid., Section 4511.19.
93. Ibid., Section 4507.16.
95. Ohio Criminal Law, Section 2901.25.
96. General Ordinances of the City, Ordinance 19-1.
97. Ohio Criminal Law, Section 2917.33.
98. Ibid., Section 4511.02.
99. Ibid., Section 4507.16.
FOOTNOTES (Continued)

100. Ibid., Section 4301.64.
101. Ibid., Section 4301.62.
102. Ibid., Section 2909.01.
103. Ibid., Section 4507.36.
104. General Ordinances of the City, Ordinance 21-1.
105. Ibid., Ordinance 21-2.
106. Ibid., Ordinance 21-10.
CHAPTER VII

JUVENILE OFFENSES

Juvenile courts are the official agency in this society for handling children's cases in a non-adversary context. Such courts exist in most jurisdictions throughout the United States. They handle delinquent violations, that is, conduct which violates a criminal statute and certain acts illegal only for juveniles, such as truancy, ungovernability, and dependency. While the age range varies from one jurisdiction to another, the upper age of those handled in juvenile courts usually ranges between 16 and 21 years of age. Jurisdiction continues until the juvenile reaches maturity which is usually defined by state statute as 18 to 21 years. Juvenile courts "...differ from adult criminal courts in a number of basic respects, reflecting the philosophy that erring children should be protected and rehabilitated rather than subjected to the harshness of the criminal justice system."107

The importance of these courts for handling juvenile criminality cannot be underestimated. Official statistics indicate that one of every nine youngsters in this country will be referred to juvenile courts for
delinquency sometime prior to his eighteenth birthday. Furthermore, in 1968, persons under 18 years of age constituted 20 percent of all persons arrested for forcible rape; 33 percent of all persons arrested for robbery; 17 percent of all those arrested for aggravated assault; 54 percent each of all those arrested for breaking and entering and grand larceny; and 61 percent of all persons arrested for auto theft. The responsibility for meeting the "crime problem" relating to these offenses probably rests very heavily on the juvenile judicial system.108

JUVENILE OFFENSES: AN OVERVIEW

Table 20 illustrates the distribution of cases handled officially in the Freedom Juvenile Court during 1969.

Of the 22 offenses handled officially, nine cases were referred to court for theft, and three each for running away, contributing to the delinquency of a minor, and for assault and battery. The remaining offenses included one each of intoxication, dependency, glue sniffing, and destruction of property.

No officially handled youngsters were placed on probation; one official case was dismissed; two official cases were not disposed of in court; three officially
Table 20. Frequency and Disposition of Official Cases
Handled in Juvenile Court, Freedom, 1969

<table>
<thead>
<tr>
<th>Offense</th>
<th>Frequency</th>
<th>Dismissed</th>
<th>No Disposition</th>
<th>Mental Health Clinic</th>
<th>Foster Home</th>
<th>Armed Services</th>
<th>Fine and Probation</th>
<th>Ohio Youth Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Runaway</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Intoxication</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Theft</td>
<td>9</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Contributing to Delinquency of a Minor</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Dependency</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Assault and Battery</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Glue Sniffing</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Destruction of Property</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>10</td>
<td>3</td>
</tr>
</tbody>
</table>

Adjudicated delinquents were referred to the mental health clinic in a neighboring town, and three others were referred to the Ohio Youth Commission.

Table 21 presents the distribution of cases handled unofficially in Juvenile Court.
Table 21. Frequency and Disposition of Unofficial Cases
Handled in Juvenile Court, Freedom, 1969

<table>
<thead>
<tr>
<th>Offense</th>
<th>Frequency</th>
<th>Probation</th>
<th>Fine and Probation</th>
<th>Fine and Damages</th>
<th>Military Service</th>
<th>Foster Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truancy</td>
<td>20</td>
<td>18</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Runaway</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Intoxication</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Theft</td>
<td>6</td>
<td>-</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Contributing to Delinquency of a Minor</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Glue Sniffing</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Destruction of Property</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Carrying a Concealed Weapon</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Harrassment by Telephone</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>38</td>
<td>23</td>
<td>10</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Thirty-eight youngsters were handled unofficially in Juvenile Court in Freedom during 1969. Of these 38 offenses, 23, or three-fifths, were for truancy and running away—acts that are considered to be offenses only for juveniles. Other offenses included intoxication (2), theft (6), contributing to the delinquency of a minor (1), glue sniffing (2), destruction of property (2), carrying a
concealed weapon (1), and harassment by telephone (1).

All 23 truants and runaways were placed on probation. Thus, 10 of the defendants were fined and placed on probation; two were fined and assessed damages; two others were placed in foster homes; and one entered the armed services. Not one of the youngsters handled unofficially was institutionalized.

This chapter examines all juvenile court cases whether referred to the Juvenile Court by the probation officer, school officials, or law enforcement officers. Specifically, demographic characteristics of offenders such as age, sex, race, and prior record were analyzed. A determination was made of how often juveniles were placed in detention after apprehension. Agencies of referral, as well as reasons for these referrals, were examined. The length of time between apprehension and court hearing was determined. In addition, court dispositions were examined to determine what happened to the juveniles after adjudication.

Cases were dichotomized into those handled officially and those handled unofficially. In Freedom in 1969, the Juvenile Judge presided at both official and unofficial hearings, in contrast to the referees who often preside at unofficial hearings in other jurisdictions. In Freedom, the form of both the official and unofficial
hearings was identical. Records were kept on all cases, but the records of the official hearings were more formal, thorough, and complete than those of the unofficial hearings. Another distinction concerned the court docket. All official cases were recorded in the docket; whereas, unofficial cases were not recorded. In short, official adjudication meant the juvenile had an official record. Such a record may have serious consequences for the juvenile's life chances. Specifically, a juvenile wanted to enter the armed services. As a routine check, the enlistment officer inquired at Juvenile Court concerning the youth's record. He had an official record and the Court informed the enlistment officer of this record, which ended the youth's attempt at enlistment. If the boy had had an unofficial record, the Court would have told the enlistment officer the boy had no record.

Examples are used throughout this chapter to illustrate those cases referred to the Juvenile Court from other preceding chapters; various types of offenses; multiple offenders; reasons for referral; and various dispositions and unusual cases, such as that of a first offender adjudicated officially. These classifications are illustrated in the official case section of the chapter, but not in the unofficial section to avoid redundancy.
Official Cases

Demographic Characteristics

There were 60 juvenile cases referred to the Juvenile Court during 1969. Of these, slightly over one-third (22) were handled as official cases. The remainder were handled in an unofficial manner. As indicated previously, both presiding officer and form of these hearings were the same. The primary difference was the delinquent label acquired by an individual adjudicated officially.

The ages of the juveniles adjudicated officially ranged from 13 to 18 years of age. The modal age for this group was 17, and the mean, 15.5 years of age. Frequencies for the various ages were: 13(2), 14(4), 15(6), 17(9), and 18(1). It was interesting to note that no 16 year old was adjudicated as an official delinquent.

The ratio of male (19) to female (3) delinquents involved in official cases was six to one. It appeared that females were adjudicated officially only when absolutely necessary. All three females handled officially were institutionalized. However, none of the males (19) adjudicated in this manner were incarcerated. All the females had run away from home repeatedly. Thus, institutionalization was an implicit admission on the part of the authorities in Freedom that neither the community nor the Court could cope with the problem.
Analysis by race revealed that all juveniles referred to the Court were white. Based on population percentage, blacks were underrepresented in felony and misdemeanor cases also, but not to this extent. The Judge could offer no explanation for this phenomenon. The probation officer had no "real" explanation other than to suggest that Negro juveniles just didn't get caught. He also said that, "the school did not refer any blacks because they did not want to start trouble". It was implied that while the nation had been torn by racial strife, racial tensions in Freedom were being minimized. Thus, the implicit guideline became, don't do anything to "rock the boat".

Examination of the juvenile records indicated that 20 (91 percent) of the youngsters had previous referrals to the Court. Most of these infractions had been handled as unofficial cases. However, of the 20 with prior offense records, seven, or slightly more than one-third, had previous official cases. The two youngsters with no prior offenses committed theft offenses serious enough to warrant handling their cases in an official manner.

The following case is illustrative of a first offense being serious enough to warrant official action. It is also one of the grand larcenies discussed in the
felony chapter in which the juvenile was referred to Juvenile Court.

The police were called to a laundromat to investigate the theft of a handbag containing a billfold with between $92 and $95 in it. The handbag had been taken from the middle basket of clothes on the back seat of a car. A juvenile had been observed making trips back and forth to the laundromat that day. The next day one of the workers at the school cafeteria noticed the boy was carrying too much money and reported this to one of the school officials. This man called the boy's father who called the police. The investigating officer and the boy's father went to school to see the boy. He admitted the theft and also that he had spent $1.35 of the money. His father made good the loss, so the officer returned the handbag, billfold, and money to the grateful owner. At his hearing, the boy was placed on house arrest to control his behavior. Five months later, the house arrest was lifted.

Relative to multiple offenders, three youngsters were adjudicated twice officially during 1969. All these had long histories of trouble at home and with the juvenile authorities. Two of them came from broken homes and the parents of the third admitted they could not control their son.

One of the youngsters is a female who was placed in a foster home in her first official case. She ran away from the foster home and committed a theft. For this offense, the Court referred her to the Ohio Youth Commission.

One of the two males was apprehended for consuming alcohol in a motor vehicle. Earlier in the year he had been picked up for intoxication but this case was handled unofficially. Both of these cases were included in the misdemeanor chapter, but for disposition were referred to the Juvenile Court. His second
official case involved the rolling of a known homosexual of $600. No disposition has occurred in this case and it was cited in detail later in this chapter.

The other youth was involved in two cases which involved fighting. The first case involved another youth and the second case involved his sister when he took her car keys from her.

As indicated, one of the youths was involved in two official and one unofficial cases during the year. In addition, there were four other youths who each appeared in Court once on an official and once on an unofficial case during 1969.

Two of the cases involved young females who had been runaway problems. During 1969, the police received at least a dozen complaints concerning the one girl's running away. In most instances, she eventually returned and nothing was done about the complaint. Initially, both girls appeared in Court as runaways and their cases were handled unofficially. Their second appearance in Court on the same charge resulted in official action and both girls were referred to the Ohio Youth Commission.

One of the other youths was referred to the Court by the school attendance officer for truancy. The unofficial disposition was to place the boy on probation with weekly reports on his attendance taken personally to the probation officer. The second offense included sniffing glue and the destruction of property and involved two other boys. The youth purchased a tube of airplane glue and the three boys unlawfully entered a playhouse where they sniffed the glue. They squeezed the contents of the tube of glue into a plastic bag and each put his head into the bag and inhaled the fumes. The boy broke several windows in the playhouse while he was "high". The boy was placed on probation, fined $10, and was required to make restitution for the damage.
The other youth was walking along the main street playing with a knife, when a citizen noticed him and called the police. One of the officers picked the boy up and found the knife concealed in his clothing. He was taken to headquarters where he also admitted breaking garage windows and prowling. He was given one week's detention which was suspended pending good behavior for one year, and placed on probation. In the official offense, the boy had difficulty with another youth. He bloodied the other's nose and tore his trousers. After a series of continuances, the case was dismissed because of lack of prosecution.

Detention

Juveniles placed in detention in Freedom were invariably housed in the female section of the county jail. If an officer made an arrest of a juvenile for a serious offense or he was convinced the juvenile would run if released, the officer had to contact the Juvenile Judge to get her approval before the juvenile could be placed in detention. However, detention was infrequently used in Freedom since only eight (13 percent) of all 60 juveniles were placed in detention following their apprehension. All these juveniles had run away from home and the authorities feared that they might run again; therefore, the placement. Three of the juveniles were eventually treated as official cases and the remaining youngsters were handled in an unofficial manner.

In addition, detention was used as a method of punishment after adjudication. Several of the juveniles
had violated terms of their probation and the Judge placed them in detention for one day, or in rare instances, for the weekend. However, detention was used more as a threat and seldom implemented. In several instances, one of the conditions of probation was a day's detention for every day the juvenile had an unexcused absence from school. This condition of probation was violated more or less regularly.

Referral Agency

Referrals of youngsters to the Juvenile Court came from school authorities, law enforcement officials, and the probation officer. All referrals from school officials were truancy cases and no truant was handled in an official manner in Freedom during 1969. All the official cases, with one exception, came from the police. The exception was a dependency case referred by the probation officer.

The probation officer discovered this dependency case on one of his many trips throughout the community. The home situation was intolerable with almost total lack of care for the boy. The Court placed him in a home maintained by one of the churches.

Reasons for Referrals

Two-fifths (9) of the official cases referred to the Juvenile Court were for theft. Running away,
contributing to the delinquency of a minor, and assault and battery were next with three each. Other reasons for referral included glue sniffing, destruction of property, dependency, and consuming alcohol in a motor vehicle, with one each.

**Court Disposition**

Almost three-fifths (13) of all the official cases were heard within two weeks after their referral. Almost one-quarter (5) were heard between two and four weeks after referral. Thus, over four-fifths (18) of the cases were heard in Court within one month after referral. It took three months to resolve one case. In addition, one case was dismissed prior to hearing, and the remaining two have not been heard in Court. In the latter, no disposition has occurred, nor is one likely to occur.

Probation and fine (10) accounted for over two-fifths of the sentences and was the most frequent disposition. Referral to the Ohio Youth Commission and to the Mental Health Clinic in a neighboring town with three each, were the next most frequent dispositions. Dispositions with the lowest frequencies were military service (2), no disposition (2), placed in foster home and dismissed, one each.

Cases cited below illustrate the respective dispositions: probation and fine, referral to the Ohio
Youth Commission, referral to the Mental Health Clinic of a neighboring town, military service, and no disposition. The dispositions, military service and dismissed, were cited elsewhere in this chapter and are not repeated here.

In January, while on routine patrol, police officers caught two youths siphoning gas from an auto parked on the parking lot of an auto agency. One youth had his case handled in an unofficial manner. The other youth, because of a prior offense, had his case resolved officially. This youngster was placed on indefinite probation and fined $7. The youth was to earn the money and report to the Court how he had earned it. In October, this boy's probation was terminated.

The girl had a long history of running away. Her parents were divorced and her mother had remarried. The mother didn't want the girl and her father could not be located. Her stepfather reported her missing and it was several days before the police located her. She had been living with an older girl in a neighboring town for a couple of days, returning to Freedom periodically. On one of these occasions, the police found her and placed her in detention. She was referred to the Ohio Youth Commission shortly thereafter.

The following case was one of the cases discussed in the petit larceny section of this report and the youth referred to the Juvenile Court.

In July, a youth was ransacking a motor vehicle in the parking lot of a bowling alley when a citizen discovered the boy. The citizen chased him but was unable to catch the boy. The citizen's daughter recognized and identified the boy so the police picked him up at his home. He and his parents were taken to police headquarters where the youth admitted the theft. This was the same youth who took the beer from the truck at a carryout store and was apprehended by the truck driver a short distance
away. The youth was referred to the Mental Health Clinic in a neighboring town for evaluation. At this institution, he was interviewed and given a battery of psychological tests. These will be evaluated and a written report submitted to the Juvenile Court. Hopefully, this should assist the Judge with her disposition of the case. As of June, 1970, the Court was still awaiting the evaluation.

This case involved three young teenage females who ran away with three older teenage boys. They all left school one day and were gone for several days. Their adventure took them to two neighboring states and it was in one of these states that the authorities apprehended them. The boys were charged with contributing to the delinquency of minors. One boy had his case handled officially because of his age and prior record. He was permitted to enter the armed services.

One of the grand larceny cases referred to Juvenile Court involved the "rolling" of a known homosexual.

On September 13, the older of the juveniles, Steve, approached the younger, Albert, and asked him to go along with him. They approached the apartment of the homosexual. Albert remained out in front of the apartment while Steve went upstairs. Later, Steve came down and the two went to the alley in back of the building. There, Steve gave Albert two $100 bills and Albert returned home. The next day, he went to the bank and cashed one of the $100 bills into smaller denominations. He then gave three other boys $60, $20, and $10, respectively. One of these boys attempted to cash a twenty dollar bill at the school cafeteria. The cashier became suspicious and the police were notified. The youth who attempted to cash the twenty told the police where he got the money. The police subsequently got confessions from Steve and Albert and recovered all but a few dollars. Neither of these boys had their cases resolved in court. Since this incident, the younger of the boys had moved with his parents to another locale where he apparently has made a satisfactory adjustment.
Rather than chance disrupting his adjustment and in view of the nature of his involvement in the case, the Juvenile Judge has not set a date for a court hearing. The reason(s) for the delay in the older boy's case could not be ascertained. However, some seven months after this incident, this youth was apprehended for auto theft and his case has been bound over to the grand jury. Based on his history of trouble with the law, including three arrests in 1969, the police were chagrined at the lack of action on the part of the Judge in this case.

UNOFFICIAL CASES

Demographic Characteristics

Of the 60 juvenile cases referred to the Juvenile Court in Freedom during 1969, 38, or slightly more than three-fifths were handled unofficially. The fact that more cases were adjudicated unofficially than officially is not surprising. Theoretically, at least, the Court should seek to rehabilitate rather than punish. Since the detrimental effects of institutionalization are well known, it is logical to assume that the Court would handle as many delinquents as possible in an unofficial manner.

The ages of the unofficial delinquents ranged from 13 to 17 years of age. The modal age for these youths was 15, with a mean age of 15.3 years. Frequencies for the ages were: 13(2), 14(8), 15(12), 16(8), and 17(8). It was interesting to note that while frequencies varied for the different ages, the mean age for official (15.5)
and unofficial delinquents was comparable. Two differences in these age distributions were that no 18 year old was adjudicated in an unofficial case, whereas one 18 year old was adjudicated an official delinquent, and no 16 year old was adjudicated an official delinquent.

The ratio of males (29) to females (9) involved in unofficial cases was slightly more than three to one. Females were adjudicated in slightly more than one-fourth of the unofficial cases, but in only 14 percent of the official cases. Thus, the proportion of females involved in unofficial cases was double that involved in official cases. Conversely, the proportion of males adjudicated officially was greater than in unofficial cases.

Of those youngsters adjudicated unofficially, only six (15 percent) had a "record" prior to the present offense. All the previous infractions had been handled on an unofficial basis and none had more than one previous offense. As might have been expected, comparison of prior records indicated that the official delinquents had more frequent and more serious previous infractions than the unofficial delinquents.

Four juveniles were adjudicated unofficially more than once during the year; of these, three youngsters were involved in two cases each, and the fourth juvenile committed three offenses during 1969. The proportion of
multiple offenders involved in unofficial cases (4 of 38) was slightly less than in official cases (3 of 22). In addition, as indicated previously, there were five youngsters involved in both an unofficial and at least one official court appearance during the year. Consequently, the multiple offenders, whether official, unofficial, or both, accounted for 24 (40 percent) of all juvenile infractions committed in Freedom during 1969.

The cases involving the unofficial multiple offenders follows:

The first youth was referred to the Court for truancy from school. The attendance officer's report stated that the youth was no problem in school except for his truancy. The youngster was very apathetic toward school. His family was described as the typical unconcerned family. He was placed on probation with the condition that he attend school regularly and report his attendance for the week to the probation officer every Saturday. In his second case, he and five other youths ran away from home. Because of his age (17) and the ages of the three females (14) involved, he was charged with contributing to the delinquency of a minor. He was permitted to enter the service as the final disposition of the case.

The second youth was also referred to the Court for truancy from school. He was placed on probation with the conditions that he attend school unless sick, and for every day of unexcused absence, he received one day's detention to be served on the weekend. In the other case, he stole a bike from school because he didn't want to walk home. He kept the bike for two days and rode it after school. A neighbor became suspicious and called the police. For this infraction he was placed on six months probation and given one day's detention.
The third youth was also referred for truancy from school and the conditions of probation were similar to the conditions of the previous case. In the second case, the youth and two other boys were apprehended for sniffing glue. The details of the case appeared in a previous example. The youth was fined $10 and placed on six months probation. He was supposed to work and earn the money to pay the fine and report to the Court how the money was earned.

The last case involved a youngster who was apprehended for destruction of property in May. For this infraction, he was placed on probation. Early in July, he stole a radio from the premises of a citizen. The man saw the boy take the radio and immediately called the police. Upon arrival of the police, the citizen and the officers began to look for the boy. They spotted him running down an alley. When the youth saw the cruiser pursuing, he attempted to hide behind a garage, but was unsuccessful. The citizen identified the boy; however, he no longer had the radio in his possession. He was placed in the cruiser and his "escape" route retraced. The radio was found a short distance from the place of apprehension. Taken to headquarters, the youth admitted taking the radio. During interrogation, it was also learned that the boy's father had hung himself that morning. Three weeks after this incident, he was in "trouble" again. Near the end of July, the police received a series of complaints from a young lady concerning harrassing telephone calls. By request, the telephone company put a lock on her phone. The next time the youth called, the call was traced to his home. One officer was dispatched to the home of the young lady to hold the receiver to his ear until another officer went to the boy's home. The officer asked permission to use the phone in the boy's home. Permission was granted and when he took the phone off the hook, he could talk to his partner without dialing, indicating the lock was on and working. The boy admitted making the calls. Early in August he appeared in Juvenile Court on the theft charge and was granted a continuance. On October 24, he
appeared in Court on both charges. For the theft, he was fined $10 plus $3.50 in court costs and was placed on probation for one year. The Judge suspended $5 of the fine, pending the defendant's good behavior for one year. On the harassing charge, he was fined $6 plus $3.50 in court costs and placed on six months probation. The Judge ordered the boy to work and earn the money for the fine and to report how he earned it.

Referral Agency

As indicated previously, referrals were made by school officials, law enforcement officers, or the probation officer. The probation officer referred only one case to the Court and this case was handled officially. Over half (20) of the unofficial cases were referred by school officials and the remaining cases were referred by the police. In contrast, all but one case (dependency, by the probation officer) of the official cases were referred by the police. Referrals marked one of the major differences in the types of cases handled in unofficial and official proceedings. All truancy cases were adjudicated unofficially.

Reasons for Referrals

Of the unofficial cases, over half (20) were referred for truancy from school. The next most frequent reason for referral was theft (6). Three juveniles were brought to Court for running away from home. Those referred for delinquency included: intoxication, glue
sniffing, and destruction of property, two each; and con­
tributing to the delinquency of a minor, carrying a con­
cealed weapon, and harrassment by telephone, one each.

All truancy cases were referred to the Juvenile Court by the attendance officer, who also sent in his ev­
aluation of the juvenile and of the family situation. 
Reading these reports was a study in social pathology. 
Family situations were described in these reports as fol­
lows: Both parents worked and the child was more or less 
left on his own; over-protective mother who tried to 
shelter the boy from the world, yet the boy candidly ad­
mitted he could not get along with his mother; divorced 
parents with conflict between the mother and father; child 
unwanted and shifted from home to home; mother deceased 
and father attempting to raise the family by himself; par­
ents with all kinds of personal inadequacies and "hang­
ups"; and the most frequent condition was no parental 
pressure to attend or continue in school.

Nearly all the juveniles referred for truancy were 
underachievers, although most were capable of doing better; 
most had no interest in school and wanted to quit; some 
were not sufficiently motivated or were lazy; and many 
were in need of psychological help to cope with personal 
inadequacies. Despite these attributes, the vast major­
ity were not discipline problems in school. They generally
got along well with their peers and teachers. They just had no interest in school.

The boy's parents were divorced and his mother had remarried. The mother is overprotective and the boy has been absent frequently from school, feigning illness. He had moved out of his mother's home and lived with an older married sister when he was referred to the Court for truancy. He was placed on indefinite probation under the following conditions: (1) He must report to the Court at such time and in such manner as may be requested; (2) He must attend school regularly and study to achieve good grades. He was to present medical statements from his family physician to substantiate absences due to illness; (3) He could not change residence without the Court's permission; (4) He must subject himself to the reasonable discipline of his custodians; (5) Any problems of a serious nature that arose in the home, school, or community were to be reported to the Court immediately. Failure to observe and abide by the above would be good and sufficient reason to bring him before the Court for another disposition. Shortly after this, the boy returned to live with his mother. His mother and stepfather had an argument and he now resides with his father in a neighboring town.

All juveniles referred for truancy were placed on probation; however, conditions of probation were varied to suit the individual case. In some instances, juveniles were required to make out an attendance report each week, have the attendance officer sign it, and take it into Court on Friday afternoons. In other cases, the truant received one or two day's detention for every day's unexcused absence. Probation was prescribed for a definite period in some instances; in others, the length of
the probation status was indefinite.

**Court Disposition**

Almost all unofficial cases (95 percent) were adjusted in Court within one month after being referred. Slightly more than one-quarter (11) were handled within two weeks; over three-fifths (25) between two and four weeks; and two cases required three months before final disposition occurred.

Of the unofficial cases, three-fifths (23) were adjusted by placing the juveniles on probation. Eighteen of the 20 school truancies were disposed of in this manner, accounting for almost four-fifths of all probation dispositions. Probation and concurrent fine (10) accounted for one-fourth of the dispositions. Dispositions with the fewest frequencies were: fine and restitution (2), sent to a foster home (2), and entered the armed services (1).

**SUMMARY OF JUVENILE OFFENSES: OFFENDERS, AND COURT DISPOSITIONS**

**Offenses**

1. Of the 60 juvenile offenses, one and one-half times as many (38) were handled unofficially as officially.
2. All truancies were handled unofficially and this violation accounted for the major differences between the official and unofficial cases.

3. Truancy (20), theft (15), and running away from home (6), were the most frequent infractions.

4. Nine cases including grand larceny (3), petit larceny (2), intoxication (2), consuming alcohol in a motor vehicle (1), and malicious destruction of property (1) were the only felonies and misdemeanors referred to Juvenile Court.

Offenders

5. Males outnumbered females four to one in juvenile offenses.

6. No Negroes were involved in juvenile cases, although 11 percent of the population was black.

7. The age distribution was bimodal, 19 juveniles were 15 years of age and 18 were 17 years old. The mean age was about 15.4 years.

8. Nine juveniles committed two or more infractions during the year.

9. Virtually all cases had been adjusted by the Court within four weeks after the juvenile's apprehension.

10. Most teenagers were placed on probation with probation and a concurrent fine the next most frequent disposition.
11. Only three juveniles were referred to the Ohio Youth Commission—all were female and runaways.

12. The Juvenile Judge's decisions were flexible, varied, and lenient.

CHAPTER VIII

CONCLUSIONS AND IMPLICATIONS

OVERVIEW OF THE STUDY

The significance of the present study involves two aspects of the judicial system neglected in the literature thus far. Most previous research has examined crime in the urban centers and dealt primarily with one specific offense, such as homicide or forcible rape, or type of offense, such as "crimes without victims". In addition, prior studies of the administration of justice system focused on one particular part of the system, such as the detection of crime, the problems of arrest, plea bargaining, or sentencing. This is the first study to examine the entire criminal justice system in a more or less typical midwestern small city of less than 12,000 inhabitants, called Freedom.

The study was neither only a descriptive statistical analysis of the "crime problem" in the city nor solely an in-depth analysis of the criminal justice system. It examined all levels of the system, including the administrators of the criminal justice system--the police,
prosecutors, and judges. In order that these individuals might be viewed as real persons filling real roles, background information and vital statistics were obtained on each of them. Their education, training, dislikes concerning their jobs, and their working relationships with the other administrators were examined. Specifically, the police organizational structure, including the chain of command, discipline, morale, and the communications network was analyzed. Prosecutors were asked to describe their jobs, their functions in the system, and the specifics concerning their decision making in criminal cases. The sentencing philosophies of the judges and their sentencing practices were recorded.

In addition, the study examined all offenses--felony, misdemeanor, and juvenile--that occurred within the city limits in 1969--excluding traffic offenses--from the time of reporting to the police to the final disposition of each case. Felonies were defined as those offenses whose disposition occurred in the Common Pleas Court. Misdemeanors were all other infractions whose disposition occurred in the Municipal Court. All cases referred to the Juvenile Court were analyzed and dichotomized into those handled officially and unofficially.
Felonies

Reported felony offenses were examined and those classified by police as unfounded or questionable were discussed and eliminated from the analysis. The remaining verified offenses were categorized into those which remained unsolved, those in which the police had a suspect but could not arrest for lack of evidence, and those which the police solved but filed no charges. In addition, breaking and entering (burglary) cases—the largest single felony category—were classified into those where no entry occurred, those in which entry occurred but nothing apparently was taken, and those in which there was partial or full recovery of the articles taken. This analysis provided a perspective of police activities that never appears in official statistics either locally, statewide, or nationally.

The percentage of cases solved by the police in all felony offenses was determined as well as the number of offenders involved in these cases. Cases involving juveniles were included and analyzed in the chapter on juveniles. The remaining felony cases were examined to determine how many defendants were charged and bound to the grand jury. If indicted by the grand jury, or indictment was waived, the number of defendants guilty as charged, guilty of a lesser charge, or acquitted, was
determined. Defendants who had jury trials were compared to those who pled guilty. For those defendants who pled guilty, the plea bargaining process was studied to determine the specifics in each case.

Misdemeanors

To make a legal arrest in misdemeanor cases, the police officer must observe the infraction as it occurs, or a citizen must swear out a complaint against another citizen. Thus, these infractions, by definition and practice, result in arrest. Misdemeanants dismissed prior to summary trial or referred to Juvenile Court were studied but not included in the misdemeanor analysis. Summary trials of the remaining defendants were examined to determine how many were not guilty. Of those found guilty, the defendants who forfeited bond, were fined, and/or were fined and sentenced to jail, were studied. Defendants who had a jury trial in Municipal Court were of special interest.

When possible, felony and misdemeanor rates per 100,000 population in Freedom were compared to those of the state and to cities of comparable size throughout the United States. Spatial patterns were examined and where frequencies permitted, offenses were plotted, by voting precinct, on a map of the city to determine areas of
concentration. Temporal patterns were examined to determine the hours of the day when most infractions occurred. Days of occurrence were obtained to determine the day when most offenses occurred and to compare the frequency of infractions by type, on weekdays and weekends. Offenses were categorized by month of occurrence to determine which month(s) had the highest frequencies. The months of the year were trichotomized into seasons—winter, spring-fall, and summer—to discover which season had the most offenses.

Juvenile

As indicated previously, juvenile offenses were dichotomized into those handled officially and unofficially. The frequency of juveniles placed in detention after apprehension was analyzed. Cases were examined by agency of referral as well as the reasons for referral. A review of all court dispositions indicated whether the case was dismissed, the juvenile placed on probation, fined, placed in detention, or institutionalized.

Arrested offenders were distributed by sex, race, and age to determine male to female ratios for each offense. Special emphasis was placed on the categoric risk of race to sex, if blacks were overrepresented based on their proportion in the population, and the modal, median, and mean age of the various types of offenders were
determined. Prior criminal records were examined to determine arrest recidivism. Multiple offenders were studied to determine what percentage of the offenses they accounted for.

THE "CRIME PROBLEM"

The present research is a case study of the judicial system in a small midwestern city. The primary importance of the study is not the modus operandi of the judicial system in Freedom, per se, but how representative this system is of others throughout the nation. An examination of the literature, national comparisons of the rates for the various types of offenses, and an analysis of administration of the criminal justice system itself suggest that the operation of the police, prosecution and court subsystems in Freedom is representative of the systems in comparably sized and probably of most cities of whatever size, throughout the nation. This study can be used to illustrate the operation, defects and limitations of the administration of criminal justice system, not only in Freedom, but more generally in the nation.

According to popular myth, crime in the United States is primarily personal in nature. Indeed, many Americans have a paralyzing fear of being a victim of a
murder, manslaughter, rape, robbery, or aggravated assault. Certainly the mass media tend to foster this image of the crime problem with their coverage of homicides, rapes, robberies, and aggravated assaults—the more bizarre, the more the coverage. The notoriety afforded criminal trial lawyers such as F. Lee Bailey, Melvin Belli, and Percy Foreman, tends to reinforce this conception. The chance of death or personal injury, not to mention the emotional trauma, for those victimized in violent or personal crimes is certainly infinitely greater than in property crime, and this cannot be minimized. However, the rates of the crime index in Freedom, cities of approximate size throughout the nation, the state, and the United States, indicate the "crime problem" is overwhelmingly property and not a personal matter. Rates of property compared to personal crime in the nation, state, and cities of comparable size, indicated the former rate was larger than the latter by over six times in the United States, sevenfold in the state, and nine times greater in comparably sized communities. In Freedom the rate of property crime is 43 times greater than the rate for violent or personal crime. Admittedly, this difference is magnified by the extremely low rate of personal crime in Freedom (no murders and no forcible rapes in 1969).

Of the 155 reported felony offenses in Freedom in
the calendar year 1969, 19 were unfounded and four were of
dubious validity, leaving 132 verified offenses. Only 17
(13 percent) of the 132 verified offenses were solved by
the police. The 17 cases involved 22 defendants, there
being two defendants in five of the cases. All 22 defen­
dants were arrested and initially charged by the police
with at least one felony offense. Since three of the de­
fendants were juveniles, their cases were later referred
to Juvenile Court. For eight additional defendants, a
lesser charge was substituted and these cases were turned
over to Municipal Court. Thus, only 11 cases were even­
tually resolved in Common Pleas Court. Of these cases,
nine of the defendants were found guilty as charged and
two were found guilty of a lesser charge. Of the 11 cases
resolved in the Common Pleas Court, only one defendant
had a jury trial. The remainder all pled guilty.

These data highlight several aspects of the felony
"crime problem" well known to criminologists. First, there
are no data at all on non-reported offenses--the major flaw
in official statistics contained in the Uniform Crime Re­
ports. Second, if an offender commits more than one of­
fense during a given crime, only the most serious offense
is recorded. Given these conditions, it is imperative
that additional sources of information concerning crime in
the nation be explored. Several researchers have attempted
to correct these deficiencies through self-reporting studies, whereby individuals are asked to indicate (anonymously) how many and what types of offenses they have committed in a specified time period. The major shortcoming of this type of study is the indeterminacy of the reliability or unreliability of such self-reporting. However, this method still represents a valuable source of information and merits consideration. A more recent technique innovated by the National Opinion Research Center, involves sampling a representative population of households (10,000) in the United States to determine if anyone in the household had been a victim of a crime during the last year. This represents one of the more promising approaches to the discovery of the amount of crime in the nation.

The Freedom data also illustrate the large amount of reported crime that remains unsolved. Official statistics reveal that more personal crimes are cleared by arrest than property crimes, but following arrest, proportionately more personal crime cases than property crime cases are lost as they move through the judicial system. The primary reason for this disparity is that when the police make an arrest for a property crime, they invariably have the "goods" on the defendant. The pressure for arrest in personal crimes far exceeding that in property offenses, may result in arrests on circumstantial evidence
insufficient for later charge and prosecution. Increasing the rate of arrest will require increased efficiency on the part of the police and increasing use of modern technology. In addition, the public must be made aware of its responsibility in preventing crime, and in reporting, complaining, and witnessing against defendants.

PLEA BARGAINING

The question of guilt or innocence of the defendant was only contested in one of the 11 cases resolved in the Common Pleas Court. These 10 out of 11 cases in which the defendant pleaded "guilty for consideration" may seem unduly high, but instances of plea bargaining throughout the nation are indeed very high. This should come as no surprise since individualism and getting the best possible deal in whatever we endeavor to do are major American values. Bargaining, American style, is best exemplified by the phrase, "shopping around for the best possible deal". Further, anyone who wishes to get ahead soon learns to use the system—whatever its specifics. In addition, the culturally preferred way to settle any dispute is through negotiations. Why shouldn't this same philosophy be extended to the judicial system as in plea bargaining?
There are also practical reasons for plea bargaining. The criminal justice system depends upon obtaining guilty pleas to continue functioning. There are simply not enough administrators—prosecutors, defense attorneys, or judges—to operate the system if most defendants were to insist on a trial. Worse, an appreciable increase in trials at this time would undoubtedly lower the quality of justice throughout the judicial system. There is also some question whether a fact finding trial is even necessary in every case. Where the facts are not in dispute, such a trial seems wasteful. Further, plea bargaining eliminates the risks endemic to adversary litigation. No matter how conclusive the evidence appears, how conscientiously one prepares his case, or how just the trial, each side must consider the possibility of an unfavorable decision. In some instances, the prosecutor may have a weak case and thus accept a plea to a lesser charge rather than chance a jury trial. In addition, prosecutors often willingly grant reduced charges for cooperative defendants who furnish information or testify against other defendants. 109

Despite these advantages, plea bargaining raises some particularly thorny problems for the system. The defendant can become almost incidental. The wheels of justice must be kept moving. The process is informal and
invisible, creating a sense of uneasiness and suspicion. There is usually no formal recognition of the inducements offered the defendant for his guilty plea. Although all the participants are perfectly aware of the negotiated charges, they go through a court room ritual officially denying this arrangement. Consequently, there is no judicial review concerning the propriety of the bargain nor any check on the pressure exerted on the defendant. This tends to lend an air of hypocrisy to the whole system besides negating the theory of adversary justice. Furthermore, there is no guarantee the defendant will get what he bargained for since the judge may not feel bound by the agreement. There is always the possibility that a defendant might have been acquitted had he not been induced to plead guilty. Finally, some overworked or insufficiently energetic prosecutors may offer compromises in cases where more severe sanctions should be imposed.110

Negotiated justice seems destined to remain a part of the system at least in the foreseeable future. Consequently, it must be restructured to guarantee some measure of judicial control so that decisions detrimental to the defendant and society can be avoided. If conviction carries a significant penalty, regardless of the offense--felony or misdemeanor--the defendant should be represented by counsel to insure a reliable plea and counseled in the
risks, so that no unfair advantage is taken of him. Plea bargaining should be equally available to all and the prosecutor should publish the procedures and standards to be followed in negotiations. The primary concern should be sentencing policy for the rehabilitation of the defendant. Plea bargaining discussions should be visible, forthright, and acknowledged so that the bargain can be reviewed by the judge and made a matter of record. In this manner, the agreement can be made subject to judicial review to insure against any irregularities.

Further analysis of the 11 cases regarding institutionalization revealed that one defendant's case is still pending since a petition to arrest judgment was filed in his behalf and has not been acted upon. Of the two defendants in the reduced charge cases, one was sentenced to jail and the other was fined and sentenced to jail. Of the eight remaining defendants, four were sent to prison and four were placed on probation. Two of the four sent to prison had prior felony convictions and therefore could not be placed on probation. One other defendant had been convicted of a misdemeanor earlier in the year. Shock treatment was employed in his case, whereby he was sent to prison for a brief period, then returned to Freedom and placed on probation. The last defendant dropped fraudulent checks during his presentence investigation and
was institutionalized. Three of the four placed on probation violated the terms of their probation and were then sent to prison.

The evidence clearly demonstrates that those who get institutionalized are a very select group. The selection process begins with apprehension and continues at every stage through the criminal justice system. Nationally, the more sophisticated offenders—the professional, white-collar, and those involved in organized crime—are seldom apprehended compared to the "ordinary property" and "habitual property" offenders. The skills and methods employed by the former group compared to the latter guarantee this. In addition, the system itself discriminates against the less fortunate—the uneducated, less affluent, unskilled and minority groups—because they are generally less familiar with it and with the legal safeguards.

If an affluent or knowledgeable offender is apprehended, he seeks representation by the best available counsel to protect his rights. The less fortunate usually have court-appointed attorneys who may not be the best qualified nor too energetic in defense of their clients. The chances of the sophisticated and affluent offenders being institutionalized are less than those of the unsophisticated and less affluent offenders. Consequently, the average educational level of prisoners in some
institutions is as low as the sixth grade and most prisoners are from the lower economic strata of society.

The implications of this situation for research are profound. Anyone using an inmate population must realize that he undoubtedly is using a biased sample and not representative of criminals in general. This is not a condemnation of research in general, nor a suggestion that such research should cease. Prisoners often represent the only available population for research; however, the limitations of any research using these populations should be designated within that research.

The Misdemeanor Problem

The real "crime problem" in Freedom and the nation consists not of felony but of misdemeanor offenses. In Freedom, over 90 percent of the arrests were for misdemeanors. For the nation, misdemeanor arrests outnumbered felony arrests (in 1968) over four to one. Roughly, 75 percent of the arrests were for minor infractions in 1968. Based on quantity, the evidence suggests that most police time is spent apprehending, arresting, and booking misdemeanants rather than felons.

One of the major differences between Freedom and the nation appears in the court statistics. Apparently in Freedom, persons are not arrested unless there is more
than merely probably cause; no case was dismissed, all defendants were indicted by the grand jury or waived indictment, and not one was acquitted. Such is not the case for the nation where many cases are lost as they move through the judicial process.

In Freedom, 11 cases were resolved in Common Pleas Court, or approximately one a month. Only one of the defendants had a jury trial, which lasted two days. All other defendants pled guilty and appeared in court only to enter their pleas and be sentenced. On the other hand, 263 cases were resolved in Municipal Court, or almost 22 per month. (However, the most frequent of the various types of offenses—traffic violations—were excluded from this study.) None of the cases went to a jury trial and all defendants pled guilty. Most of the police officers did not appear in court to present the facts in misdemeanor cases, but merely sent a statement of the facts which was read in court. None of the officers had to appear in any felony case either.

The police officers in Freedom spent more time apprehending, arresting, booking, and appearing in court or preparing statements of fact for the court in misdemeanor cases than felony cases. Municipal Court has three sessions a week, every week of the year, excluding holidays which fall on Monday, Wednesday, or Friday, whereas, the
Common Pleas Court is in session only when necessary. The Municipal Prosecutor and Judge appear at all these sessions, in addition to the necessary preparation each makes in order to conduct court. Thus, the evidence seems to imply that administrators spend considerably more time in preparing cases for Municipal Court as compared to Common Pleas Court.

While no misdemeanant defendants actually demanded a jury trial, Ohio law states that if an infraction is punishable by a jail sentence, the accused can demand a trial by jury. In roughly two-fifths of the offenses in Freedom, the defendant could have asked for a jury trial. Should a significant proportion of these do so, the repercussions through the judicial system would be tremendous. The work load on all administrators would be drastically increased and in those jurisdictions where practitioners are already overworked, the work load would become intolerable. In addition, the courts would become clogged with cases, further slowing the process and, in some jurisdictions, bringing it to a virtual halt.

Over two-fifths of misdemeanor arrests in Freedom during 1969 were for public intoxication. If medically qualified personnel or other social agencies could handle this problem, the police would not have to handle the
habitual drunk. Indeed, some urban centers are developing programs which attempt to cope with this problem. In other jurisdictions, judges have refused to handle intoxication cases in court. How successful these endeavors will be has not been determined and, even if successful, it will be some time before small communities have such facilities. This suggests "...that the police are likely to remain, for some time, as the only 24 hour a day, 7 day a week agency that is spread over an entire city in a way which makes it possible for them to respond quickly to incidents of this kind."

The number of multiple offenders arrested for drunkenness indicates the ineffectiveness of the judicial system to deter or meet the problems of the chronic inebriate. Usually the system manages to remove the drunk from the streets, dry him out, provide food, a place to sleep, emergency medical treatment and forced sobriety for a brief period of time. Since this does nothing to meet his underlying medical and social needs, he soon returns to court. This aptly demonstrates the "revolving door"phenomenon associated with this offense.

The handling of intoxication cases within the judicial system hardly illustrates the safeguards contained in our system of justice. Often, due process guarantees are considered irrelevant or futile. The accused
may not be warned of his rights or allowed a telephone call. Coordination, breath, or blood tests to determine the state of intoxication are rarely used because of the expense involved. In some instances, lack of such tests can make it extremely difficult to differentiate between an individual who is intoxicated and one who is seriously ill. Furthermore, defense counsel is rarely present in court. Consequently, cross examination concerning the arresting officer's observations, such as "bloodshot eyes", "slurred speech", and "odor of alcohol" does not occur.

These cases place a considerable burden on the administrators of the criminal justice system. Police time consumed handling intoxicated persons may vary from city to city and even from precinct to precinct, but in most cities, considerable time is spent attempting to cope with this problem. Much time is spent in apprehension, booking, and detaining chronic inebriates in addition to the time involved in court appearances. The prosecuting attorney must prepare the complaints against the accused, as well as appearing in court. The abundance of cases in some jurisdictions leads the judge:

"...to dispose of scores of intoxication cases in minutes. They represent a significant drain on court time which is needed for felony and serious misdemeanor cases. More subtly, drunkenness cases impair the dignity of the criminal process in lower courts, which are forced to handle defendants so casually and to
apply criminal sanctions with so little apparent effect.\textsuperscript{114}

Three practices employed by the Municipal Judge in handling cases in Freedom seemed highly questionable. First, the Judge fined and/or sentenced individuals and then suspended part or all of the fine and/or sentence pending the defendant's good behavior for one year. If the Judge never intended imposing the suspended portion of the sentence when the defendant later misbehaved, then the suspended sentence was only judicial tapestry. If he intended imposing the suspended sentence in the event of the defendant's later misbehavior, then records should have been kept of those persons whose sentences were suspended. No such records were kept. Consequently, no suspended sentences were imposed for misconduct. Such a practice impaired the dignity of the Court and produced inter system strain between the police and the Municipal Judge.

Second, no records were kept regarding recidivists. Consequently, there was usually no difference in sentences between first offenders and repeaters. A quick check of police arrest records could have established whether the defendant had been arrested previously and how recent the previous arrest had been. If the arrest had been recent, and particularly for the same offense, this should have been considered in sentencing the defendant. In addition,
some statutes specifically state that the second offense is punishable by a stiffer penalty.

Third, the practice of suspending an individual's driver's license at the summary trial for DWI and then presenting the defendant with a form instructing him how he can get his license returned on a restricted basis is patently absurd. Why suspend his license at all? Such practice becomes ludicrous, particularly when an individual is apprehended while driving under suspension. Justice under such a system is arbitrary, unjust, and inconsistent.

ORGANIZATIONAL DEFICIENCIES

This research indicated some of the weaknesses and limitations of various aspects of the criminal justice system. The implications seriously undermine some of the cherished organizational beliefs concerning the operation of Juvenile Court, Municipal Court, and the police. These limitations must be reevaluated and innovative changes instituted if the quality of justice in Freedom and the nation is to be upgraded.

Juvenile Court

The Juvenile Court has not been overly successful in rehabilitating delinquents, in reducing or preventing
delinquency, or even in administering justice to offenders. Theoretically, the Court was formed to assist and rehabilitate rather than punish; in practice, this distinction often disappears because of the absence of trained personnel, facilities, and the lack of proven knowledge and techniques in dealing with delinquents. The Court can operate officially or unofficially and dispositions rendered without procedural safeguards since the child's welfare is paramount. In practice, the Court frequently deprives the youngster of his freedom without due process of law, since community interest takes precedence over the juvenile's needs.

Cases brought before the Juvenile Court can be dichotomized into offenses that would be crimes if committed by an adult and non-adult infractions or specifically, juvenile offenses. The latter offenses include truancy, dependency, or youngsters designated as "ungovernable", "incorrigible", or "runaways". Usually the same dispositions are possible whether a youngster commits an offense which would be a crime if committed by an adult or a non-adult offense. In short, a juvenile can be brought into the criminal justice and correctional systems for infractions that are noncriminal.

Over two-fifths of the youngsters referred to Juvenile Court in Freedom were adjudicated for offenses
that would not have been crimes had they been adults. The proportion of juveniles involved in this type of case in Freedom was high compared to the rest of the nation. The importance is not the percentage but the fact that any were involved at all. Involvement of juveniles in the system for these infractions is an indictment of both the inadequacy of these teenagers' parents and the resourcefulness of the community. The Court has been forced to act as a crisis management agency when other institutions have failed or defaulted.

In theory, court adjudication should not stigmatize the juvenile but in practice an adjudicated delinquent is generally perceived as such by employers, schools, the armed services, and the community in general. In addition, the label "delinquent" may differentiate the youngster from his peers, not to mention the effect on the youngster's self image. Ostracism may force association with those similarly labelled, reinforcing the negative image.116

Placing juveniles who have committed no criminal offense in correctional facilities usually exposes them to the more sophisticated delinquents who had committed the more serious offenses and had established a pattern of criminal conduct. In jurisdictions lacking adequate facilities, these youngsters may associate with the adult criminals in jail.
"Despite all measures, statutory or otherwise, to protect from stigma the youngster who is a product of the correctional system, it is well known that such stigma exists to almost as great a degree as in the adult field."117

"In the light of the present inadequacy of our correctional systems and of their negative impact on youthful offenders, placement in the system should be used for children who have been indulged in conduct which would not be a crime if committed by an adult. No doubt many children in this category are in need of better supervision, care, and treatment, even including removal from home, but their needs should not be met by subjecting them to a correctional process designed for persons involved in criminal conduct."118

**Lower Courts**

The inequities of the criminal justice system are nowhere more apparent than in the lower courts of the nation. The structure of the system penalizes the poor from the time of apprehension, to conviction and sentencing in court. After arrest, the defendant is permitted to post bond in lieu of his appearance in court. Many of the indigent do not have the resources to post bond (currently, 10 percent of the amount of the bond goes to the bondsman as his fee) and bondsmen, even when the fee is paid, are reluctant to guarantee bond for them. If the arrested cannot post bond they must remain in jail until their initial appearance in court. In addition, and often overlooked, the lack of bond not only guarantees the defendant's appearance in court, but eliminates the possibility of bond forfeiture as a possible disposition of
the case. The affluent can readily post bond, do not have to remain in jail and do not have to appear in court at all if the bond is forfeited. What for them is a minor inconvenience, may present a major dilemma for the poor.

Should the offense require the defendant's appearance in court, the affluent can afford an attorney to make certain his client's rights are not violated. Further, the attorney may question the arresting officer and raise doubt as to the validity of the charge. The very presence of the attorney may elicit a better "deal" for his client. It should be noted that the Municipal Court in Ohio is not required to appoint counsel for those who cannot afford a lawyer. Furthermore, should the defendant be fined, the affluent may pay the fine and walk out of court. If the poor cannot pay, they are placed in jail and the fine is reduced $7.50 daily for each day served. Thus, the nonpayment of a fine results in a jail sentence even though the statute violated requires no jail sentence.

Lower courts are designated as such merely because defendants are invariably brought before these courts first, for summary trial in the case of misdemeanors or petty offenses, or for preliminary hearing in the case of felonies. Offenses handled in these courts may be petty in the amount of damage done, or in the amount of fear
they inspire, but the disposition of these cases has significant consequences. For most citizens who appear in criminal court, this court represents the court of last resort. While public attention is focused on the sensational felony trials, 90 percent of the criminal cases of the nation are heard in the lower courts.¹¹⁹

The importance of these courts for the administration of criminal justice is not based solely on the quantity of cases heard, but that cases handled are the most visible to the public in the sense that millions of persons (and their families) are annually involved at this lower court level. Practices by prosecutors, defense attorneys and judges that would be criticized as inappropriate in a higher court still occur in some jurisdictions. Many lower courts operate on inadequate budgets and with meager facilities, poorly trained personnel and huge case overloads.¹²⁰

In these courts it is implicitly assumed that the defendant is guilty or he would not be in court. The several million people who pass through these courts yearly:

"...can hardly fail to interpret that experience as an expression of indifference to their situations and to the ideals of fairness, equality, and rehabilitation professed in theory, yet frequently denied in practice. The result may be a hardening of antisocial attitudes in many defendants and the creation of obstacles to the successful adjustment of others."¹²¹
Police Organization

Clearly, if the police are to deal effectively with crime and other problems of the present and future, practices and conditions within the police departments must be changed and reorganized. Specifically, sources of police leadership must be expanded, qualifications for recruits must be upgraded, training must begin before the recruit is placed on the beat or patrol and continue periodically through his service, and modern technology must be utilized to increase police effectiveness.

Leadership

The ramifications of ineffective leadership were clearly visible in the Freedom police department in the glaringly ineffective chain of command, lack of esprit de corps among personnel, low morale, and lack of discipline. The head of the department did not have the ability to deal effectively with his people, nor was he firm enough to convince those in power of the legitimate needs of the force regarding equipment, manpower, and training.

Unfortunately, in Freedom as elsewhere, appointing authorities believe that the apprehending and prosecuting of offenders constitutes the primary task of law enforcement. While the importance of this aspect of the job cannot be minimized, emerging needs demand administrators capable of handling a broad range of social issues.
Administrators must relate police operations to the whole judicial system; resolve the complex issues of police authority; lead and direct subordinates in following policy decisions; and be sensitive to legitimate community interests and demands.122

This type of leadership cannot develop spontaneously or on its own. If it emerges from within the department, officers with potential must be given every opportunity to develop their capacities. Promotions must be based on generalized ability rather than seniority, political debt, or technical competency. If quality leadership is not available within the establishment, then authorities should not feel constrained about moving elsewhere to obtain the best possible persons. Appointments based upon political patronage or length of residence in the community tend to impede the upgrading of administrative personnel.

Personnel

Without exception, the men on the police force in Freedom worked at other occupations before settling on their present profession. This is not to imply that the policemen were unhappy about the choice of their present employment, but it does tend to indicate the relative unattractiveness of police work as an initial choice.
Indeed, the difficulty experienced in recruiting men to fill the present complement of men aptly demonstrates this point. Clearly, if desirable personnel are to be recruited to raise the caliber of men on the force, then the new recruits must be the finest available. Lowering the standards in order to attract men to police work is not the method of upgrading personnel. Administrators in Freedom correctly waited for the type of individuals they wanted in the department rather than accepting anyone just to fill the complement.

Salaries of the officers in the department are exceedingly low. The city can consider itself extremely fortunate for the caliber of officers on the force considering the starting salary of a probationary patrolman was $6,000 per year in 1969. Salaries must be raised and made commensurate with those offered in industry for similar qualifications. Economic incentives may not be the complete answer to obtaining the type of men needed for police work, but it certainly will increase the likelihood.

Until recently, the primary concern in screening applicants for the police force was to insure that they met the physical standards. In some jurisdictions, this policy still prevails even though these standards are increasingly incidental to the problems faced by the police today. Emphasis on physical strength and aggressiveness
mirrors the public's faulty conception of what these men do, not their job requirements. Screening of recruits should relate directly to their ability to function as officers. Two necessary requirements seem to be intelligence and emotional stability. More often than not, police duties require mediation and conciliation rather than the use of force.

"...emphasis should be placed upon getting officers who are able to understand the problems of the community and who relate well to its members. This would increase their ability to participate effectively in the solution of the social and behavioral problems which confront the police officer."123

Training

Considerable progress has been made recently in developing training programs for police personnel. However, present training, relative to the complex task of law enforcement, is still grossly inadequate. In small jurisdictions such as Freedom, recruits begin the job with no formal instructions concerning their duties. Training primarily consists of assigning a senior officer to oversee the recruit and "keep him out of trouble until he learns the ropes". So-called formal instruction in some areas is extremely amateurish. A series of speakers talk about their special interests, but no effort is made to coordinate the talks or to insure comprehensive coverage of the subjects to be covered. Special programs may
consist of sending one or two men to regional or national institutes which are concerned with some specific aspect of police work.

Training is a vital, indispensable and continuing process necessary to equip the policeman to perform his complex duties in a satisfactory manner. As such, training must consist of established programs taught by qualified staffs in adequate physical facilities.\textsuperscript{124}

**Technology**

As the President's Commission on Law Enforcement and the Administration of Justice asserted, very little progress has been made in applying technical advances to police work. The majority of the nations' departments are limited by the lack of funds and not a few are also constrained by the lack of appreciation concerning the role of technology in law enforcement. Certainly of primary importance in this area is a modern information system for identifying wanted persons; a new control command system is needed to improve field operations so that men can be more quickly dispatched to problem areas where suspects may still be at the scene of the crime or in the vicinity; radio congestion must be reduced, and its range extended to facilitate cooperation between jurisdictions; and finally, research should be employed to determine the
efficiency of police practice. More cooperation between the academic community with its theoretical orientation and the police with their practical orientation is necessary.

IMPLICATIONS

Study Limitations

Contact with the administrators of the criminal justice system should have been made before the research began. Rapport with these people should have been established so that they were familiar with the information to be obtained and the purpose of the research.

In theory, the study should have been done prospectively, not retrospectively. Cases should have been collected as soon as possible after an offense occurred. In this manner, the memory of the police officers would not have been taxed and information would have been more reliable.

Additional information such as education, marital status, religion, and national origin might have been obtained had short forms been available to all the officers. Any information lacking from the records could then have been obtained much more easily. The researcher, as he rides with the officers in the police cruisers, should be in on cases as they occur; thus increasing the accuracy
and validity of his observations. Cases could then be followed through the judicial system on a weekly, bi-weekly, or monthly basis. The researcher could possibly be made a party to plea bargaining sessions or at least be able to ask more specific questions of the prosecutors and judges concerning the disposition of particular cases. Research in this fashion would provide the researcher with a more intimate feeling for those involved in the system as well as for the system itself, permitting a more reliable, comprehensive and meaningful study.

**Future Research**

A study with a random sample of the townspeople, large enough to include young people, should be done to determine the attitudes of these people concerning the police. Possibly a sample of young people from the local college could be included. The responses of various age, race, sex, religious, and ethnic groups should be compared for similarities and differences. Of particular interest would be any significant differences between the adults and the young. The responses of these people could be compared to samples in the large metropolitan areas of the nation for similarities or differences.

This study indicates the need for an investigation of the intricacies and subtleties of negotiated justice. Both felonies and misdemeanors should be included
in the study. Consequently, a study of the similarities and differences in obtaining bargain justice in these major types of offenses is urgently needed. Of particular interest is not only the amount of bargain justice, but who receives it and under what conditions it is permitted. It should also be determined what is and is not permitted in the bargaining session, where it occurs, and who initiates it. The reasons for plea bargaining in specific cases should be ascertained. Possibly, exchange theory could provide the theoretical perspective for such a study.

The criminal justice system represents one of the key processes for labelling persons in the country. Exactly how this labelling process affects people should be studied. In short, what kinds of problems are imposed upon an individual upon his release from the institution? What kinds of difficulties will he encounter in obtaining and holding a job? Will his status as an ex-convict become known to other employees and, if so, what difficulties will he encounter? In short, research should determine the difficulties encountered in readjusting to straight society.

Finally, the inadequacies of the lower courts were pointed out in the conclusions section of this study. Research is needed to determine the sophistication of adjudicated offenders concerning due process procedures and
individual rights as guaranteed under the Constitution and interpreted by the Supreme Court in its recent decisions including Mallory, Mapp, Gideon, Escobedo, Miranda, and Orozco.
FOOTNOTES


110. Ibid.

111. Ibid., p.12.


114. Ibid., p. 4.

115. Sheridan, p. 27.

116. Ibid.

117. Ibid., p. 28.

118. Ibid.


120. Ibid.

121. Ibid.


123. Ibid., p. 36.

124. Ibid., pp. 36-37.

125 Ibid., p. 57.
APPENDIX A

SCHEDULES
INFORMATION SCHEDULE

Offense___________________ Investigating Officer_______
Unfounded _____ Suspect _______ Unsolved _______
Attempt, No Entry _______ Entry, Nothing Taken _______
Total Recovery ________ Partial Recovery __________
Articles Taken _________________________________

Offender

Name _______________________ Occupation _______________________
Residence ____________________ Prior Record ______________
Age _____ Race _____ Sex _____

Date of Arrest _________________ Charge _______________________
Preliminary Hearing __________ Dismissed _______________
Summary Trial _________________ Acquitted ___________________
Sentence _________________________________

Grand Jury _______ Indicted _____ Dismissed _______
Arraignment _________________ Court Appointed Attorney _______
Trial _______ Guilty _______ Not Guilty _______
Sentence _________________________________

Brief Description of Case ________________________________
<table>
<thead>
<tr>
<th>Name</th>
<th>Residence</th>
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<tbody>
<tr>
<td>Rank</td>
<td>Salary</td>
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<tr>
<td>Date of Birth</td>
<td>Place of Birth</td>
</tr>
<tr>
<td>How Long Resident of City</td>
<td>Marital Status</td>
</tr>
<tr>
<td>How Long Married</td>
<td>Number of Children</td>
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<tr>
<td>Education</td>
<td>Divorced</td>
</tr>
<tr>
<td>Military Service</td>
<td>Religious Affiliation</td>
</tr>
<tr>
<td>Registered Voter</td>
<td>Father's Occupation</td>
</tr>
<tr>
<td>Prior Work History</td>
<td></td>
</tr>
</tbody>
</table>
How Do the Following Perform Their Jobs?

Municipal Prosecutor ________________________________

Municipal Judge _________________________________

County Prosecutor ______________________________

Common Pleas Court Judge _______________________

Juvenile Judge _________________________________

What Determines Whether You Hold a Juvenile? __________

What Determines Whether You Arrest a Drunk? __________
PROSECUTOR'S SCHEDULE

Name _____________________ Residence ____________________
Date of Birth ___________ Place of Birth _________________
How Long Resident of City _____ Marital Status ____________
How Long Married _________ Number of Children _________
Divorced ______ Religious Affiliation _________________
Military Service ______________ Race _________________
Registered Voter ______ Father's Occupation _____________
Education ________________ Year Admitted to Bar ________
How Long Practicing Law? _______________________________
Where Have You Practiced Law? _______________________
What Type of Law Practice Do You Have? ________________
When Elected? _______ How Long on Job? ________________
Why Did You Want Job? __________________________________
__________________________________ Salary _____________
What Does Job Consist of? ______________________________
____________________________________________________
____________________________________________________
What Aspect of Job Consumes Most of Your Time? ____________
____________________________________________________
Anything You Dislike About Job? _________________________
____________________________________________________
PROSECUTOR'S SCHEDULE (Continued)

Characterize Your Relationship With:

Police__________________________________________
Judge __________________________________________
Other Prosecutor _______________________________

Does Plea Bargaining Occur?_______ How?____________
When?___________________________________________
Where?__________________________________________

How Many Cases Went to Jury Trial?_______ Why?_______
JUDGE'S SCHEDULE

Name_________________________ Residence________________________
Date of Birth ___________ Place of Birth ___________
How Long Resident of City ________ Marital Status ______
How Long Married_________ Number of Children ___________
Divorced _______ Religious Affiliation _____________
Military Service ____________________________ Race ______
Registered Voter _________ Father's Occupation ___________
Education _______________ Year Admitted to Bar _______
How Long Practicing Law_____________________________________
Where Have You Practiced Law?_______________________________
What Kind of Law Practice Do You Have?________________________
When Elected ________ How Long on Job_________________________
Why Did You Want Job?______________________________________
____________________________________________________________________ Salary ______
What Does Job Consist of?_______________________________________
____________________________________________________________________
What Aspect of Job Consumes Most of Your Time?_________
____________________________________________________________________
Anything You Dislike About Job?_______________________________
____________________________________________________________________
Characterize Your Working Relationship With:
Police________________________________________________________
Prosecutor____________________________________________________
JUDGE'S SCHEDULE (Continued)

Does Plea Bargaining Occur? ____________________________

How? ______________________________________________

When? _____________________________________________

Where? ____________________________________________

What is Your Sentencing Policy? ______________________

Who Sets Bond? ________________________________

How Many Cases Went to Jury Trial? ________________

Why? ______________________________________________
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