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The following transmission is intended for the below-named individual only. Please advise the named correspondent of this transmission. Thank you.

To:	House Finance Committee, Chairman Ryan Smith	
FAX Number:	614-719-6987	
From:	John Litle, APA	
Date:	4/27/2017	Time:
Pages to Follow:	3	
Special Instructions / Comments:		
Dear Mr. Smith, Please accept this written testimony for consideration in today's hearing on House Bill 49. I am detained by a trial and unable to attend to give oral testimony.		
I was provided your name as contact in this matter by Representative Brian Hill.		

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April 26, 2017

Written Testimony before the Ohio House of Representatives, Finance Committee

Dear Honorable Sirs and Madams,

I apologize for my inability to appear in person, to accept questions, and speak these words directly to yourselves and to the proponents of the measures inserted into the State budget related to criminal justice. I am unavoidably detained by the trial of a career criminal.

With House Bill 49 in its current form, it appears that the most destructive change to Ohio's system of criminal justice proposed in over a generation may slip by without notice. The proposed state budget, among other things, treats dangerous crimes as if they were misdemeanors without having the courage actually transform those crimes into misdemeanors, and more dangerously gives a state bureaucracy unconcerned with justice ongoing and increasing power to defund local courts when criminals are punished for victimizing the community.

A little history is beneficial in understanding the overriding purpose of the criminal justice component of House Bill 49. Before 1996, Ohio had a system of criminal sentencing where a judge would hand out a sentence to a criminal for a period of years, whereafter the prison system would release the defendant long, long before the completion of that sentence. In 1996, after years of battle by victims advocates, Ohio passed a law called "Truth in Sentencing," which meant that judges issued criminal sentences, and then the criminal had to actually serve that sentence, whether the prison system liked it or not.

Crime plummeted since then and for years the public enjoyed the fruits of that policy. One wonders who would benefit from its demise, other than criminals. The answer can be found in Ohio's prison system for adults, the Ohio Department of Rehabilitation and Correction (ODRC). ODRC and its leadership do not share law enforcement's goals of public safety. In contrast, ODRC and its director Gary Mohr - who is apparently as affable as he is dangerous - represent a bureaucracy and a heavy line item on a state balance sheet. ODRC and Mohr do not like having prisoners or prisons.

Fortunately for the public, it is very difficult for a judge to look at a rape, theft, burglary, assault, or narcotics victim and proclaim that no one should be punished for victimizing them. As such, ODRC and Mohr have been on a decade-long crusade to kill Truth in Sentencing, so that no matter what a judge sentences in court, ODRC can just release prisoners when they want.

Their first big step was House Bill 86, which went into effect in 2011. House Bill 86 allowed the prisons to release any criminal after they served 80% of their sentence, perversely giving the most time off to the worst criminals. Director Mohr's predictions of lower crime numbers were wrong, as the bill did not reduce prison numbers, but has fueled a serious increase in crime experienced by my local community. Where there used to be 230 or so felony cases in Muskingum County a year, now we approach 450.

Having failed in his first effort, Director Mohr has now taken a lesson from a separate State bureaucracy, the Ohio Department of Youth Services (DYS). In contrast to ODRC, DHS is responsible for youth prisons. They were successfully able to shutter 7 of their 10 juvenile prisons at the expense of local communities and Ohio children, using a state funding kick-back model. Bear with me and I will explain.

DYS proposed and the Ohio Legislature crafted a program called RECLAIM. RECLAIM's purpose was purported to be finding "alternatives to incarceration" for children who commit crimes. This claimed purpose was the reason legislators voted for the bill, but not the reason that DHS proposed the bill. In fact, its purpose was to act as leverage in the form of a large grant from the state to local counties, requiring the hiring of additional government employees. We are all aware that the only thing more permanent than a government job is a government program.

After the first year, with RECLAIM staffed with counselors and probation officers, DHS began attaching additional strings to the funding, ultimately taking hundreds of dollars a day out of local court funding for every juvenile criminal sent to a juvenile prison. Only one component of the economy responds at a 1:1 ratio to government monetary stimulus, and that is a government agency -- even when it is a court of justice. The result? Decisions on how to deal with youth criminals became a budgetary decision rather than a question of the child's best interests and the safety of the community. I witnessed this corrosion for ten years in Franklin County, with perverse consequences for both children and victims.

It was the ultimate outsourcing of government costs onto future crime victims. An injustice to be sure, but 100% effective at DHS's singular purpose of shuttering prisons. Budget numbers went down, and unlike Ohio's criminals who have DHS, ODRC, and their expensively-contracted academic enablers to advocate for release, there's no Ohio victims' advocacy group to complain about additional victims.

That is what Gary Mohr and his supporters want for adult crime in this state. That's the plan of action and the ultimate goal. House Bill 49 establishes the funding apparatus and the bait.

The decriminalization process is to start slowly, and dishonestly. As has been openly remarked on Ohio State Bar Association discussion threads related to the topic, legislators are supposedly too cowardly to change felonies into minor crimes because they are aware that the public is revolted by decriminalizing felonious acts. So, rather than making a crime a misdemeanor and thereby making the criminal ineligible for prison, a fake felony is created. No longer will felons who break into businesses ever be eligible for prison, not even if they totally refuse to comply with probation. Same with stealing from the elderly, stealing \$7,500, operating a crack house, selling non-bulk amounts of drugs, identity theft, disseminating private information off of government or hospital computers, forging documents, fencing stolen goods and many, many other dangerous and criminal acts.

In fact, prison would be impossible if the criminal did all of these acts together. A life-long criminal who broke out a window in the front of your business, went inside, stole computers, hacked into them, stole their data, used the data to steal customer's and employee's identities, used those identities to apply for credit cards, received the credit cards, and used the credit cards to steal seven grand, and then sold your adult son some fentanyl-laced heroin to shoot up could never, ever go to prison -- even if the person repeatedly violated probation by beating his wife, or doing the exact same acts again on the steps of the

courthouse. Meanwhile the business owner and numerous other victims are left to deal with the carnage.

The poisoned apple is a promise of cash to local courts in exchange for not giving a criminal the prison sentence he has earned. ODRC calls it the "Probation Improvement Grant" (PIG). In the real world, we call it a bribe; a disgusting, dishonorable, and immoral act of paying someone money to refuse to do their job and uphold their oath. The PIG is ODRC's version of RECLAIM.

And lest any legislator believe this to be a "small" or "one time" change, I direct you to the authorizing text. Line 75504. Carte blanche to ODRC to set its PIG kick-back funding at any level, attaching any string, so long as it claims a "purpose" of offsetting the local costs of the decriminalization. This "purpose" functions no differently than RECLAIM's "purpose." Fifteen lines later in the bill, one can view the future. When selling an original version of the PIG in House Bill 86, local funding was set against a static standard (2010 revocations) so that counties could count on a static funding model. Line 75521 moves them, one RECLAIM-following step at a time, into a draining fluid model, and an ever tightening ratchet of reduced funding. Those counties that reduced probation revocations the most (by not punishing probation violators) have to double-down again on their refusal to punish recidivist criminals in an ever more starved chase of ODRC kick-back scraps. They got a PIG in a poke, so to speak.

Perhaps ODRC and DYS are to be commended for learning from their wards; the first sample is free, and after that, the local courts will chase the dragon for funding no matter what degree of injustice is charged. Make no mistake, in two years, Gary Mohr will be back here asking for another cup of porridge, and opining that felons would stop committing crimes if only felonies of the fourth degree were converted into felonies-in-name, but misdemeanors-in-fact. The electorate deserves more.

It would be a true shame if the seeds of destruction for Ohio's criminal justice system were planted without so much as a whimper of opposition because legislators were deceived by state bureaucrats, or perhaps merely confused by the complexity and subtlety of Director Mohr's PIG play.

The text states the prison department "shall adopt rules for the distribution of the probation improvement grant, including ... The allocation of funds for the purpose of offsetting the costs incurred by political subdivisions in relation to offenders who are prohibited from serving the term of imprisonment in an institution ..." 75504. Those words are the dead hand of ODRC on the levers of justice in each Ohio county; a poisoned apple of addicting but ever diminishing funding in exchange for justice. They are the gag by which my county's voters are silenced regarding the standards to which they expect others to behave in my community. And it is the right of voters in my community to have high standards, even if other counties have low expectations of law abiding behavior within their borders.

I ask you to excise the offending language and instead demand that sweeping changes to Ohio's criminal justice system be addressed openly, in their own bill, and on their own merits; or at the very least honestly, by decriminalizing acts into misdemeanors, rather than creating a misleading "fake felony."

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