

**Testimony before the Finance Subcommittee on Transportation
House Bill 49 (Smith) – FY 2018-2019 Biennial Operating Budget
Presented by: Gary C. Mohr, Director
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Good morning Chairman McColley, Ranking Member Reece, and members of the Finance Subcommittee on Transportation. Thank you for providing me the opportunity to speak before the committee today to discuss the Department of Rehabilitation and Correction (DRC)'s Fiscal Year 2018-2019 Executive budget request.

Introduction

Mr. Chairman, I come before you today to present the third executive budget proposal during my tenure as Director of DRC. For the last six years, DRC has worked together with the legislature and various stakeholder groups to modernize and reform the criminal justice system in the State of Ohio. Despite previous reform efforts, Ohio's prison population has not realized the reduction in prison population found in other states. Specifically, despite the increased emphasis placed on diverting low level offenders, Ohio has seen an increase in drug possession offenders. To put this in perspective, around 8,300 of our nearly 20,000 yearly commitments are serving 12 months or less. Approximately, half of those 8,300 are committed at the lowest felony level.

I wholeheartedly believe that this proposal before you today strikes the appropriate balance between treating those drug addicted Ohioans in the community, while maintaining the Department's obligation to protect the public by safely incarcerating those who commit more serious offenses. This budget furthers the departmental vision "To reduce crime in Ohio" and our mission which is "To reduce recidivism among those we touch." These two statements are paramount to every aspect of our Department because I believe that the measure of our success is how the Ohioans we touch perform in the community after release, as employees, parents and neighbors. To carry out these principles, our budget proposal consists of the following items:

Increased investment in the community:

The criminal justice system in the State of Ohio and across the nation is in a state of constant evolution. When I began my career in the correctional field, the emphasis was placed on correctional facilities and incarceration. As we learned through best practices and various sources of research, incarceration is not always the best sanction for an individual. Specifically, low level offenders have an increased chance at successful rehabilitation if they are supervised in the community. Treatment for these offenders in the community as opposed to prison is twice as successful at one-third the cost.

During the past several months, DRC has implemented a pilot project in eight counties, Clinton, Ross, Medina, Lucas, Williams, Defiance, Henry and Fulton, that is intended to treat and maintain low level offenders within the community by supplementing supervision resources to the local courts. These counties have voluntarily agreed to supervise and maintain targeted low-level felony offenders locally and not send them to prison. Excluded from the targeted population are

sex offenses, offenses of violence or mandatory offenses. As part of this agreement, DRC provides these counties with additional resources to fund a variety of supervision services within the community. The participating counties have embraced this pilot and have implemented a diverse range of programs, from hiring a medical director to assist the court in selecting drug treatment options, to funding a detox center in a vacant wing of a county jail. The response of the pilot counties underscores the idea that local communities are better situated to identify the needs of their citizens who are struggling with addiction. These resources allow for the counties to address these needs while maintaining public safety.

This budget proposes a substantial expansion of this pilot program throughout the state. During the first year of the biennium, dollars are available for counties to voluntarily participate in this program. We have already received requests from several counties who are interested in participating, so we expect to increase the participating sites rather quickly. In the second year fifth-degree felons except for those that commit sex offenses, offenses of violence, mandatory offenses and those with a prior felony sex or violent offense will no longer be prison eligible. These targeted offenders will therefore be supervised and treated completely in the community and will avoid the lifetime collateral consequences associated with a prison commitment.

We recognize that this is a significant reform and we are prepared to fully support our community partners with unprecedented financial support. We will provide an additional \$19 million in the first year of the biennium and an additional \$39 million in the second year of the biennium to cement this partnership. By the end of this biennium, the Kasich administration will have increased community resources by \$100.3 million, a 71% increase over Fiscal Year 2011 levels.

The additional support for community grants will fund diversion programs, that are anticipated to reduce the prison population gradually over time. While it's too early to determine exact savings, when considering only the costs of daily food service, drugs and supplies, the department would realize \$20.0 million saved over the biennium. It is critical that we not modify this diversion program introduced with our proposal. Not only does it directly impact our budget in its first year, most importantly, these individuals will be diverted from the state prison system and will avoid facing a lifetime of collateral consequences. I firmly believe that it is a prudent policy to invest in people instead of brick and mortar resources and this budget proposal wholeheartedly supports that view.

Improving correctional education outcomes:

It is well documented that educational attainment is directly correlated to recidivism reduction. In fact, we know if an inmate completes a GED or high school equivalency they are significantly less likely to recidivate. DRC currently provides earned credit programs where an inmate's sentence is reduced for completing certain approved programs, such as vocational training, employment in prison industries and substance abuse treatment. This budget expands upon the existing educational earned credit program. It proposes that inmates who successfully enroll in and complete a GED program within a facility, will be eligible to have an additional 90 days credited toward their sentences. It is important to note that this proposal is not expanding the

current eligibility for earned credit programs, but rather encourages an inmate to complete a GED program.

Last fiscal year, DRC granted over 900 GED's to inmates in our facilities. I am proud of the work we have accomplished to improve the lives of those inmates but I believe that we can do better. I am increasing the emphasis on GED obtainment within the walls of our prisons during this biennium and I believe that this language is necessary to accomplish that goal. The inmates eligible for this proposal will eventually return to the community. We would be doing a disservice to not only those inmates, but also to the citizens of the State of Ohio if we did not attempt to improve the inmates' quality of life through attainment of a GED.

Facility Initiatives:

Although some offenders are better served in a community setting, we realize that DRC is responsible for housing some of Ohio's most violent offenders. To this end, we have implemented the following initiatives to not only protect our staff from violence, but also reduce the chance that these offenders will harm our fellow Ohioans upon their release back into the community.

Violent behavior initiatives - Ohio has continued to address violence in prisons, particularly in its higher security institutions where incidents of violence have increased over the last five years. We have found success through investing in staff who provide mental health services to Severely Mentally ill (SMI) inmates who have a history of disruptive and violent behavior. These inmates are housed in Security Adjustment Units (SAU). This budget continues to support that initiative by creating three additional SAU's.

Targeted reentry efforts towards higher security inmates- Last year, approximately 3,000 high security inmates were released directly to the community. While our reintegration units for lower security inmates have become a national model, a systemic transitional approach is warranted for inmates in high security. Due to their security status, these inmates have had limited pro-social interactions inside facilities. Ohio has developed the concept of reintegration units where these inmates can be productively occupied for 8-10 hours-per-day. These activities may include working on community service projects both inside the facility and in the community to incentivize positive behavior. This has given many inmates a sense of hope along with improved preparation for jobs, reunification with family and pro-social skills.

Female Offenders- The number of women incarcerated in Ohio has increased 11% since 2012, which is significantly higher than their male counterparts. This increase is exacerbated by the opioid epidemic. In 2016, 73% of all female commitments were assessed as having a recovery services level need of moderate or severe, while females were nearly twice as likely as men to be committed for drug possession as their most serious conviction offense. In addition, we recognize that several factors differentiate female offenders from their male counterparts. Women are less violent and have higher rates of mental illness and addiction. Female offenders' needs are more effectively and economically addressed in a community setting than prison. The unique characteristics of this population emphasizes the need for increased resources for community supervision and treatment, which we have made a priority in this budget proposal.

Conclusion:

This year will mark my 43rd year working in the field of corrections. It has been an immense honor to serve as the Director of the Department of Rehabilitation and Correction for the last six years. I firmly believe that this budget is the most reformative policy and financial initiative that I have seen during my career. It will not only effectively provide treatment for Ohioans who are suffering from drug addiction, but will also maintain public safety in our communities.

This budget proposal is necessary to provide for continued agency operations. However, it also makes critical investments in community corrections and programming that research shows lead to improved outcomes for offenders, reduced recidivism, and lower incarceration costs to Ohio taxpayers. The initiatives we are implementing will allow us to provide services that achieve our agency mission in the most efficient manner possible for the taxpayers of Ohio. I am proud of the staff of the Ohio Department of Rehabilitation and Correction and I believe that their hard work and dedication is without parallel. I am also proud of our collaboration with our many community partners and criminal justice stakeholders.

In conclusion, Chairman McColley, and members of the Finance Subcommittee on Transportation, thank you for the opportunity to speak before you today. I urge your support of the proposed DRC FY 2018- 2019 Executive Budget contained in House Bill 49. I would be happy to answer any questions from the committee at this time.