

**Testimony before the Senate Finance General Government and Agency Review
Subcommittee
House Bill 49 (Smith) – FY 2018-2019 Biennial Operating Budget
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Good morning Chairman Jordan, Vice Chairman O'Brien, and members of the Senate Finance General Government and Agency Review Subcommittee. Thank you for 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 fourth 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. 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 the criminal justice system in Ohio should strike 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. ODRC has proposed a budget that furthers these statements; however, we are aware of the current fiscal situation facing the State of Ohio. I would like first discuss some budgetary constraints facing ODRC, as well as identifying some areas for potential cost savings.

Fiscal Challenges and Opportunities:

DRC recognizes its status as one of the largest state agencies and continually strives to examine its operations to identify areas for potential savings. Furthermore, we are committed to working with the Senate to continue to look at areas of potential savings. In full disclosure, the as introduced funding levels are based upon a projected average facility population of 49, 104 in FY 18 and 47, 538 in FY 19. These reductions in population are based upon an identified number of diversions resulting from the TCAP program and changes made to the earned credit program that were contained in the as introduced version of HB 49.

This budget has brought the State of Ohio to a true crossroad in terms of criminal justice policy. We are faced with the choice between expending a significant amount of taxpayer dollars to incarcerate low level offenders at a state prison, where they will spend the majority of their

sentence surrounded and influenced by violent offenders while not receiving adequate dosages of treatment. Therefore, they return to the community without having received vital programming necessary to lead a sober life, and their chances of relapsing and potentially overdosing are drastically increased. On the other hand, we also have the opportunity to enact policy changes that allow for supervision of these low level offenders in a local setting at a reduced cost to the Ohio taxpayer and at the same time providing these offenders with a greater chance of successful rehabilitation.

That being said, we feel that a policy change centered around diversion of low level felony offenders from prison would be in the state's best fiscal interest, while maintaining public safety in the state of Ohio. Policy changes that ultimately reduce the low level felony population in the State's prison system will provide the greatest opportunity for a budget reduction for ODRC. I am fully committed to working with the Senate to implement the types of policy initiatives below and provide a targeted reduction in our budget.

Increased focus on community corrections:

DRC has seen an increase in the amount of low level, non-violent drug possession offenders that come through our doors. Research consistently shows that a prison commitment for this population has a negative impact on the offender and is quite frankly a misuse of taxpayer dollars. DRC will be able to realize significant savings by diversion of non-violent low level felony offenders from prison. We know that for this specific population, treatment and supervision in the community is twice as effective in terms of rehabilitation at one-third the cost to the taxpayers as compared to a state prison commitment. This principle is reflected in a program proposed in the as introduced version of the budget, the Targeted Community Alternatives to Prison (TCAP) program.

During the past several months, DRC has implemented this program as a pilot 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. Every pilot county has expressed interest in continuing the program. In addition, we have received correspondence from many counties indicating that they are interested in participating in the program. 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, as introduced, proposed 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. 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.

This proposal furthers the reforms established in HB 86 that emphasized community supervision of low level offenders. In this budget, we are prepared to fully support our community partners with unprecedented financial support for this targeted population. 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. This increased investment in the community is in addition to the \$78.5 million per fiscal year that funds 18 Community Based Correctional Facilities across Ohio. Furthermore, ODRC provides \$66.7 million dollars per fiscal year to fund approximately 31 Halfway Houses and \$55.8 million in various prison and jail diversion grants across Ohio. This significant financial support discredits the false narrative being spread by opponents of the proposal arguing that DRC is not providing adequate resources to communities to supervise this population.

The House recognized the importance of these significant reforms and retained these proposals with some modifications. To address concerns about judicial discretion, language was inserted to allow a judge to commit 15% of the TCAP population to ODRC. They also required in statute that a formal Memorandum of Understanding (MOU) be developed by each County to determine how the funds will be utilized by the County. Lastly, they provided an opportunity for a county to commit offenders to ODRC if the jail population of the County exceeded a certain threshold. We estimate that the policy changes made in the House will reduce the number of expected diversions and subsequently result in ODRC requesting \$15 million to accommodate those changes. Thus, we would advocate for a version of TCAP that is closer to the as introduced version.

Improving correctional education outcomes:

It is well documented that educational attainment is directly correlated to recidivism reduction. In fact, we know that 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. The as introduced 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 those already eligible inmates to complete a GED or high school equivalency program.

Last fiscal year, DRC granted over 900 GEDs 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.

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 contains the most reformative policy and fiscal initiatives 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 at DRC 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 Jordan, and members of the Senate Finance General Government and Agency Review Subcommittee, thank you for the opportunity to speak before you today. I would be happy to answer any questions from the committee at this time.