

# Keeping communities safe and whole

TCAP and SB 66 would keep families together and make communities safer



## WHAT'S AT STAKE

**Accountability**—someone honestly answering for harm that she or he caused to other people's bodies, property, or community—is one of the foundational principles of the criminal justice system. This system must also be driven by **safety**—governmental responses to harm that protect the crime victim and the community. Crime survivors and people across the political spectrum are coming to the realization that prison is often poor at delivering either real accountability or real safety.<sup>1</sup> When the system becomes a maze of arbitrary damage to individuals and families, *communities are less safe*.

### Chris's story: escaping the criminal justice maze

**Chris Coteat** is a volunteer with My Brother's Keeper and the Akron chapter of the Ohio Organizing Collaborative, mentoring young men in his community and promoting civic engagement. He is also working towards his associate's degree in business management at Stark State College and recently started his own realty business. His path to this positive place in life, however, was littered with unnecessary obstacles — some of them *created* by Ohio's criminal justice policies.

"A few years ago, I was convicted of two nonviolent offenses in Ohio and Arizona. After serving three years in prison in Arizona, I was taken directly back to Ohio by Summit County sheriff's deputies to serve probation. While on probation, I secured two jobs, bought a car, and started preparing for college.

"I had grown up, served my time, and I was feeling optimistic about the future. I started working on getting custody of my daughter."



"Before I got a car, I relied on public transportation, making it difficult to arrive perfectly on time for the numerous probation appointments and classes I was required to attend — including classes I had already completed in prison.

"As my probation continued, I needed a second job to make ends meet. I finally landed one, but the job orientation conflicted with a meeting with my probation officer. I immediately called her to ask if we could push our meeting time back. She didn't answer so I left a message, went to work, and went to meet her afterwards, hoping this would be OK.

"It wasn't OK. I was sent back to court for violating my probation. **Because my jobs had caused me to be late to two classes and a meeting, I was now facing eight years in prison.** Before the judge could rule, however, I was pulled over

by police and told I had a warrant in Arizona for violating parole. I *had* technically violated parole — simply because Summit County law enforcement had taken me back to Ohio to serve probation. So I was taken back to prison in Arizona, where I stayed for six months.

**"This was devastating for me and for my family.** I lost my jobs, my car, and my shot at gaining custody of my daughter. I was losing her trust. *She was beginning to think that I would never be there for her, and would always eventually leave her.*

"After my six months in Arizona, Summit County sheriff's deputies again took me back to Ohio and put me directly in front of a judge. If my probation was revoked, I would be facing up to eight years in prison. The prosecutor offered a plea deal for four years in prison, but I couldn't stand the thought of any more time away from my daughter and was fed up with the convoluted maze I was trapped in. I rejected the deal. I had to plead my case before the judge.

"I couldn't have been more relieved when the judge decided not to revoke my probation, sentencing me instead to six months at a halfway house. After my release, I was back on track, eventually getting a job, a car, and an apartment. Most importantly, I gained shared custody of my daughter.

"That day in court, I was a **hair's breadth away from losing everything** I had worked for and getting further trapped in the system. If the judge had decided to revoke my probation, I would have faced a minimum of one year in prison, and most likely more. Thanks to a combination of sheer determination and luck, I still have my daughter and I still have a future.



"Many Ohioans are not so lucky. **Twenty-three percent** of Ohio's annual prison intakes—about **4,700 people** per year—are the result of probation violations that were not new felonies. These are fathers, mothers, workers, and taxpayers like me who missed appointments or committed misdemeanors. None of us are safer when they are in prison; *sending them to prison damages our families and communities.* **Senate Bill 66** would eliminate the one-year minimum prison sentence for revoked probation. It would **give judges more discretion** to choose more cost-effective and community-centered alternatives to prison."

## TARGETED COMMUNITY ALTERNATIVES

*TCAP in the budget bill means more local safety dollars*

**The crux of Targeted Community Alternatives to Prison is funding.** By sending part of Ohio's prison budget to local justice systems, the legislature can make it easier to keep people with low-level offenses in more effective alternatives to prison.

The budget plan is for counties to negotiate a rate of \$23 – \$33 per day for each person that is diverted from prison because of the sentencing reforms described below. In FY2018, the Department of Rehabilitation and Corrections has set aside **\$19 million for TCAP** in a first round of counties; in FY2019, that **increases to \$39 million** when TCAP becomes available for all 88 counties.

*Keeping people who don't belong in prison, out of prison*

DRC's 2017–19 budget proposal includes some modest yet high-impact sentencing reforms:

- **Anyone sentenced for less than 12 months on a fifth degree felony (“F5”) could not be sent to state prison;**
- **Exception:** even if someone's only offense is an F5 and their sentence is less than a year, they can still go to state prison if the current offense, *or any offense in their past*, is a violent or sex offense.
- People with these lowest level, non-violent F5's could be held in a community-based correctional facility, halfway house, other local program, or jail.
- DRC projects that this provision will **reduce prison intakes by 3,400 people** each year.
- Using DRC's average cost per prisoner, taxpayers would spend over \$63 million to imprison 3,400 people for an average sentence of nine months each. By allocating \$28 per day out of DRC's budget for these same 3,400 people, **taxpayers would spend \$37 million less through the TCAP program.**

*Earned credit for education*

Research has demonstrated that obtaining a GED while in prison is one of the best ways for a person to avoid coming back.<sup>2</sup> Based on this, the budget bill gives incarcerated people **90 days off their prison terms if they complete a GED.**

<sup>1</sup> See Alliance for Safety and Justice, “Crime Survivors Speak,” 5 Aug. 2016 (first ever national survey of crime survivors on their opinions about incarceration and criminal-justice policy); available at <http://bit.ly/2omXWDb>. See also Danielle Sered, “Accounting for Violence: How to Increase Safety and Break Our

## SENATE BILL 66

SB 66 is an essential complement to DRC's budget proposals. One of the main targets of SB 66 is probation revocations. Since at least 2012, 23% of annual prison intakes — about 4,700 people each year — are the result of *probation revocations* that were not new felonies. These are people who broke some probation rule (such as missing an appointment with their probation officer) or who committed a misdemeanor. And the current *minimum* sentence for revoked probation is one year in state prison—at a cost of \$24,763 per year. According to DRC, a rapidly growing portion of these **probation violators are rural women addicted to opioids**. Prison does little to heal their addiction or to repair whatever harm they may have caused with their crime. SB 66 goes beyond the budget with several smart-on-crime proposals:

- When someone on probation (often called “community control”) for a F4 or F5 crime violates their probation rules, this bill would **give judges more discretion to sentence people to less than a year in prison**. (Current law requires a minimum one year sentence.)
- **Allows courts** to impose a term of up to six months in a community-based correctional facility or jail as a penalty for violating a probation rule.
- **Give judges more discretion** to grant **treatment in lieu of conviction**;
- **Give judges more discretion** to **seal criminal-records** for rehabilitated people;
- Modifies the criteria for considering a prison term as a response to a parole violation and reduces the maximum length of any such prison term;
- Expands the overriding purposes of felony sentencing to include rehabilitating the offender.

*State and local officials need to hear how much this matters to all Ohioans.*

**CALL YOUR STATE SENATOR,  
county commissioners, and county sheriff.**

*Urge them to support both  
TCAP (in the state budget bill) and SB 66.*

Failed Reliance on Mass Incarceration,” New York: Vera Institute of Justice, Feb. 2017; available at: <http://bit.ly/2o3AAq5>

<sup>2</sup> John Nuttall, Linda Hollmen & E. Michele Staley, “The Effect of Earning a GED on Recidivism Rates,” *Journal of Correctional Education*, 54:3 (Sept. 2003), pp. 90-94; available at: <http://bit.ly/2oSBCEf>

**OHIO JUSTICE & POLICY CENTER** is a nonprofit law firm and advocacy organization with a 20 year history of making communities safer by protecting the rights and dignity of people who have been marginalized by the criminal justice system. Find out more at: [www.ohiojpc.org](http://www.ohiojpc.org).

The **OHIO ORGANIZING COLLABORATIVE** builds power for everyday Ohioans by bringing together faith, community, and labor partners to achieve racial, social, and economic justice. Find out more at [ohorganizing.org](http://ohorganizing.org).