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Community Correctional Center,
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Community Restoration Centers of Stark
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Community Transition Center - Lancaster

CROSSWAEH CBCF, Oriana House, Inc. -
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Judge Nancy R. McDonnell CBCF,
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Ohio Link Corrections & Treatment, Inc. -
Lima & Toledo

Oriana House, Inc. - Akron, Cleveland,
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Summit County CBCF Oriana House, Inc. -
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Talbert House - Cincinnati

The Salvation Army Harbor Light -
Cleveland

Turtle Creek, Talbert House - Lebanon

Volunteers of America Ohio & Indiana -
Cincinnati, Dayton, Mansfield, Toledo

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Chairman LaRe, Vice Chair White, Ranking Member Leland and members of the House Criminal Justice Committee; I am Linda Janes, Chief Operating Officer of Alvis, a private nonprofit human services agency with facilities in Columbus, Chillicothe, Lima, and Toledo. I am also the president of the Ohio Community Corrections Association (OCCA). OCCA is here today to offer proponent testimony on Senate Bill 288 and companion House Bill 699.

OCCA represents two types of residential community corrections programs, Halfway houses and five Community Based Correctional Facilities. Ohio's recidivism is significantly lower than the national average, due in large part to the state's extensive community corrections infrastructure. Our member agencies operate 38 facilities throughout the state. These facilities offer a range of evidence-based community corrections programs including residential, day reporting, electronic and GPS monitoring, mental health and substance use treatment, work release, workforce development and other services.

Community corrections programs, such as CCA, provide individuals who are in the process of transitioning from prison to the community with a supportive environment and services that have been proven to reduce the risk that an individual will recidivate. Recidivism decreases when returning citizens can step down to a halfway house and receive the services and treatment they desperately need.

Halfway Houses

Halfway Houses are located throughout the state and offer services to all 88 counties. Halfway Houses are community residential programs providing supervision and treatment services for offenders released from state prisons, referred by Courts of Common Pleas, or as a sanction option addressing violations of community supervision.

Halfway houses are a vital component of Ohio's community justice continuum providing services such as cognitive behavioral therapy, drug and alcohol treatment, electronic monitoring, job placement, educational programs, and specialized programs for sex offenders and mentally ill offenders.

The primary focus is to transition participants back to the community and assist with obtaining employment, stable housing, and connecting them to support services they can access independently. Programming is cognitive behavioral based, which helps reduce criminogenic risk factors and promotes pro-social thinking and better life choices. In addition to finding jobs, many of our clients experience their first success at holding on to that gainful employment while with us.

Most persons enter a halfway house in one of the four following ways:

- Direct Sentence** – A direct sentence allows a judge to sentence an offender directly into the halfway house. If community corrections options were not available, local judges would have no alternative to prison.
- Probation or Parole Violation** - Probation officers are required to supervise offenders and ensure they understand the conditions of parole or probation. Should the offender require a more structured environment with a higher level of supervision, a halfway house is more effective.

•**Parole or Post Release Control offenders** - These are people who have completed their prison sentence, but while under supervision of the Adult Parole Authority, many need the services and structure that is provided in a halfway house. The services provided by the halfway house have been proven to reduce the chance of returning to the criminal justice system.

•**Transitional Control (TC)** - A very successful step-down reentry program is called Transitional Control. The Ohio Department of Rehabilitation and Correction (ODRC) administers the Transitional Control (TC) program under ORC 2967.26. TC Eligible individuals transfer to a halfway house for up to the last 180 days of their sentence. These inmates are spending the final months of their sentence in a structured halfway house on a work release type of status, which may include electronic monitoring once they are home. This type of program reduces the volume of people that are currently in expensive prison beds. The Ohio Department of Rehabilitation and Correction, in conjunction with the University of Cincinnati issued a research report that concluded that if an offender is placed in the transitional control program in a halfway house, re-incarceration can be reduced to 16.3%. 3,533 people participated in TC per the 2021 ODRC annual report. Persons on Transitional Control are required to be employed, pay restitution, child support and any other financial obligations. In addition to working and paying taxes, the TC clients' needs are assessed and then they are required to participate in any substance abuse, mental health or anger management programming.

Transitional Control is supported by legislators on both sides of the political spectrum, fiscal conservatives, and progressive organizations. The American Civil Liberties Union, Right on Crime, the Alliance for Safety and Justice, and the Ohio Public Defender's Office have all testified in favor of removal of the judicial veto in hearings over the years. We support the changes within the substitute bill that modifies the (judicial veto) provisions so that they apply only if the prisoner is serving a term of less than one year.

Administrative Transfer Procedures are Thoughtful and Deliberate

There is a very deliberate and thoughtful process [see the attached flowchart of what is required for individuals to be approved] for an **administrative transfer**. It is a very detailed and intricate process to ensure those amenable (utilizing the Ohio Risk Assessment System) and eligible for the program are selected through Ohio Administrative Code (OAC) 5120-12. Transitional control creates a mechanism for these low-level offenders (sentenced to less than two years) to access treatment and supervision in a halfway house for **workforce development**, cognitive behavioral health services and other programming that is proven to reduce recidivism.

In fact, TC is not an early release mechanism. Per the Ohio Revised Code and previously shared with you by Niki Clum, Office of the Ohio Public Defender Legislative Policy Manager:

- ⇒ ORC 2967.26(A)(1) moves inmates “for the purpose of closely monitoring a prisoner’s adjustment to community supervision during the final 180 days of the prisoner’s confinement.
- ⇒ ORC 2967.26(F) Keeps persons in Transitional Control as inmates of ODRC. “A prisoner transferred to transitional control who violates any DRC rule may be transferred **back to prison** and will receive credit towards completed for the time spent in transitional control.”

Necessary Rehabilitative Interventions are Good for Public Safety

Transitional control inmates are not violent sex offenders; these are typically persons in need of mental health and substance use disorder interventions who are coming back to our communities regardless of whether they receive the benefit of this proven intervention or not! Without the benefit of Transitional Control, offenders are released directly to the community without support or connection to treatment services, stable housing, or employment assistance. If they are not under post release control, they will return home without any criminal justice supervision.

We would rather provide the necessary supports to help people make better choices and reduce the incidence of re-offending or escalation of behavior they will assuredly learn from more seasoned criminals if left incarcerated. Transitional Control has been researched by the University of Cincinnati and proven to be an effective reentry program adopted by the Ohio Department of Rehabilitation and Correction (ODRC).

Residential community corrections is integral to corrections reform. It is an efficient use of state resources, leverages additional dollars on top of the state investment and increases public safety by reducing recidivism. In addition to successful reentry, non-profit community corrections make sense as a public: private partnership.

As community corrections providers, we are always looking for ways to balance the need for safety while providing effective treatment for the addiction and mental health issues the majority of those in the criminal legal system suffer. The successful reentry of offenders into the community is the cornerstone of reducing recidivism and connecting offenders to treatment and local resources.

Considering the current opioid epidemic, these eligible offenders can be treated in community corrections centers safely, with clinical best practices. Former ODRC Director, Gary Mohr, testified in this General Assembly that, “[t]he judicial veto is particularly problematic for people with shorter sentences because they have less access to programs in prisons due to program waitlist times. This can result in those sentenced to two years or less serving their entire sentence without accessing critical services and programming before their return to their communities.”

In summary, utilizing TC reduces prison crowding, saves money, effectively reduces recidivism, and starts an individual on the path to becoming a law abiding, tax-paying citizen. Thank you for your time and attention. I am happy to answer any questions.

Please direct additional questions to:

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Transitional Control in SB 288 & HB 699

Transitional Control (TC) is a program created by statute in 1996 and administered by the Ohio Department of Rehabilitation and Correction (ODRC). Under TC, an inmate is transferred from prison to a halfway house where the inmate's re-entry into the community is closely monitored and supervised during the end of their sentence. No person with a sex offense is eligible for TC. Research shows that **TC is a successful program.**

Reduces Recidivism

- TC participants had a 16% recidivism rate according to the University of Cincinnati.
- 84% of prisoners who participate in TC do NOT return to prison — lowest recidivism rate among all programs at ODRC.
- Any inmate violating TC program can be returned to prison.

Relieves Overcrowding

- In FY2019 3662 persons were placed in TC, 3345 in FY2020, 3533 in FY2021 and 3819 in FY2022.
- Equates to an average 8% reduction in Ohio's prison population.
- Saved Ohioans approximately \$2.7 million per year over the last four years (\$9.56 marginal cost times 113 days average length of stay).

Supports Reentry

- Inmates in TC earn wages and pay restitution, child support, and taxes.
- Inmates in TC participate in:
 - > Supervision & monitoring
 - > Education
 - > Vocational Training
 - > Substance Abuse Treatment
 - > Cognitive Treatment
 - > Job Search Assistance



Despite these successes, in CY 2017 and CY2018 **2540 eligible** inmates were not allowed to participate in TC at the end of their sentence because of a judicial veto.

WHY did we lose this huge opportunity to decrease prison spending AND make our communities safer?

ORC 2967.26(A)(2) allows the Common Pleas Court to disapprove of a TC transfer for an offender who is sentenced to two years or less, despite the fact that ODRC has screened the inmate and determined that they are eligible for TC under a strict and comprehensive list of standards for eligibility.

- ♦ Ohio is the only state that allows for judicial veto of an individual's eligibility for TC.
- ♦ Every other state and the Federal Bureau of Prisons considers the TC decision a "classification determination" that is best left to the experts in the Department of Corrections.
- ♦ If eligible felony four and five offenders are rejected by judges and must complete the last six months of their sentence in prison; they will be released with \$75, no supervision, no supports, and without the TC re-entry services.

Judicial vetoes of otherwise eligible inmates for participation in TC, in FY2017 and FY2018 alone cost taxpayers approximately \$2.7 million (\$9.56 marginal cost times 113 days average length of stay).

SOLUTION:

It is time for Ohio to remove the judicial veto in ORC 2967.26(A)(2) and maximize its use of this cost-saving and highly effective tool by fully empowering ODRC to make this classification determination.

