

Testimony before the House Finance Sub-Committee on Transportation
FY 2022-2023 Biennial Operating Budget
Presented by Annette Chambers-Smith, Director
Ohio Department of Rehabilitation and Correction
February 23, 2021

Good morning Chair Patton, Ranking Member Skindell, and members of the House Finance Sub-Committee on Transportation, thank you for the opportunity to address the committee today regarding the Department's FY22-23 executive budget request.

When I testified for the FY20-21 budget, we prioritized investing in family engagement and empowerment, the treatment of the severely mentally ill, restrictive housing reform, and investing in the community. In the beginning of the biennium, we were off to a great start, in fact I'll later share with you what we did get accomplished in those policy areas. However, COVID management, COVID expenses, and the subsequent budget reductions associated with it, changed our trajectory. The pandemic delayed some of our implementation, but it did not stop us.

This year has been like no other. Thankfully, pandemics of this scale happen only about once every 100 years. There have been heart breaking and horrible things that occurred this year, and it has been full of loss and grief. The lives of 140 people have been lost in our department: 10 staff members and 130 incarcerated people. I have attached the names of the deceased staff to my testimony, and I wish I was strong enough to read them to you, but I can't do it without crying. We have all felt the impact to our families, our physical and mental health, and our personal and professional lives. Yet while juggling everything, DRC staff has always been there. We have been a shining example of teamwork, collaboration, compassion and professionalism. Combined Charitable Campaign donations exceeded goals even when people experienced furlough days and personal economic hardships. The Chaplains have created and still facilitate a daily 7:00am call to pray for the staff, our charges and our families during the ongoing pandemic. Prison staff families made Thanksgiving Dinner for the Ohio National Guard

stationed at the prison. Our incarcerated people make masks, sanitize tirelessly and help in any way they can. Parole officers worked overtime in prisons as correction officers. Our specialized teams work seemingly everywhere, pulling us back from the edge time and again. Mental Health nurses work in medical. Medical staff work extremely shorthanded, yet still provide excellent care to our people. Teachers work in the commissary. Officers, the backbone of our department, never bending, never breaking, are sacrificing in countless ways to keep everyone safe by working double shifts and 12-hour shifts to maintain coverage.

Then when more of our staff got sick, and we could no longer manage everything ourselves, the Ohio National Guard and the Ohio State Highway Patrol came to our rescue. I've thanked them repeatedly, but I want to thank them again publicly because they truly have been a godsend. They helped us with perimeter patrol, COVID testing, symptom screening, security missions, and contact tracing. They have literally filled in where needed when needed, and we cannot thank them enough.

COVID Response

DRC had pandemic plans in place before COVID. We even had a very small stockpile of PPE. However, several things made this disease different from the pandemic we were prepared to handle. One was the incubation period. We were not anticipating a disease with a 14-day incubation period. Second was the length of time people would be contagious – 10 to 21 days depending on the severity of their case. Another distinction was the fact that people could carry the disease, infect others and have no symptoms themselves. Lastly, and perhaps most importantly, our prison system was 133% crowded.

So, our response to COVID evolved often daily with emerging science. Infectious disease and environmental health experts from the Ohio Department of Health, the Ohio State University Wexner Medical Center, the Ohio State University College of Public Health, and the Ohio Environmental

Protection Agency all came together to help craft our plans. We rapidly implemented Center for Disease Control guidelines each time they changed.

We do everything in our power to keep our people safe. When we couldn't buy PPE, we started making our own. We test the wastewater at every prison weekly as part of our COVID surveillance system. Since we know COVID originates outside the prison, we now require every staff member, volunteer, or contractor going into our facilities to test for COVID once a week. We also have a robust testing policy for the people who live in the prisons. In December of last year, we started administering the Moderna vaccine to our staff and incarcerated adults in the same phases as the rest of Ohio's communities. Each prison has restrictions in place that match the current level of contagion in that prison. In fact, three prisons recently re-opened in-person visiting, with 12 more planned in March and April.

As we all know, one highly effective COVID management tool is social distancing. Ohio's prisons are 60% open bay, which means those people are not in cells. They are living in large rooms sometimes with 150+ other people while sleeping in bunkbeds just inches apart. DRC was 133% crowded with 49,080 people when COVID began. Throughout the pandemic, the number of people incarcerated in Ohio's prisons has decreased. This was not the result of any one action. Rather, the entire criminal justice continuum played a part in safely reducing our population. Governor DeWine and Ohio Supreme Court Chief Justice O'Connor set the tone in the beginning of the pandemic. Our Governor exercised the early release statute for the first time in our state's history. Chief Justice O'Connor sent a letter to Ohio's judges outlining reduction strategies that would affect prisons and jails. We worked collaboratively with the Ohio Public Defender's office to help identify potential candidates for judicial release and provided them to local judges for consideration. DRC worked in conjunction with Sinclair College to expand programming that qualified for early release credit. Our current count is 43,281 - that's 5,799 fewer people than we had at the beginning of the pandemic - an 11.8% reduction. Even with this decrease, we are still 117% crowded.

Accomplishments:

Despite all the attention and effort that has gone into COVID management, we have been able to move forward with many initiatives. Some items were well underway before COVID, and others were achieved during our COVID response.

Family Engagement - This is an area where many initiatives had to be temporarily paused because of the realities of COVID transmission. Our goal is to create a permeable environment where more people come to help those in a prison, and interaction between our people and their families is routine. The more that people come into a prison, the less mysterious our operations are, and the more our incarcerated people realize they are not merely locked up and forgotten. Pre-COVID we established a family counsel whose purpose is to advise us on suggested changes to make it easier for families to engage us. We created a ride sharing account on Facebook so families can carpool to visiting. We expanded visiting hours at several prisons. Our worship services now include family members so that families can practice their faith together; we have even baptized family members inside prison. Every institution now has normalcy initiatives which are intended to create an environment to help us build better citizens. Make no mistake, the pause is **temporary**. We are dedicated to getting back to these initiatives when it is safe.

Restrictive Housing Reform – We reached major milestones in our efforts to reduce restrictive housing during the current biennium. (Restrictive housing is a status where a person is confined in a cell for 23 hours a day.) We changed policy to eliminate the routine use of this practice in 24 out of Ohio's 28 prisons. In 2019, there were 2,355 individuals in restrictive housing. As of this month, there are 1,146 which is a 49% reduction.

Investing In Community – In the 133rd General Assembly, Governor DeWine proposed, and the General Assembly allocated, funds to support local probation departments. DRC provided grants to 24 counties to hire additional staff whose purpose it was to assume the supervision of their local probation cases,

which resulted in more cohesive probation practices. These grants also allowed the Adult Parole Authority (APA) to concentrate our parole officers on offenders released from prison on Post Release Control, who are more violent and require more supervision. In addition, the allocated funds allowed the APA to increase staffing by 40. These two initiatives have decreased the average caseload size by 10 people.

Modernizing Parole and Community Services – In March of 2020, Governor DeWine released the Post Release Control working group’s initial report with 11 recommendations. Since that time, the APA has made significant progress toward implementing those recommendations which addressed four major categories: refining the use of electronic monitoring, reducing and assigning parole officer caseloads, enhancing the use of risk assessments and strategic planning.

Other related reforms in 2020 involved modernization of Parole Board operations, including the approval of revised administrative rules outlining the factors the Parole Board considers during a hearing. These revisions reflect nationally recognized best practices such as considering information linked to positive outcomes while an individual is on parole supervision.

Technology to Access Educational Opportunities – In 2020, we installed an educational wireless network. This year, the department will distribute Chromebooks utilizing this network as a means of delivering online education programming. DRC successfully implemented this solution in the juvenile high school last year at the Correctional Reception Center. This technology will allow the department to increase access to important education and programming opportunities, which has a direct link to lowering recidivism.

Meeting the Evolving Needs of Reentry – DRC made strides in 2020 toward easing the access to important reentry tools such as transportation, distribution of funds upon release, savings and access to real-world technology when going home. All people leaving prison who do not have transportation receive a free

bus ticket home. Reentry staff collaborated with the Ohio Department of Medicaid and their partners to provide cell phones to Medicaid enrolled men and women who are returning to the community. These phones are a valuable resource to help people access healthcare and other important resources once released.

Combating Opiate Addiction in Ohio – Governor DeWine named me one of the co-chairs of Recovery Ohio. In response to the ongoing opiate epidemic and to further our mission, I signed an executive order supporting the utilization and expansion of medication assisted treatment (MAT) for incarcerated Ohioans with substance use disorder. (MAT is medication that helps people suffering from substance use disorder fight their addictions.) This order resulted in the ongoing focus of providing treatment to individuals suffering from substance use disorders and an overall expansion of MAT usage. In 2018, we also established a “Narcan at Release” pilot in our female facilities. In 2019, we expanded this pilot to all facilities. Over 1,370 inmates have utilized this program since its inception.

Addressing Racial Bias in Security Classification – We classify all incarcerated individuals with similar violence risks into a security level where they can be safely managed. Last year, we redesigned the initial classification instrument to address the disproportionate impact on African Americans. This included eliminating the rule requiring individuals under the age of 25 who are serving sentences of ten or more years, to start at a higher security level. The research validated instrument used for classification purposes was also updated to remove redundant items which measured the same outcomes but resulted in higher scoring for African Americans. At the end of 2020, there were 906 fewer African Americans in higher security with no significant changes in overall violence. This decrease is significant because it creates an overall safer environment and allows individuals who remain in lower security settings to have more access to education, programming, job training and release considerations.

Managing the Current Budget

We started several noteworthy cost savings initiatives during the current biennium, both to make necessary GRF cuts to support the overall state budget and in preparation for a difficult upcoming biennium. Examples include:

1. Delay or cancellation of the planned hiring of 132 positions, resulting in a savings of over \$14 million in FY21. Overall staffing levels decreased by 416 positions from 12,247 to 11,831 positions over the last year. Due to the drop in prison population, the inmate to correction officer ratio improved from 6.6 : 1 to 6.1 : 1.
2. Transitioned most in-person training online which decreased travel costs and improved safety.
3. Negotiated reductions to contracts with an aggregate annual savings of over \$3 million in FY21.
4. Reductions in marginal costs that are directly related to population, like meals, drugs, clothing and hospitalization. Nearly \$7 million was saved because of the population reduction in FY21.

As a result of these and numerous other reductions, DRC will reduce its GRF budget by \$30 million this fiscal year. On the other hand, CARES Act funding offset the unexpected costs of COVID. We experienced unanticipated costs of \$9 million in FY20 and have spent \$81 million so far in FY21. Ongoing COVID expenses include hazardous duty pay for frontline employees, employee testing, wastewater testing, PPE and cleaning supplies. We expect to continue spending approximately \$6 million per month for ongoing needs.

Fiscal Years 2022-2023 Budget Request

I was at DRC for 21 years before becoming director in 2019. We had 6 layoffs in a 6-year period between 2008 and 2013. Although we will need to reduce expenditures to stay within the budget request, we will be doing it using technology efficiencies, contract negotiations and attrition, not layoffs. Since we are still at 118% capacity, and there is an obvious need for social distancing to manage COVID; we do not recommend closing any prisons. The largest proportional new investment in this request is to support parole operations with the goal to further reduce caseloads to 50:1. This support will allow the appropriate amount of services per supervision level, increasing public safety and confidence in the system.

Our request supports Governor DeWine's overall executive budget proposal in following ways:

Thriving Economy - We will further leverage technology and increase controlled internet access to prepare incarcerated people to fill in-demand jobs.

Healthy People - We treat our people holistically with concern for mind, body and spirit. The proposed budget will help us expand in two critical areas to increase the overall health of our people:

First, DRC will expand the use of nationally recognized health care quality standards to align with Governor DeWine's COVID Minority Health Task Force goals. These standards will be used to evaluate key health indicators that disproportionately impact minority populations. These include controlling high blood pressure, breast, cervical and colorectal cancer screening, and diabetic care outcomes.

Secondly, we will expand addiction services. 67 percent of incarcerated people have a moderate or severe need for recovery services. Almost 23 percent of our population are on the mental health caseload, and 10 percent have a serious mental illness. Funds requested by the Ohio Department of Mental Health and

Addiction Services, will expand access to treatment within Ohio's correctional facilities, including counseling, peer support, technology and MAT. Recovery services provided during incarceration significantly increase the likelihood that these individuals become productive members of society when released.

Renewed Communities - The proposal also invests \$1 million over the biennium into the Governor's Expedited Pardon Project. This project, which operates with the help of law clinics at The Ohio State University and the University of Akron, puts certain rehabilitated citizens on a fast-track to be considered for a Governor's Pardon. It is estimated that thousands of Ohioans could qualify to participate in the project, and funding would be used to help expand the initiative into other law clinics across the state. Language in the budget would also allow the Governor to seal the records of those he pardons.

Conclusion

As of now, it is unknown what will happen with the prison population in the upcoming biennium. Not only is maintaining the current bed inventory crucial for mitigating COVID risks, it is also insurance against the possibility of the population returning to pre-COVID levels. Operations at our facilities are currently more manageable for staff and more humane to incarcerated people. The budget as presented assumes a slow increase in population in FY22 and additional increases in FY23. Marginal costs were adjusted for this anticipated increase. The amount of GRF requested assumes we will not return to our pre-COVID population.

I would again like to recognize the diligence and spirit of service demonstrated by DRC staff in the face of unprecedented circumstances. They have answered the call, continuing our vital work, which truly never stops.

Thank you for the opportunity to address you regarding our budget request, and I welcome your questions.