

Testimony before the Senate General Government Budget Committee  
FY 2022-2023 Biennial Operating Budget  
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Good morning Chair Schaffer, Vice Chair Wilson, Ranking Member Craig, and members of the Senate General Government Committee, 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. This past year has been filled with hardships and turmoil, but throughout the heart break I have been awed and inspired by the DRC staff and their shining example of teamwork, collaboration, compassion and professionalism. Our staff has worked tirelessly by adapting to new protocols, volunteering their time and often their own money, and maintaining a hopeful and positive attitude as we continued to wade through every challenge this past year has given us. 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. 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.

Even though the pandemic is beginning to recede in DRC, we cannot forget the 145 lives that have been lost in our department: 10 staff members and 135 incarcerated people. To commemorate these individuals, family members, prison leadership and I planted Buckeye Trees at our memorial park on Earth Day. The Buckeye Tree is strong and resilient, and we felt planting trees in their honor would continue to be a permanent reminder of their sacrifice.

### **COVID Response**

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 vaccines to our staff and incarcerated adults in the same phases as the rest of Ohio's communities. At this point 52% of our staff and incarcerated people have been vaccinated. Each prison has restrictions in place that match the current level of contagion in that prison.

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 more than 150 other people 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 43,016 - that's 6,064 fewer people than we had at the beginning of the pandemic – an 12.4% reduction. Even with this decrease, we are still 116% crowded.

As we continue to use all available tools to fight this pandemic, we are also working to return to normalcy in a measured and safe way. Visitation has begun again at 23 prisons, with precautions like rapid testing, masking, and barriers. This is a monumental step forward for our incarcerated people and their loved ones who in most cases haven't seen each other for over a year. We have also had volunteers returning to our prisons to continue the critical role they provide. Additionally, we have restarted many in-person programs that were halted due to the pandemic. These first few steps toward a typical routine continues to give our staff and our people much needed hope for the future.

### **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*** - 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. 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. We are dedicated to getting back to these initiatives when it is safe.

***Investing In Community*** – In the last budget, 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.

***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.

***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
2. Transitioned most in-person training online
3. Negotiated reductions to contracts
4. Reductions in marginal costs that are directly related to population

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 \$97 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 six layoffs in a six-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 116% 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 the 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. Sixty-seven percent of incarcerated people have a moderate or severe need for recovery services. 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. We have also incorporated an expansion of our Treatment Transfer program which allows more individuals to take part in residential substance use disorder treatment at a halfway house during the final few months of their incarceration.

***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.