



SB 288
Interested Party Testimony
Wendy Tarr
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Dear Chairman Manning, Vice-Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to offer testimony for the Earned Credit provisions of SB 288. My name is Wendy Tarr and I am the Director of the Vincenian Ohio Actio Network (VOAN), an organization formed out of a partnership with St. Vincent de Paul to focus on addressing root causes of poverty. Our organization interfaces with all cross-sections of our community through our Think Tanks on Poverty, our reentry arm called Accompanying Returning Citizens with Hope (ARCH), our membership in the Central Ohio Restored Citizens' Collaborative, and programming conducted inside of ODRC institutions.

At the core of our values within the VOAN is the ability for each person, regardless of offense type and criminal history, to achieve change, be active in their own rehabilitation, and to learn new ways of living. This is also, I believe, central to the idea of the notion of earned credit. While some states award what are known as "good days" based solely on conduct, Ohio is among numerous other states throughout the country to recognize the need for incentivizing rehabilitative programming through conservative amounts of sentence reduction. While Ohio is currently last in the amount of earned credit able to be earned, the provisions put forth in Senate Bill 288 would bring Ohio closer to the median amount awarded through the nation. This is a much needed piece of reform and I am thrilled to see that you, Senator Manning, saw value in selecting this piece of the Criminal Justice Recodification Committee's recommendations.

There are two types of earned credit: (1) up to 15% for ongoing qualified program participation; and (2) either 90 days or 10% of one's sentence, whichever is less, for completion of a diploma or other specific full programs. I have learned during my work with some dedicated and determined women within the walls of the Ohio Reformatory for Women that earned credit, regardless of the amount someone may earn, is indeed something difficult or impossible to obtain for a large percentage of the prison population. Current law prohibits well over seventy different types of offenses from having their sentences reduced whether it be because of the felony level, a mandatory sentence, or because of an offense of violence - an ORC classification currently used as a one-size fits all approach to dozens of charges regardless of the particulars of the charge or their felony level. Nearly half of these excluded offense types also represent a number of individuals that are sentenced to ODRC for an offense that is a MAXIMUM of a fourth or fifth degree felony. It is for this reason that the VOAN began conducting research into the composition of these charges.

What we found was that the idea of expanding *not just the amount* of earned credit available, but the *types of offenses* that could earn credit for rehabilitative programming is not a new concept. In fact, the Recodification Committee, from which many of the best practices found in SB288 originated, agreed that more offenses need to be added to the list of qualifying offenses for earned credit. Under the recommendations for **ORC 2967.193** is the following language:

- *For a person whose most serious offense of confinement is a fourth or fifth degree felony, not more than fifteen percent of the inmate's aggregate stated minimum prison term for all programs and activities provided for*

- *For any person not serving a life sentence, ninety days for completing a high school diploma or high school equivalency as provided in division*

Expanding earned credit qualification to all non-mandatory fourth and fifth degree offenses within ODRC not only falls directly in line with the recommendations of the Recodification Committee, it also helps to accomplish the following:

1. Rehabilitative programming is incentivized among those offenders for whom other diversion measures in the community were not successful, but who have a short stay in DRC. These individuals, through a number of programs that only take 3-6 months to complete, can return to society with new tools they can put immediately to use.
2. Compliance with institutional rules is enhanced because of ODRC's continued ability to revoke earned credit. With over 70,000 Rule Infraction Board incidents reported in ODRC's most recent annual report, providing the opportunity for earned credit to more incarcerated adults expands corrections staff ability to incentivize pro-social thinking and behavior through judicious discretion of removing earned credit to potentially thousands more in their custody.
3. Low-level offenders are released an average of 4 to 8 weeks earlier because of their active role in their rehabilitation. By a conservative estimate, if each offender with a maximum sentence of a fourth or fifth degree felony served the midpoint of their sentence range AND obtained earned credit to the amount permissible in SB288's expansion, a total of over 80,000 days of earned credit could be awarded. The 10-year saving based on looking at yearly incarcerations costs for newly committed 4th and 5th degree felony offenses is an estimated \$38 million dollars. There would be further savings based on the population of people currently incarcerated; \$7.45 million dollars for currently excluded 4th and 5th degree felony offenses alone (with even further savings from additional people eligible for 90 day/10% reductions)..

For these reasons, I believe adding this expansion from the recodification recommendations is beneficial and worthy of legislative change. By incentivizing programming, thousands more DRC residents can receive earned credit and millions can be reallocated to continue to advance innovation and program access. With these changes, Ohio will move in the direction of smart justice. Again, we applaud and wholeheartedly support the expansions already included in this first iteration as it pertains to earned credit and hope these additions will be positively received and included as the bill is finalized.

Thank you for the opportunity to testify before you. I would be happy to answer any questions this committee may have.

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