

Testimony Senate Judiciary Committee

SB 288

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Introduction

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, it is a pleasure and honor to have the opportunity to speak to you today on behalf of SB 288. I believe one of the last experiences in this chamber with you was when we discussed and debated issues associated with the Recodification Committee. Specifically, I recall our small committee work on the drug chapter where a bipartisan collection of legislators, the Franklin County Prosecutor, State Public Defenders, and I met multiple times and reached consensus to propose a revision to the larger Recodification Committee. I am hopeful that some of that work may yet materialize into law.

As part of my 47 years in this profession, it was a true honor to have served as your Director of the Ohio Department of Rehabilitation and Corrections with the opportunity to oversee Ohio's 27 prisons and its parole and community services system. Since I last met with you, I have had the opportunity to serve as the 106th president of the American Correctional Association and have been called into multiple states with challenges, including North Carolina and Iowa, which are states that had staff murdered during riots and escape attempts. I have also been involved in master planning projects to evaluate the use of facilities and programs in Illinois and South Dakota among other national projects.

It has become increasingly clear through my years in this profession that the justice system's purpose is to keep the public safe. Corrections plays a significant role in this purpose. Just think, if the prison system can reduce the likelihood for those incarcerated to commit future crimes and create future victims of crime, the public will be safer. Research, including three years of study conducted by the University of Cincinnati in every one of Ohio prisons, evaluating all programs identified as "evidenced-based," has clearly established what reduces future crime in the community and violence inside prisons.

In Support of SB 288

That brings me here today to support this legislation. The foundation for my support comes from my belief that "how a person spends time in prison should matter." Earned credit is a critical public safety tool, and SB 288's provision to expand earned credit will lead to significant safety benefits both for our Ohio communities and inside our prisons.

The University of Cincinnati study of our own prisons looked both at both program participants and program completers and examined those who were engaged in multiple evidenced-based programs. The evidence tangibly demonstrated that both program participation and completion resulted in reduced criminal activity and reduced prison violence. Further, being engaged in combinations of these programs resulted in further reduction of future crime and safer, more compliant prison conduct.

SB 288 increases the incentive to participate and complete these impactful programs by increasing the cap on earned credit from 8% to 15%. I can assure you that 15% is still on the conservative side of the amount of earned credit that can be earned, in comparison with many other states. Increasing earned credit awards, and the total amount that can be earned for a wider range of eligible people in prison, was a critical element to create a safer prison system in the state of North Carolina that had previously lost five staff in two separate riots at two different prisons.

In addition to raising the cap on earned credit, I suggest making two additional changes in SB 288 that would further increase public safety by expanding access to earned credit:

- Allowing the 90-day program completion credit to be earned for each program completed. This would encourage people in prison to complete multiple programs, which the University of Cincinnati study found leads to the strongest outcomes for public safety.
- Narrowing the offense-based restrictions that currently block many individuals from earning credits for engaging in and completing recidivism-reduction programs. Currently, the vast majority of those incarcerated are not incentivized to participate in programs that keep communities and prisons safer. Reducing these restrictions would allow more individuals, including those who have been convicted of violent offenses in the past, to participate in and complete programs that will significantly reduce future crime and crime victims.

SB 288 also strengthens another demonstrated best practice to keep Ohio safer by expanding access to Transitional Control. The current program allows for an individual who has closely screened to be re-classified during their last six months of their sentence to a local facility. Transitional control has earned the status of being one of Ohio's top restorative programs, resulting in tangibly reduced recidivism. SB 288 seeks to streamline the approval process to participate in this rehabilitative program for those sentenced to two years and less - a group that is currently subjected to an extra judicial review process. This is important for several reasons:

- Candidates for this program are carefully evaluated by corrections and parole board staff to ensure their readiness and suitability for placement in a community facility.

- People in transitional control are required to engage in recidivism-reducing programming including employment assistance, academic and vocational programming, and substance-use programming
- Currently, people with sentences of two years and less (often less serious offenses) who have already been reviewed and approved to participate are subjected to a secondary review at the court level, at which point they can be denied access. The 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.
- There are also significant geographic disparities in the use of the judicial vetoes for transitional control, with some districts showing 0% approval rates while others are much higher. This disparity is both unfair and bad for public safety. SB 288 would standardize the transitional control approval process for all eligible people and ensure that those most in need of access to programming receive it. Consistent with the research, SB 288's expansion of transitional control will reduce recidivism and result in fewer crime victims.

Finally, SB 288 would strengthen and streamline judicial release, ensuring that the state is prepared to process applications for release effectively in emergency situations, and allowing the Director of ODRC to recommend people for release who have demonstrated their readiness to return home. These are common sense policies to ensure that release decisions are individualized and based on demonstrated readiness for release.

Thank you for this opportunity to testify. I would be happy to answer any questions.