



Ohio Justice Alliance for Community Corrections

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OHIO JUSTICE ALLIANCE FOR COMMUNITY CORRECTIONS

TESTIMONY

HB 33

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SUBMITTED TO THE OHIO SENATE FINANCE COMMITTEE

By: Phil Nunes, OJACC Past President
May 30, 2023

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Ohio Department of Youth Services
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Chairman Dolan and esteemed members of the Ohio Senate Finance Committee:

I am Phil Nunes, Executive Director of Eastern Ohio Community Based Correction Center which operates Community Based Correctional Facilities in Columbiana and Jefferson Counties. I am also Past President of OJACC and have been in the community correctional field for 34 years.

Thank you for providing me the opportunity to offer testimony in support of Governor DeWine's budget. We applaud the administration's commitment to community corrections and recognizing the important role our agencies play in reducing both recidivism and the prison population. The collaborative working relationship between the Ohio General Assembly, the Ohio Department of Rehabilitation and Correction and community corrections providers has led to Ohio's position as a national leader in community corrections.

ABOUT OJACC

OJACC serves as an umbrella organization representing Ohio's criminal justice stakeholders to include judges, defense attorneys, prosecutors, pre-trial and probation officers, law enforcement officials, corrections officials from adult and juvenile systems, treatment providers, reentry practitioners, and victims' representatives.

OJACC focuses on collaborating with all stakeholders to educate policy makers and legislators on issues affecting community corrections. OJACC also provides education to community corrections practitioners to enhance services throughout the state. Our mission, for our over 35-year history, has been to promote and support effective community corrections in Ohio.

WHAT ARE COMMUNITY CORRECTIONS

Community corrections include a full range of local sanctions for juveniles and adults that may be imposed by the courts. These include supervision by a probation officer, drug or mental health treatment and other required programming, electronic home monitoring, community service, drug testing, as well as many other residential and non-residential sanctions designed to help change offender behavior and extends to reentry from jail or prison. The sanctions are individualized based on the seriousness of the crime committed, the risks posed by the offender, and the specific needs to be addressed.

Effective community corrections address the underlying issues which lead to criminal behavior. This may include drug or mental health treatment, or addressing criminal thinking, as well as educational and vocational issues. Effective community corrections also provide opportunities to hold offenders accountable. The sanctions can be tailored to the individual offender. For some, this includes a locked-down residential sanction, such as a community based correctional facility. For others, it may include a halfway house program. And for many, it may include outpatient programming and supervision by a probation officer.

COVID 19 Impact to Community Corrections in Ohio:

As you can imagine, Ohio's Community Corrections has been greatly impacted by COVID 19.

The good news is that throughout the crisis community correction providers, to include residential Halfway Houses and Community Based Corrections Facilities (CBCF), as well as non-residential services such as probation, have maintained operations serving offenders throughout the juvenile and adult system.

Although we are working on becoming more normalized, there remains a very dangerous and continued effect the pandemic has brought upon our field and perhaps the employment world everywhere. The cost of doing business has gone up due to a competitive workforce. Therefore, you will hear throughout this testimony that we must continue to invest in community corrections to raise the livable wage across all community correctional sectors to ensure we can maintain stability and continue to serve the great state of Ohio.

ADULT COMMUNITY CORRECTIONS IN OHIO

The Ohio Department of Rehabilitation and Correction (ODRC), through the Bureau of Community Sanctions, funds Community Based Corrections Facilities (CBCF), Halfway House Programs, and Jail and Prison Diversion programs for Ohio's Courts. In Fiscal Year 2022, these programs served 44,082 individuals at a substantial cost savings, (see <http://drc.ohio.gov/community>).

Diverting non-violent offenders from prison results in a huge costs savings for Ohio's taxpayer. Unlike prison, CBCFs and half-way houses provide intensive programming which is designed to change offender behavior and improve public safety.

The costs savings are even greater for offenders who are supervised on community control sanctions (probation) in a non-residential placement, rather than being incarcerated. Research demonstrates that programs designed to change offender behavior are most effective when offenders are supervised in the community.

Additionally, these programs can serve as a step-down release mechanism for Ohio's prison system to provide effective reentry services that help ex-offenders become law abiding citizens. The University of Cincinnati conducted extensive studies of Ohio's community corrections programs. These studies demonstrate that, when used appropriately, community corrections programs are highly effective in reducing recidivism and promoting public safety.

Finally, the OJACC Adult Community Corrections Collaborative committee includes representatives of all community corrections programs that received state funding including CCA programs (county probation), CBCFs and Halfway Houses. In a recent strategic planning meeting, all community corrections programs and providers indicated the primary priority for community corrections continues to be the need to raise pay ranges within their organizations to maintain a

viable workforce by competitively recruiting and retaining well trained staff.

Although these new investments vary by funding line item, OJACC supports additional requests as submitted by partner community corrections associations as follows:

OJACC fully supports the needed increases to the 501-501 line included in the as-introduced version of the Governor's budget. Increases of 6.4% in 2024, totaling \$5,709,137, and an additional 5.4% in 2025, totaling \$5,112,200, will put CBCFs on a path towards addressing needs in staff retention and increases in overall costs. This additional investment will ensure CBCF can continue to serve judges state-wide and divert individuals from costlier jail and prison incarceration.

OJACC fully supports the increase to GRF line item 501-405 for licensed halfway houses. Much like CBCFs, this additional funding will allow halfway house providers state-wide to invest in their staff to improve staff recruitment and retention and also support rising inflationary costs as well. This additional funding will assure for the continuation of serving as both a diversion and much needed reentry option to assist individuals in success upon release.

Community Corrections Act (CCA) 501-407 and 501-408 programs are primarily associated with probation departments that provide non-residential supervision and treatment in the community as a diversion for offenders who otherwise would be sentenced to prison or jail. OJACC supports the recommendations that resulted from the Probation Workload Study Committee and appropriate funding for implementation of the recommendations. HB 110 charged this committee with the study of probation caseload principles, education standards for probation officers, workload capacity principles and other relevant subjects. Recommendations from this committee were submitted to the Governor, President of the Senate and Speaker of the House of Representatives in December of 2021 as required by HB 110. The priority recommendations include:

- #1: Revise the ORC to require a validated risk assessment tool be used by every municipal, county, and common pleas court when assessing offenders for eligibility for community control.
- #2: Probation caseloads should be differentiated by assessed risk and need, and caseload sizes should be commensurate with the intensity of supervision, interventions, programming.
- #3: To amend the Ohio Revised Code to require that municipal and county courts accept transfers in a manner like R.C. 2301.28. Additionally, to amend the Ohio Revised Code to adopt uniform guidelines for transfer between courts and jurisdictions, including when such transfer is appropriate.
- #4: Create a list of uniform conditions of supervision that specifically support public safety, rehabilitation, and reduces technical violations leading to increased successful completion of supervision.

JUVENILE COMMUNITY CORRECTIONS IN OHIO

The juvenile system in Ohio has greatly reduced the number of youth in custody in Ohio's Department of Youth Services, (ODYS). In 1992, ODYS had nearly 2,600 youth in its facilities. In

fiscal year 2022, there were an average of 431 youth in these facilities. As of February 1, 2023, there were 491 youth in an ODYS facility – a sign of the increased need for community programming.

Funding for alternatives to youth incarceration is provided by ODYS through several programs, including the Youth Services Grant, RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors), Targeted RECLAIM, Competitive RECLAIM, and Behavioral Health and Juvenile Justice (BHJJ). Each of these programs encourage juvenile courts to develop or invest in a range of community-based options to meet the needs of youth who are at-risk of or involved in the juvenile court system. These funds are aimed at preventing first contact or subsequent contact with the juvenile justice system in Ohio. Services covered by these ODYS funded programs are offered to four categories of young people: felony adjudicated youth, misdemeanor adjudicated youth, status offending youth, and youth with no court history. By diverting felon adjudicated youth that jurists deem safe and appropriate from commitment to ODYS and into meaningful community programming, courts have greater subsidy dollars to allocate as jurists see fit to prevent future justice system involvement.

These alternatives to incarceration provide a more successful, and cost-effective solution than youth prisons. The children in these facilities often have significant mental health needs that local community have not been able to meet due to the need for additional community resources—68% of ODYS youth in custody are on the mental health caseload and 48% have special education needs. RECLAIM, Targeted RECLAIM, and BHJJ have all been proven to be effective while saving Ohio taxpayers millions of dollars.

Support Child Well-Being: Budget Recommendation:

To prevent children’s further involvement in juvenile court, we support the pursuit of the following evidence-based recommendations:

- Focus on upstream investment in systems and programs that particularly reach low-income children and families which are under-invested in (disproportionately Black Ohioans). Mechanisms to increase community safety long-term include adequate healthcare, high-quality education, stable employment and income, safe and affordable housing, and food assistance. These are the conditions that children need to grow into successful and productive members of society.
- Reduce reliance on youth confinement, which ultimately does not increase community safety, and use the savings to expand alternative programs. We support the expansion of positive efforts within ODYS’s Targeted RECLAIM, Competitive RECLAIM, and Behavioral Health Juvenile Justice initiative, as well as adopt effective models from across the country. Funding should be flexible to foster partnerships and continuums with community members, community organizations and non-profits.
- Alternatives to incarceration should be accompanied by robust data collection, evaluation, and oversight to ensure state dollars are being spent justly and effectively on trauma-informed and healing-centered approaches.

OJACC POLICY POSITIONS

As many of you are aware, OJACC updates annually a Policy Platform Paper that we submit to all Ohio Legislators affecting areas that impact community correction policies and operation in Ohio.

In this past 2-year strategic plan, we prioritized three platform areas to work with Ohio's Legislature to shape legislative changes to improve these areas as needed. OJACC stands ready to assist and find opportunities to affect positive changes in the following areas:

1. We support additional funding for both adult and juvenile community corrections, many of which has been previously discussed.
 - a. Another area OJACC is working, along with the Attorney General's Task Force on Mentally Ill and the Courts, CORJUS, OCCA and others, focuses on meeting with the Ohio Department of Medicaid to encourage Ohio to apply for 1115 Waivers with the Center for Medicaid Solutions (CMS) to allow for Medicaid paid for services and benefits to anyone in a community correctional program in lieu of serving time in jail or prison, (regardless of the designation of such facility and inmate status).
 - b. Today, CBCF serve in the community in lieu of jail and prisons and are deemed a detention facility by statute; however, the individual is being diverted to or reentered from a prison or jail. Halfway Houses work with two early release programs (Transitional Control and Treatment Transfer) and because of said early release they are still considered an inmate. A blanket waiver approved by CMS client's in these programs would be far more successful in ensuring health and behavioral health needs are addressed prior to individuals returning to their neighborhoods.
 - c. There are ten states currently who have requested bold CMS Waivers. The first state awarded the waiver was California where permission was given to provide Medicaid paid services 90 days prior to release from prison. This will help those inmates better adjust, while saving taxpayers a significant amount of money. OJACC will continue to work with Ohio Medicaid to open up this opportunity for our state.

2. We support criminal justice drug reform which includes the following principles:
 - a. Recognize that drug addiction is a disease.
 - b. Ensure that treatment, instead of incarceration, is the primary purpose around any sentencing considerations for personal drug abuse
 - c. Differentiate between petty trafficking and aggravated trafficking to clarify which situations require treatment as the primary need.

- d. Set presumptive sanctions, rather than mandatory terms, to support judicial discretion.
 - e. Reduce the life-long collateral sanctions that may result from a drug abuse conviction.
 - f. Support earned credit for positive program participation while incarcerated.
3. After the passage of SB 288, ODYS now has the ability to support aging youth in Ohio until the youth's 22nd birthday. Although this was an amazing accomplishment, funds to adequately provide vital needs and services such as housing, workforce development training / certification programs, and other ancillary needs must be funded to allow ODYS to implement these unfunded new opportunities. Therefore, we recommend funding in the amount of \$3,000,000 (\$30,000 per youth) to provide services to the 100 youth projected to be released in FY 24 and then annual funding in that amount each year moving forward.

Mr. Chairman and esteemed members, we appreciate this opportunity to provide testify on these important issues. We appreciate the leadership each of you provide to our great state of Ohio every day. I would be happy to answer any questions at this time.

Thank you!

Please forward any additional questions to:

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OJACC: Over 35 years promoting and supporting effective community corrections