

TO: Senate Small Business & Economic Opportunity Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: February 27, 2024

RE: Senate Bill 198 – Proponent Testimony

To Chairman Lang, Vice Chair Wilkin, Ranking Member Sykes, and members of the Senate Small Business & Economic Opportunity Committee, thank you for this opportunity to provide proponent testimony on Senate Bill 198.



The ACLU of Ohio is committed to reducing and ending mass incarceration laws, policies, and practices that have made Ohio one of the top incarcerators of its people on the entire planet. Indeed, at just the state level, our prison system has been over capacity not just for months, not just for years, but for decades. As well, our prison system budget has now snowballed beyond \$2 billion per year.

As SB 198 recognizes, practical solutions to vexing problems can help many. In this case, it helps the people exiting our prisons restore their lives by providing them with crucial government documents and records and some workplace and employment skills.

I hope committee members have never had the unfortunate experience of losing, misplacing, or having stolen from them their drivers' license, other government ID, Social Security Card, or birth certificate. If so, you may be aware of the often monumental steps, time, and expense needed to replace even one of these documents.

Now imagine those same roadblocks but you are returning to society from prison without a job, or housing, or medical care, or wishing to further your education or trade skills. Not having needed documents in a timely manner means some doors never open, while others close. Just when so people are at their most vulnerable and needing assistance.

The goal of SB 198 is to thoughtfully minimize these problems in a state where we release about 18,000 people (18,220 – CY 2022) from our prisons per year. However, in order to ensure SB 198 realizes its full potential, there are several matters worth considering.

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First, with so many people constantly exiting and entering Ohio's prisons, any combination of factors could render SB 198 much less effective than intended. Will SB 198 overburden prison staff, especially with so many current, but unfilled, jobs in our system? Will prison staff be experienced, and properly trained, to lend needed assistance with resume writing and job interview skills for, and specific to, (soon to be) formerly incarcerated people? Will there be practical barriers to assisting those who only spend a handful of months in a prison? How will success be measured and these programs evaluated, so they can be tweaked over time to make SB 198 as successful as possible? This bill must move, but more needs done.

I also want to make this committee aware of our rapidly growing prison numbers. From Jan. 2022 to Jan. 2023, Ohio's prison system grew by 328 people. However, from Jan. 2023 to Jan. 2024, the prison population grew by 1,170. That is an increase of over three times the previous year.

We experienced that dramatic increase despite improvements and expansions over the past several legislative sessions in prison diversion, intervention in lieu of conviction, record sealing, record expungement, transitional control, judicial release, and more.

We are deeply supportive of SB 198 and its intentions, however, we also know concentrating on the back end of our mass incarceration problems is no substitute for adequately addressing the front end.

For ten consecutive years (and counting), the number one reason a person ends up in an Ohio prison is for drug possession. This single offense accounts for 16.19% of our incoming prison population. To give you a better picture, the next four offenses are 8.94%, 6.32%, 5.33%, and 5.28% of prison commitments. In Ohio, prison overcrowding is among many of the mass incarceration problems stemming from our stubborn refusal to stop trying to cage our way out of serious drug problems.

So, while we are thankful for and supportive of SB 198, please know true change and reform will only come when we can meaningfully and significantly reduce our prison (and jail) populations. As always, the ACLU of Ohio wishes to assist you all with this goal and this bill and we encourage this committee's passage of SB 198.