

Proponent Testimony to the House Government Oversight Committee

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House Bill 31

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Thank you Chairman Hall, Vice Chair Ferguson, Ranking Member Humphrey, and members of the House Government Oversight Committee for taking the time to consider this proponent testimony regarding HB 31.

My name is Spencer Cahoon. I'm an Ohio resident and 18-year criminal defense attorney. I've spent years representing people facing post-release control & parole revocation hearings in addition to full board parole hearings. During 4 years of that time, I served as the first supervisor of the Prison Legal Services Section of the Ohio Public Defender where I supervised attorneys representing roughly 95% of people appearing with attorneys in those violation hearings and parole hearings. Since then, I've had the opportunity to work on behalf of both incarcerated people and victims.

HB 31 will improve the consistency of the parole process while providing everyone involved with the records needed to understand their cases and advocate effectively.

Parole Consistency

In the parole process, people who are not released are given an additional amount of time to serve before reconsideration, which can range up to 10 years. Incarcerated people who are denied parole receive roughly one paragraph of explanation, which frequently fails to provide any indication of what that person should be doing to better prepare for release. Providing a copy of the hearing to incarcerated people and their advocates can assist with that planning process by allowing them to review the questions and concerns of the parole board members for insight into where they should focus their rehabilitative efforts. Victims and victims' family members suffer from this same lack of clarity, which makes it equally difficult for them to understand how to best advocate for their interests. This change, in HB 31, would help to focus both incarcerated people and crime victims on the high-value areas where they should expect to see improvement before release, which will, ultimately, protect public safety,

improve advocacy on all sides, and set realistic expectations for everyone involved.

Additionally, parole board members are term limited to a maximum of 12 years.¹ This means that people with long continuances often see a parole board composed very differently than the one they saw previously. Making recordings standard and available will ensure that new members have additional review resources and that advocates for both incarcerated people and crime victims will have the tools to help educate new members regarding the history of parole review in a particular case. This will help promote consistency between changing parole board compositions.

Oversight

Regarding Oversight, many violation hearings are overseen by the Ohio Parole Board. Over 200,000 Ohioans are on probation or parole, the vast majority of which are overseen by the Ohio Parole Board.² This number dwarfs the number of people in all our state's jails and prisons combined. A significant number of people in Ohio prisons are there only for technical supervision violations (meaning no new criminal conviction). Based on 2021 data provided to researchers, Ohio spends approximately \$100 million dollars a year on incarcerating people on only technical violations, which are primarily addressed by the Ohio Parole Board.³ Unlike other criminal matters, these supervision violations have no public records and no independent appeal process to provide oversight. Making hearing records available to impacted people, victims, and involved attorneys helps to allow errors to be addressed and, thereby, improves oversight of that \$100-million-dollars-a-year expenditure.

On the human level, these are systems that come with very real consequences comparable to new felony convictions. In the post-release control violation hearing setting, consequences are similar to 5th degree felonies. In the parole setting, the consequences can be similar to a new 1st degree felony conviction or more. Despite the severity of the sanctions, they are imposed (by design) with limited due process, primarily by non-attorney

¹ Two 6-year terms (except for the chair and victim representative).

² See How Many People Are in Ohio's Criminal Legal System, Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/OH.html>.

³ Supervision Violations and Their Impact on Incarceration, The Council of State Governments Justice Center, 2024, Table 3, pg 37, https://projects.csgjusticecenter.org/supervision-violations-impact-on-incarceration/wp-content/uploads/sites/15/2024/01/Supervision-Violations-Impact-2024_508.pdf

hearing officers, in non-public proceedings, with no oversight or appeal, and incarceration consequences that cost taxpayer, per case, from roughly \$19,000 to over \$386,000.⁴

HB 31 allows review of parole board conduct. Such review can bring improvement by calling attention to problems that need to be addressed. This is a significant purpose of our sunshine laws and public records laws generally. We cannot legislate or litigate or even consider that which we don't know about. HB 31 will improve that prerequisite awareness moving forward.

Conclusion

In conclusion, HB 31 improves the process for victims, supervisees, and incarcerated people. It provides improved oversight regarding parole board matters, which improves advocacy on all sides and creates the opportunity to remedy mistakes. I ask that you vote to pass HB 31 into law. Thank you for your time and attention to this important area. If you have any questions, I'm happy to address them.

⁴ Based on the [ODRC Monthly Fact Sheet January 2025](#) (comparing average daily incarceration cost per person to PRC & Parole incarceration sanctions currently utilized – 6 months to 10 years).