



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Support of SB288 Earned Credit Sponsor Senator Manning

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee. I am Assistant Public Defender Brian Skinner. Thank you for the opportunity to provide proponent testimony regarding the portions of Senate Bill 288 that address earned credit on behalf of the Office of the Ohio Public Defender (OPD).

Currently, a person confined in a prison or placed in the substance use disorder treatment program generally may earn credit against the person's sentence in two ways. One way allows an individual to earn 90 days of credit toward satisfaction of their prison term or a 10% reduction of that term, whichever is less, if they complete any of a list of specified activities or programs. This method is unchanged by the bill.

The other involves credit for participation in, or completion in specified circumstances, of programming in certain accredited rehabilitative activities.¹ Currently, the aggregate days of credit an individual may provisionally or finally earn under this form of earned credit may not exceed 8% of the total number of days in the person's prison term. SB288 increases the amount of credit an individual may provisionally or finally earn to a maximum grant of 15% of the total number of days of their prison term.

Earned time credits are distinct from "good time" credits, which are intended to incentivize safe and compliant behavior within correctional facilities.² Earned time credit programs incentivize and

¹ R.C. 2967.193.

² Alison Lawrence, National Conference of State Legislatures, Cutting Corrections Costs: Earned Time Policies for State Prisoners 2 (July 2009), https://www.ncsl.org/documents/cj/earned_time_report.pdf.

reward participation in certain rehabilitative activities by accruing credits toward a shortened sentence. The use of earned time credits as a release incentive builds upon robust research demonstrating that prison programs benefit communities.³ At least 34 states have now adopted some type of earned time credit program.⁴

In addition to contributing to decreases in the total correctional population, improving prison conduct, and contributing to system-wide fiscal savings, studies show that earned time credit programs provide a benefit for the community by reducing recidivism rates and improving post-release employment opportunities.⁵

OPD supports increasing the percentage of earned time credits as a release incentive that provides active accountability, recognizes rehabilitative progress, and contributes to both a constructive correctional culture and a safe community post-release. While proportional punishment may require a minimum amount of prison time served, a restorative approach to justice may also allow for a portion of someone's sentence to be shortened when an individual can demonstrate they have made a concerted effort to live positively and regain society's trust. Earned time policies send a message that making amends and earning back the public's trust are a meaningful part of Ohio's rehabilitation and correction system.

We encourage the legislature to incentivize participation in meaningful opportunities for incarcerated individuals to participate in programming, dignifying work, and other avenues to rehabilitative progress. By providing incentives for people to gain knowledge and skills or participate in

³ Lawrence, supra note; and Grant Duwe, The Use and Impact of Correctional Programming for Inmates on Pre- and Post- Release Outcomes, National Institute of Justice (June 2017), <https://www.ncjrs.gov/pdffiles1/nij/250476.pdf>.

⁴ National Conference of State Legislatures, Good Time and Earned Time Policies for People in State Prisons (as established by law) December 2020. https://www.ncsl.org/Portals/1/Documents/cj/Final-Sentence_Credit_50-State_Chart_2020.pdf.

⁵ Lawrence, supra note



programs to treat substance use disorder, we advance human dignity, facilitate values that are consistent with a productive life in society, and increase public safety.

Thank you for the opportunity to testify in support of the changes to earned credit in SB288. I am happy to answer any questions at this time.

