



March 23, 2022

Dear Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee:

Thank you for the opportunity to weigh in on this important effort. We are proud to support Senate Bill 288 and Ohio state leaders advancing this and other improvements to our public safety systems.

The Alliance for Safety and Justice (ASJ) is a multi-state organization that promotes effective approaches to public safety in states across the country. We also bring together diverse crime survivors via our flagship project, Crime Survivors for Safety and Justice, to advance policies that help underserved crime victims and stop cycles of crime. We support strategies that reduce costly reliance on incarceration, increase trauma recovery services, and build healthy communities.

There is no more important role of our justice system than promoting public safety. For the past decade, Ohio lawmakers have taken important steps to strengthen public safety, improve the operation of Ohio's justice system, and make better use of limited public safety resources. Ohio lawmakers have read the evidence, seen what works, and developed solutions in SB 288 that recognize that rehabilitative programming, recidivism reduction, and safe reentry are cornerstones of public safety.

Today we are testifying in support of two key elements of this legislation - increasing incentives for people to engage in rehabilitative programming through earned credits, and streamlining and standardizing Ohio's judicial release process.

Increasing incentives to engage in rehabilitative programming

SB 288 would increase the benefits of rehabilitative programming in Ohio prisons by raising the cap on monthly earned credits from 8% to 15% of someone's prison term. This change is in line with both an expanding body of research on the importance of rehabilitative incentives to public safety, and the documented public safety benefits associated with programming in Ohio prisons specifically. Relatedly, this change directly advances Ohio's stated sentencing goal of improving public safety by offering rehabilitation opportunities to people in the criminal justice system.¹

¹ SB 66 (2018).

Research has consistently shown that providing opportunities for rehabilitation reduces crime and improves long-term public safety outcomes.² The public safety benefits of providing meaningful access to rehabilitative programming during incarceration are also well-documented in the literature,³ and studies demonstrate that to be most effective, programming should be accompanied by strong incentives for participation.⁴ Incentives can be powerful tools to prepare people for release by enhancing individual motivation to complete treatment and engage in positive behavioral change. Allowing people to earn time off for being active participants in their own rehabilitation can incentivize them to gain the support they need to be successful when they return back to their communities. For example, educational programming and vocational training can help people secure and maintain employment after returning home from prison, which in turn is associated with lower recidivism rates and increased public safety.⁵ Experts have noted the benefits of extending broad eligibility for earned credits, including to people who are serving longer terms in prison.⁶ Studies show that longer prison terms are ineffective at reducing recidivism,⁷ and that programming can be effective for preventing harm and promoting rehabilitation.⁸

Ohio is one of at least 38 states that use earned time to achieve their public safety goals, and many states have built on early success and expanded access to sentence credits in recent years and experienced positive safety results.⁹ Data from recent earned credit expansion in Kansas, Maryland, Minnesota, New York, Pennsylvania, and Washington, have documented associated improvements to community safety due to reductions in recidivism. Alongside these public safety benefits, these eligibility expansions have also resulted in reduced corrections costs.¹⁰

² E.g., National Institute of Justice (2016). Five Things About Deterrence.; National Research Council (2014). The Growth of Incarceration in the United States: Causes and Consequences.; Nagin, D.S. (2013). Deterrence: A Review of the Evidence by a Criminologist for Economists. *Annual Review of Economics*, 5:83-105.

³ Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

⁴ Solomon et. al. (2008). *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. The Urban Institute. Petersilia, J. (2007). "Employ Behavioral Contracting for "Earned Discharge" Parole."

Criminology & Public Policy, 13:10. Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.).

⁵ Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

⁶ Charles Colson Task Force on Federal Corrections. (2016). *Transforming Prisons, Restoring Lives: Final Recommendations of the Charles Colson Task Force on Federal Corrections*. Retrieved from:

<https://www.urban.org/research/publication/transforming-prisons-restoring-lives>. Courtney, L., et. al. (2017). *A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons*. Urban Institute. Retrieved from: <https://apps.urban.org/features/long-prison-terms/intro.html>

⁷ Harding, D.J., Morenoff, J.D., Nguyen, A.P. et al. (2019). "A natural experiment study of the effects of imprisonment on violence in the community." *Nat Hum Behav* 3, 671–677 <https://doi.org/10.1038/s41562-019-0604-8>. National Research Council (1993). *Understanding and Preventing Violence: Volume 1*. Washington, DC: The National Academies Press. Steven N. Durlauf and Daniel S. Nagin, "Imprisonment and crime: Can both be reduced?"

Criminology & Public Policy Volume 10 Issue 1. Nagin, D.S. (2013). "Deterrence in the Twenty-First Century," *Crime and Justice* 42: 199-263.

⁸ See, for example, Messina NP, Calhoun S. (2021). "An Experimental Study of a Peer-Facilitated Violence Prevention Program for Women in Prison." *Journal of Interpersonal Violence*. doi:10.1177/08862605211022063.

⁹ Lawrence, Alison. (2013). *Trends in Sentencing and Corrections: State Legislation*. *National Conference of State Legislatures*. Retrieved from <https://www.ncsl.org/Documents/CJ/TrendsInSentencingAndCorrections.pdf>

¹⁰ Kansas Department of Corrections. (n.d.). *Annual Report Fiscal Year 2016*. Retrieved from <https://www.doc.ks.gov/publications/Reports/Archived/2016/view>; Lawrence, A. (2009). *Cutting Corrections Costs: Earned Time Policies for State Prisoners*. *National Conference of State Legislators*. Retrieved from

Ohio has a uniquely robust body of research demonstrating the benefits of in-prison programming on improving public safety outcomes. The late Ed Latessa of the University of Cincinnati Corrections Institute (UCCI) conducted an extensive evaluation of Ohio's rehabilitative programming in prisons, finding that program completion was associated with both lower rates of misconduct in prison and lower recidivism rates post-release.¹¹ Additionally, completion of multiple types of programs (for example, educational programming and recovery services) further reduced recidivism. Based on these findings, the UCCI team concluded that creating more incentives for people in prison to participate in programming that prepares them for reentry could increase public safety by boosting participation rates across different program types. In line with this research, SB 288 strengthens the incentives for incarcerated people to equip themselves with the research-backed tools they need to succeed upon release.

SB 288's earned credit expansion will also help alleviate the impact of Ohio's current challenges with correctional staffing shortages¹² by reducing disciplinary incidents, and allowing people who have earned time off and demonstrated rehabilitation to return to their communities. Research shows that programming such as educational and work supports and therapeutic interventions are associated with fewer disciplinary incidents among participants.¹³ Reducing disciplinary incidents in turn reduces correctional expenditures needed to address incidents as well as the cost of additional incarceration that may be imposed in response to violations. Defrayed costs can in turn be reinvested in expanding rehabilitative program capacity and strengthening reentry supports that improve public safety.

Finally, in line with the strong research base and cross-state support for the robust use of earned credits to advance public safety, we propose three additional improvements to Ohio's earned credit policies that would further increase the associated benefits. We recommend incorporating the following additional changes to the earned credit system:

https://www.ncsl.org/Portals/1/Documents/cj/Earned_time_report.pdf; Kansas Legislature. (2017). *House Appropriations Testimony*. Retrieved from http://kslegislature.org/li_2018/b2017_18/committees/ctte_h_apprprtns_1/documents/testimony/20170317_02.pdf.
Duwe, G. (2014). "An Outcome Evaluation of a Prison Work Release Program Estimating Its Effects on Recidivism, Employment, and Cost Avoidance." *Criminal Justice Policy Review*, 26(6), 532–544. Lawrence, A. (July 2009). *Cutting Corrections Costs: Earned Time Policies for State Prisoners*. National Conference of State Legislatures. http://www.ncsl.org/documents/cj/earned_time_report.pdf. Austin, James. *A Common-Sense Approach for Reducing Prisoner Risk, Recidivism and Prison Populations: The Maryland Story*. (2015). Washington, D.C.: The JFA Institute (Unpublished). Pennsylvania Department of Corrections. (2016). *Recidivism Risk Reduction Incentive 2016 Report*. Retrieved from <https://www.cor.pa.gov/About%20Us/Initiatives/Documents/RRRI/2016%20RRRI%20Annual%20Report.pdf>. Prison Fellowship. (n.d.). *Earned Time Credit: Issue Overview*; Washington State Institute for Public Policy. (2009). *Increased Earned Release from Prison: Impacts of a 2003 Law on Recidivism and Crime Costs, Revised*.

¹¹ Latessa, E., et. al. (2015). *Evaluation of Ohio's Prison Programs*. Retrieved from: <https://www.uc.edu/content/dam/uc/corrections/docs/IntheNews/Prison%20Study%20Final%20Report%2010-26-15.pdf>.

¹² Laura A. Bischoff, "Ohio prisons short more than 1,000 guards as state struggles to hire in tight labor market," Cincinnati Enquirer, February 7, 2022.

¹³ Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

- *Extend the 90-day credit for program completion to be earned for each eligible program completion.* As discussed above, evaluations of rehabilitative programming in Ohio have shown that completion of multiple types of programs results in even stronger reductions in recidivism. Under current law, however, people in prison are only able to earn this program completion credit once - it is unavailable to anyone who has already completed a qualifying program and earned the credit once. Ohio's earned credits should incentivize the completion of multiple recidivism-reduction programs, which research shows is the path to the best public safety outcomes.
- *Expand the list of eligible programs that can receive the 90-day credit to also include a thirty hour post-secondary coursework benchmark.* A meta-analysis conducted by the RAND corporation found that people who participate in correctional education programs had 43% lower rate of recidivism and 13% higher employment rate upon release.¹⁴ Ohio's 90-day credit covers high school diplomas, GEDs, and college certification programs, and expanding the credit to cover benchmarks in post-secondary programs resulting in credits earned toward associates and bachelors degrees sets the state up for potential growth in these programs as a result of recent changes to the Pell grant program.
- *Narrow the offense-based restrictions to the 90-day credits for program completion to increase access and incentivize additional participation.* Despite strong research showing the public safety benefits of program completion in Ohio prisons, and the compounded benefits of completing multiple recidivism-reduction programs, current Ohio law dramatically restricts participation incentives. Data show that a majority of people in prison are *excluded* from the participation incentives built into Ohio's current system of credits specifically for completing the programs shown to result in significant reductions in recidivism. In fact, a substantial majority of people in Ohio prisons - well over half and potentially as much as three in four people in Ohio prisons - are ineligible for these credits because anyone convicted of a violent or sex offense is unilaterally excluded. As noted above, research has documented the benefits of extending broad eligibility for earned credits, including to people who are serving longer terms in prison for more serious offenses.¹⁵ Consistent with this research, recent changes to earned credit in other states have increased access, including for people convicted of serious offenses. Ohio's own bipartisan Recodification Committee, which included a wide array of stakeholders in the legislature and public safety field, recommended broad eligibility criteria for earning the 90-day credit. This additional change to SB 288 would be aligned with the Committee's recommended approach.

¹⁴ Davis, L.M. et. al. (2013). *Evaluating the Effectiveness of Correctional Education: A meta-analysis of programs that provide education to incarcerated adults*. RAND Corporation and Bureau of Justice Statistics.

¹⁵ Charles Colson Task Force on Federal Corrections. (2016). *Transforming Prisons, Restoring Lives: Final Recommendations of the Charles Colson Task Force on Federal Corrections*. Retrieved from: <https://www.urban.org/research/publication/transforming-prisons-restoring-lives>. Courtney, L., et. al. (2017). *A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons*. Urban Institute. Retrieved from: <https://apps.urban.org/features/long-prison-terms/intro.html>

Strengthening and streamlining release procedures

SB 288 would also promote public safety by strengthening and streamlining Ohio's judicial release procedures. Currently, pathways to judicial release from prison in Ohio are complex, burdensome on the courts, and inhibited by unintended administrative barriers to release. SB 288 would address these issues. The changes in this bill would alleviate administrative burden and promote public safety by ensuring that release decisions are informed by current assessments of individuals' readiness to safely return to their community.

SB 288 would improve public safety and strengthen the judicial release process by enabling the Ohio Department of Rehabilitation and Corrections (ODRC) to initiate the judicial release process for individuals who have demonstrated their readiness for release. Specifically, the bill would grant authority to the ODRC director to make presumptive judicial release recommendations to the sentencing court for eligible individuals based on the ODRC's assessment of those individuals' rehabilitation. As part of the recommendation process, the ODRC will submit documentation to the court of the individual's record while in prison, including participation in programming, and evidence of their readiness for release. Allowing ODRC to recommend eligible individuals for judicial release will expand capacity to make release decisions informed by individuals' demonstrated readiness to safely return home.

Allowing ODRC to initiate judicial release recommendations will also use correctional resources more efficiently, which can then be diverted to prevent crime and advance other public safety efforts. This change will alleviate burdens on the courts, which is currently the only pathway to initiate judicial release for all eligible individuals in Ohio prisons who have demonstrated rehabilitation and readiness to return home. Removing barriers that prevent eligible, reviewed, and approved people from being released will also defray incarceration expenses, freeing up resources that can be redeployed to further advance public safety by strengthening reentry programming.

SB 288 also addresses unintended logistical barriers to release by detailing the "state of emergency-qualifying offender" release process. Currently, individuals who are otherwise eligible for release in state of emergency situations are rendered ineligible if they have been previously denied judicial release at any time. This limitation has created unintended consequences, particularly in the context of the COVID-19 pandemic when safely reducing Ohio's prison population and alleviating overcrowding has been a pressing public health goal. The change in SB 288 would ensure that release decision making in state of emergency situations is based on evaluations of current public safety risk and correctional management needs and goals, rather than being dictated by old release considerations that are no longer relevant.

Please let us know if we can provide any more information. We thank you for dedication and ongoing leadership on improving public safety in Ohio, and stand ready to support you in any way.

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