

OCCA Proponent
Testimony on
Senate Bill 288

Ohio Senate Judiciary
Committee

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Chairman Manning, Vice Chair McColley, Ranking Member Thomas and members of the Senate Judiciary Committee; I am Mike Randle, Executive Vice President of Oriana House, a private non-profit human services agency with facilities in Akron, Cleveland, Marietta, Sandusky, and Tiffin. I am also a past president of the Ohio Community Corrections Association (OCCA). OCCA is here today to offer proponent testimony on House Bill 288.

OCCA represents two types of residential community corrections programs, Halfway houses and five Community Based Correctional Facilities. Ohio's recidivism is significantly lower than the national average, due in large part to the state's extensive community corrections infrastructure. Our member agencies operate 38 facilities throughout the state. These facilities offer a range of evidence-based community corrections programs including residential, day reporting, electronic and GPS monitoring, mental health and substance use treatment, work release, workforce development and other services.

HALFWAY HOUSES

Halfway Houses are located throughout the state and offer services to all 88 counties. Halfway Houses are community residential programs providing supervision and treatment services for offenders released from state prisons, referred by Courts of Common Pleas, or as a sanction option addressing violations of community supervision.

Halfway houses are a vital component of Ohio's community justice continuum providing services such as cognitive behavioral therapy, drug and alcohol treatment, electronic monitoring, job placement, educational programs, and specialized programs for sex offenders and mentally ill offenders.

The primary focus is to transition participants back to the community and assist with obtaining employment, stable housing, and connecting them to support services they can access independently. Programming is cognitive behavioral based, which helps reduce criminogenic risk factors and promotes pro-social thinking and life choices. The cognitive behavioral employment curriculum provides clients with skills for obtaining and maintaining employment. Many of our clients experience their first success at finding and holding gainful employment while with us.

Most persons enter a halfway house in one of the four following ways:

- **Direct Sentence** – A direct sentence allows a judge to sentence an offender directly into the halfway house. If community corrections options were not available, local judges would have no alternative to prison.
- **Probation or Parole Violation** - Probation officers are required to supervise offenders and ensure they understand the conditions of parole or probation. Should the offender require a more structured environment with a higher level of supervision, a halfway house is more effective.
- **Parole or Post Release Control offenders** - These are people who have completed their prison sentence, but while under supervision of the Adult

Parole Authority, many need the services and structure that is provided in a halfway house. The services provided by the halfway house have been proven to reduce the chance of returning to the criminal justice system.

- **Transitional Control (TC)** - These inmates are spending the final months of their sentence in a structured halfway house on a work release type of status, which may include electronic monitoring once they are home. This type of program reduces the volume of people that are currently in expensive prison beds. The Ohio Department of Rehabilitation and Correction, in conjunction with the University of Cincinnati issued a research report that concluded that if an offender is placed in the transitional control program in a halfway house, re-incarceration can be reduced to 16.3%. 3,533 people participated in TC per the 2021 ODRC annual report.

Transitional Control is supported by legislators on both sides of the political spectrum, fiscal conservatives, and progressive organizations. The American Civil Liberties Union, Right on Crime, the Alliance for Safety and Justice, and the Ohio Public Defender's Office have all testified in favor of removal of the judicial veto in hearings over the years. Under current law, inmates serving more than two years may be screened and placed without involvement from the courts. There has been no issues or complaints by the judiciary regarding this process. What we are requesting is that those serving two years and less be transferred the same way. It is estimated by DRC that an additional 2,000 inmates annually could benefit from the removal of the judicial veto. Without this option, those people will be dropped off at the end of their prison sentence (up to six months) at the local bus station and ride back to their local community with no support instead of being transitioned through a halfway house.

CORRECTING THE RECORD

1) Administrative Transfer Procedures are Thoughtful and Deliberate.

Despite testimony offered previously, there is a very deliberate and thoughtful process [see the attached flowchart of what is required for individuals to be approved] for an **administrative transfer**. It is a very detailed and intricate process to ensure those amenable (utilizing the Ohio Risk Assessment System) and eligible for the program are selected through Ohio Administrative Code (OAC) 5120-12. Transitional control creates a mechanism for these low-level offenders (sentenced to less than two years) to access treatment and supervision in a halfway house for **workforce development**, cognitive behavioral health services and other programming that is proven to reduce recidivism.

In fact, TC is not an early release mechanism. Per the Ohio Revised Code and previously shared with you by Niki Clum, Office of the Ohio Public Defender Legislative Policy Manager:

- ⇒ ORC 2967.26(A)(1) moves inmates “for the purpose of closely monitoring a prisoner’s adjustment to community supervision during the final 180 days of the prisoner’s confinement.
- ⇒ ORC 2967.26(F) Keeps persons in Transitional Control as inmates of ODRC. “A prisoner transferred to transitional control who violates any DRC rule may be transferred **back to prison** and will receive credit towards completed for the time spent in transitional

¹ SB 288 Testimony Transitional Control, Speedy Trial, Good Samaritan Law: Hearing Before Ohio Senate Judiciary (2022) (Statement by Niki Clum).

control.¹”

2) Necessary Rehabilitative Interventions are Good for Public Safety.

In response to questioning about the ineffective and often damaging effects of prison sentences alone, a previous witness was on record as saying that it is an acceptable consequence if some persons return to our communities worse than when they were incarcerated. This is a short-sighted philosophy that puts all our communities at greater risk of repeat offending against our neighborhoods. Our research based, evidence-informed programs are a better option for our collective communities, public safety, the individual in need of services, and precious tax payer resources.

Note that the transitional control inmates are not your violent sex offenders; these are typically persons in need of mental health and substance use disorder interventions who are coming back to our communities regardless of whether they receive the benefit of this proven intervention or not! Without the benefit of Transitional Control, offenders are released directly to the community without support or connection to treatment services, stable housing or employment assistance. If they are not under post release control they will return home without any criminal justice supervision.

We would rather provide the necessary supports to help people make better choices and reduce the incidence of re-offending or escalation of behavior they will assuredly learn from more seasoned criminals if left incarcerated. Transitional Control has been researched by the University of Cincinnati and proven to be an effective reentry program adopted by the Ohio Department of Rehabilitation and Correction (ODRC).

Residential community corrections is an integral part of corrections reform; as an efficient use of state resources, leverage additional dollars on top of the state investment and increase public safety by reducing recidivism. In addition to successful reentry, non-profit community corrections make sense as a public : private partnership.

As community corrections providers, we are always looking for ways to balance the need for safety while providing effective treatment for the addiction and mental health issues the majority of those in the criminal legal system suffer. The successful reentry of offenders into the community is the cornerstone of reducing recidivism and connecting offenders to treatment and local resources.

Considering the current opioid and coronavirus pandemics, these nonviolent, felony offenders can be treated in community corrections centers safely, with clinical best practices while reducing the prison population struggling with COVID-19. Former ODRC Director Gary Mohr testified before you that, “[t]he judicial veto is particularly problematic for people with shorter sentences because they have less access to programs in prisons due to program waitlist times. This can result in those sentenced to two years or less serving their entire sentence without accessing critical services and programming before their return to their communities.”²

3) Halfway House Rejection Rates

There was conflation between “hard to place” Post Release Control offenders released from prisons and persons sentenced to less than two years eligible for Transitional Control. While we are prohibited from ejecting or rejecting transitional control clients, we also reject very few

² Testimony Senate Judiciary: Hearing Before Ohio Senate Judiciary (2022) (Statement by Gary Mohr).

individuals overall. The most recent data that we have is that during the first six months of calendar year 2021, 73% of all referrals were either high or moderate risk and **Halfway Houses only rejected 5% of all the referrals we received.**

Evaluations commissioned by ODRC and conducted by the University of Cincinnati found that clients have a reduced recidivism rate if they complete a Halfway House program, particularly if they are high or moderate risk to re-offend. Halfway Houses continue to encourage referral sources to send higher risk clients for Halfway House placement.

While we accept the vast majority of referrals, there are some non TC people that are inappropriate for a Halfway House. While the reasons vary from agency to agency, as these are separate and distinct non-profit corporations; some examples of rejections include: local zoning restrictions, insurance restrictions, community notification requirements for sex offenders, facility proximity to schools, the mental health stability of the inmate, histories of severe violence against staff and arson.

Included in written testimony are letters of support and positive experiences from clients who were successful on TC. Thank you for your time and attention. I am happy to answer any questions.