



Opponent Testimony
HB 459
Wendy Tarr, ARCH

Dear Chairman LaRe, Vice-Chair White, Ranking Member Leland, and members of the House Criminal Justice Committee: thank you for the opportunity to offer testimony in opposition to HB 459. My name is Wendy Tarr and I am the Executive Director of Accompanying Returning Citizens with Hope (ARCH). We operate reentry programs inside Ohio prisons and community based correctional facilities where we help justice-involved individuals obtain job skills and linkage to employment upon return.

At the core of our values is the ability for each person - regardless of offense type and criminal history - to achieve personal growth, to be active in their own rehabilitation, and to live safely in their own community. We also take great care to pursue programming and policy that enhances public safety, elevates equity, and creates growth and meaning for all members of our community. With this in mind we are concerned about HB 459. In particular, we are concerned about the broad manner in which it could be applied and the negative impact it will have on returning citizens and their families by limiting their ability to reintegrate into the community in meaningful ways.

I have had the opportunity to work alongside individuals who are volunteering to better their community and who have also been convicted of offenses of a sexual nature. Registrants frequently come in contact with our organization as we operate a broad community outreach team devoted to mentoring, employing, and lifting up returning citizens. I have found many of these individuals to be hard-working, resilient, and capable of achieving positive change and reintegration. Our state, however, continues to place additional hurdles to their ability to not just reenter society but also to reintegrate. In spite of the difficulties experienced from continued taboo-based legislation in our state, according to the Ohio Department of Rehabilitation and Correction, offenders convicted of the sexually-oriented crimes targeted in this bill present the *lowest* rate of recidivism of any offense class¹. Additionally, I have yet to meet an individual convicted of a sexually-oriented offense against a minor who has NOT had their ability to volunteer or work around minors removed during their time on community supervision - a time that statistically is rational to impose guardrails. As evidenced by the ORAS assessment, as these individuals progress through their case planning and supervision, their risk continues to decrease as both their age

¹ <https://drc.ohio.gov/reports/recidivism>

and stability in the community increase. Any additional restrictions on volunteering during this time period is redundant and undermines a risk-based approach to reintegration and rehabilitation.

People do heal. People do address the risk factors that led to their offense. Restricting and reducing the already-limited community engagement options for registrants through the proposed measures in HB 459 only creates a false sense of safety and increases the difficulty of reintegration. In fact, according to Common Justice, a restorative justice-based diversion program located in New York, two of the key predictors of violence are shame and isolation - two key features this bill would enhance for Tier II and III offenders. It would appear we are trying to solve a problem that exists only in “stranger danger” narratives and may in turn only raise risk levels. Quite simply HB 459 makes society *less* safe.

In addition to this bill ignoring the reality of recidivism among this restricted class, it also creates a one-size-fits-all approach by ignoring the data-driven, validated assessment measures for risk. The idea that volunteering at a child’s school or a family’s house of worship enables or increases the likelihood of recidivism for someone convicted of a sexual offense more than any other Ohioan is simply false. Just as arbitrary is the idea that living 1,001 feet versus 999 feet from a daycare or K-12 school enhances risk reduction. By applying the proposed legislation, many registrants already struggling with mental health, trauma, and isolation become both further restricted and further ostracized. As the wife of a pastor and mother of two children, I know firsthand that nearly every congregation and school requires any volunteer to be screened for offenses that may pose a perceived risk. In some of those situations, however, both clergy and administrators make the choice to extend grace and smart-justice guardrails so that an individual may have a part in their child’s extracurricular activities or faith-based recreation and learning. The safety measures by and large already exist and are implemented each day by the professionals we entrust to do so.

For these reasons, ARCH is opposed to House Bill 459. This type of legislation can create vague and broad reaching disqualifications for individuals in society for everything from church festivals to recitals. It undermines the work of those of us who work in reentry spaces who seek to create a safer society through stabilization of individuals coming home with employment, housing and other rehabilitative services. I encourage this committee to set this legislation aside and to direct its efforts toward innovative solutions to smart justice. I would be happy to answer any questions you have at this time and thank you for the opportunity to testify.