

# ALLIANCE FOR SAFETY AND JUSTICE



March 1, 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 improve the operation of Ohio's justice system, keep people safe, 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. We submit this written testimony to express our support specifically for the SB 288 provision streamlining Ohio's proven and effective Transitional Control program by removing the judicial veto for individuals already reviewed and approved for this program. More streamlined and standardized access to this program will increase public safety by ensuring that individuals approved to receive critical, recidivism-reducing reentry services, like behavioral health treatment and vocational training, go through those programs in preparation for reentry.

Research has consistently shown that providing opportunities for rehabilitation reduces crime and improves long-term public safety outcomes.<sup>1</sup> Research on programming for people serving sentences in the Ohio Department of Rehabilitation and Correction (ODRC) has documented

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<sup>1</sup> E.g., National Institute of Justice (2016). *Five Things About Deterrence*. Retrieved from: <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>. National Research Council (2014). *The Growth of Incarceration in the United States: Causes and Consequences*. Retrieved from: <https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>. Nagin, D.S. (2013). Deterrence: A Review of the Evidence by a Criminologist for Economists. *Annual Review of Economics*, 5:83-105. Retrieved from: <https://www.annualreviews.org/doi/abs/10.1146/annurev-economics-072412-131310>.

similar positive outcomes. The University of Cincinnati Corrections Institute conducted an initial and follow up evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs, finding in both that recidivism was significantly lower for individuals in transitional control.<sup>2</sup>

In line with the research, SB 288 would reduce barriers to the transitional control program among people who have already been reviewed and approved to participate by eliminating a secondary review process at the court level for people serving short sentences (often for less serious offenses) - the legislature already removed this secondary review process for people serving longer sentences (often for more serious offenses) eight years ago in 2014. The transitional control program was implemented to facilitate reentry and prevent crime by ensuring that people exiting prison have supports that help them succeed after release, including employment assistance, vocational training, and substance abuse treatment.<sup>3</sup>

Currently, approval decisions are final for eligible individuals with sentences of over two years and SB 288 would streamline and standardize the process for all incarcerated people reviewed and approved to participate in transitional control. Importantly, the transitional control changes in SB 288 would not alter the underlying sentence that individuals are required to serve under the control of the ODRC. Rather, removing the judicial veto will allow approved individuals to access the most appropriate programs and services during their sentence – similar to a move across security levels or ODRC facilities – to help them succeed after release. Individuals who do not comply with transitional control requirements can be transitioned back to an ODRC facility to complete their sentence.

Ensuring that eligible people who have been reviewed and approved are able to participate in the transitional control program will improve public safety. Research has consistently demonstrated the clear public safety benefits of strong reentry support, including for people who are incarcerated for shorter terms of under two years.<sup>4</sup> The public safety benefits of transitional control programs that begin during incarceration and extend through the transition to the community are particularly robust, including lower rearrest rates and lower reconviction rates among participants.<sup>5</sup> A peer-reviewed study of Ohio's community-based residential programs

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<sup>2</sup> Lowenkamp, C.T., and E. Latessa. (2002). *Evaluation of Ohio's Community Based Correctional Facilities and Halfway House Programs*. University of Cincinnati Center for Criminal Justice Research. Retrieved from: [https://www.researchgate.net/publication/237720823\\_Evaluation\\_of\\_Ohio%27s\\_Community-Based\\_Correctional\\_Facilities\\_and\\_Halfway\\_House\\_Programs](https://www.researchgate.net/publication/237720823_Evaluation_of_Ohio%27s_Community-Based_Correctional_Facilities_and_Halfway_House_Programs). Latessa, E. et al. (2015) *Follow-up Evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs*. Retrieved from:

[https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project\\_reports/2010%20HWH%20Executive%20Summary.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/2010%20HWH%20Executive%20Summary.pdf)

<sup>3</sup> National Conference of State Legislatures. (2009). *Sentencing and Corrections Profiles: Ohio*. Retrieved from: <https://www.ncsl.org/documents/cj/pew/OHplan.pdf>.

<sup>4</sup> James, N. (2015). *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*. Congressional Research Service. Retrieved from: <https://sgp.fas.org/crs/misc/RL34287.pdf>. Soloman, A., et al.

(2008). *Life After Lockup: Improving Reentry from Jail to the Community*. Urban Institute. Retrieved from: <https://www.urban.org/sites/default/files/publication/31686/411660-Life-After-Lockup-Improving-Reentry-from-Jail-to-the-Community.PDF>. Willison, J.B. et al. (2012). *Process and Systems Change Evaluation Findings from the Transition from Jail to Community Initiative*. Urban Institute. Retrieved from: <https://www.urban.org/sites/default/files/publication/25881/412670-Process-and-Systems-Change-Evaluation-Findings-from-the-Transition-from-Jail-to-Community-Initiative.PDF>.

<sup>5</sup> See, e.g., James, N. (2015). *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*. Congressional Research Service. Retrieved from: <https://sgp.fas.org/crs/misc/RL34287.pdf>.

found that the programs were overwhelmingly effective at decreasing recidivism,<sup>6</sup> earning the programs a positive rating in the National Institute of Justice’s crime solutions database.<sup>7</sup>

Streamlining and standardizing the transitional control process is particularly important to ensure that people with shorter sentences have sufficient access to treatment and programming during their sentences. This change is especially critical for this group because people with shorter sentences may not be able to get off the waitlist for in-prison programming before their sentences expire, and transitional control ensures that they have access to critical services and treatment before they finish their terms.

Also, data show dramatic variation in the prevalence of judicial veto use across counties for people with shorter sentences, with some counties vetoing every single approval for transitional control.<sup>8</sup> These data indicate that in many local jurisdictions, access to transitional control for this population is currently determined more by geography rather than by the potential public safety benefit of the transitional control program. In line with the evidence, SB 288 will increase public safety by ensuring that all eligible people in Ohio prisons who have already been reviewed and approved to participate in transitional control are able to benefit from the program’s demonstrated positive impact on reentry and public safety.

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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Alliance for Safety and Justice

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CrimeSolutions.gov, “Practice Profile: Halfway Houses.” Retrieved from: <https://crimesolutions.ojp.gov/ratedpractices/90>. National Institute of Justice. (2011). *Program Profile: New Jersey Halfway Back Program*. Retrieved from: <https://crimesolutions.ojp.gov/ratedprograms/111#em>. Higuera, K. et. al. (2021). *Effects of the Male Community Reentry Program (MCRP) on Recidivism in the State of California*. Stanford Public Policy. Retrieved from: [https://stacks.stanford.edu/file/druid:bs374hx3899/MCRP\\_Final\\_060421.pdf](https://stacks.stanford.edu/file/druid:bs374hx3899/MCRP_Final_060421.pdf).

<sup>6</sup> Lowenkamp, Christopher T., and Edward J. Latessa. 2005. “Increasing the Effectiveness of Correctional Programming through the Risk Principle: Identifying Offenders for Residential Placement.” *Criminology & Public Policy* 4(2):263–90. Retrieved from: <https://www.uc.edu/content/dam/uc/ccjr/docs/articles/RiskPrinciple.pdf>.

<sup>7</sup> National Institute of Justice, “Program Profile: Community-based Residential Programs (Ohio).” Web resource. Retrieved from: <https://crimesolutions.ojp.gov/ratedprograms/454>.

<sup>8</sup> Data on total transitional applications and vetoes through 2018 from email communication on 3/16/21 from the Ohio Community Corrections Association.