

Testimony

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Judiciary Committee, thank you for this opportunity to speak to you to eliminate executions in Ohio.

I am Gary Mohr currently working on my 49th year in the correctional profession having started at the Marion Correctional Institution as a Teacher in 1974 and ending my Ohio career as Director of the Ohio Department of Rehabilitation and Correction from 2011 – 2018. During my time in Ohio, I held over 15 positions including being a warden or superintendent of four facilities spanning 12 years, Director of the Governor's Office of Criminal Justice and ending as the ODRC Director. Following my time in Ohio, I served as Chief Advisor to the Director of Public Safety in North Carolina after five staff lost their lives in two prison riots. I have been involved in operational assessments and other projects in six other state jurisdictions. I was also the 106th President of the American Correctional Association 2019-2021. I have been a very fortunate correctional professional.

After much deliberation and self-reflection, I have determined to abandon my neutral position and support the abolition of the death penalty. I have not spoken against this law until now out of the utmost respect for the team that carries out these executions. This is the most professional and caring group of diverse Ohioans I have ever worked with, and I worked very closely with them. Unlike other times in Ohio history and contrary to the practice in other states, Federal Judge Frost insisted on me making every decision regarding the execution and the conditions of confinement for those being executed from 30 days prior to the execution date through the execution. This bonded me forever with this team. This is the only group of employees I ever took to the cabinet room to be recognized by Governor Kasich for their outstanding performance. I can stand before you and assure you that they cared about every step and humanized the execution protocol approved by the Federal Court. While I cannot definitively describe the personal toll on the members of the team, I can tell you my direct participation and decision-making in executions had and continues to have a profound impact on me.

My decision to publicly oppose the death penalty not only comes from the intensity of these events on the lives of so many, but two very fundamental reasons. First of all, during my time as Director, the availability of drugs that had provided a humane end of life became unavailable to us from the manufacturer. Despite executions being a state law and the courts continuing to establish execution dates, our leadership team at ODRC was left to our own means to try to secure drugs that could humanely end life. Quite frankly, we felt criminal in our endeavors to find suitable drugs. Drugs that could provide a humane end of life were not available to the State of Ohio and to my knowledge **will never be made** available. The tools necessary to carry out this state law are not available to the Ohio Department of Rehabilitation and Correction that stands alone with the responsibility for this procurement.

Secondly, from 1998 – 2000, I served as warden of the Chillicothe Correctional Institution, at that time our largest prison. This was prior to death row being moved to that facility. At that time, our facility had over 900 incarcerated serving a life sentence. This medium security prison, originally a federal facility, had the largest prison recreation yard of any federal prison in the US; in fact, I had retired federal wardens visit just to experience the yard. These 900 serving life sentences along with the rest of the population had full access to the yard, programs and activities. I recall thinking about the crimes committed by these serving life sentences compared to those confined on death row and condemned to die. The difference between those roaming the yard at Chillicothe or confined on death row was often not the severity of the offense or criminal history, but instead the sentencing county, legal representation, plea bargaining or participants in the trial process. Bottom line, our state cannot say that “the worst of the worst” are the individuals sentenced to die.

I would like to also address the notion that we need the death penalty to keep our prison staff safe. Over the course of my career, I have unfortunately seen instances where people in prison have killed other people while incarcerated. I do not think that bestowing a death sentence on those individuals would increase the safety of the prison staff and other people who are in the prisons. Rather, I would like to see the millions of dollars spent on the death penalty reinvested in our corrections staff on measures that would ensure their safety.

During my tenure as Director, I executed 15 Ohioans. In the middle of those executions, they tended to be scheduled in close proximity in time; a practice that can be seen around the country. I was determined to ensure that executions in Ohio did not become routine for anyone involved in the process. While I always spent time with the condemned just minutes before he was escorted to the execution chamber, I determined I had a responsibility to create as humane an experience as possible and to try to make every minute meaningful to the life I was about to end. I started asking each person just minutes before the execution took place if I could tell them a story I had picked up from the Bible. I asked each person regardless of spiritual belief, if any, if they wanted me to tell a story as much for me as potentially for them. I am not sure if their motivation for me to provide this story was to delay the process or whether they had a real interest, but each person wanted me to. I walked into their cell by myself to be able to communicate directly to them and give them my full attention. I told, not read, the story from Matthew Chapter 20 where the landowner started hiring workers at 6:00 in the morning to harvest his crops promising them a fair day’s wage. Needing more and more workers as the day went on, he hired individuals at 9:00AM, noon, 3:00PM and finally at 5:00 PM. At 6:00PM he called the workers in and paid them starting with those who worked just an hour. The last group hired received a full-day's wage as promised. Each group hired at 3:00PM, noon, 9:00AM and 6:00 AM received the same full-day’s wage. Those that had worked since 6:00AM in the hot sun were very upset. I stopped there and declared I am no bible scholar, but there are two lessons that I take from this story and may be helpful to you. First, whatever our creator promises, like eternal life, will happen. Secondly, it does not make any difference at what point in our life, [even as we take our last breath] if we believe and ask for forgiveness, and we all have done

things that require forgiveness, our reward after this life is the same. As I was preparing to exit the cell to start the process, with some individuals, I saw peace in their eyes, and saw many with the potential to help lift others up who are living in the shadows.

Thank you, and I ask for your consideration of ending executions in Ohio.