

Columbus Dispatch Editorial Sunday, January 24, 2010
Prison-reform study will tread same old path while state prisons burn cash

Ohio's prison system is full to overflowing, costing almost \$2 billion a year and climbing -- money that isn't going to schools, hospitals, libraries, parks and highways.

Lawmakers have had multiple opportunities over the past year to pass an intelligent fix that would save money and ease the dangerous overcrowding of inmates. All parts of the plan already are used to a limited extent in Ohio's prisons or have been successful in other states.

Democratic Gov. Ted Strickland introduced the plan in his budget proposal in the spring. Republican Sen. Bill Seitz of Cincinnati thought its ideas were so important that he introduced them in stand-alone Senate Bill 22 in April.

But lawmakers, particularly the House leadership, have chosen to do nothing, claiming the problem needs more study.

So on Tuesday, state officials announced that the nonpartisan national Council of State Governments' Justice Center will research the problem of prison overcrowding and cost-containment and come back with recommendations this summer.

But the council already has looked into the very same problems in several states across the country, and Seitz's Senate Bill 22 essentially is a variation on the advice that the council has handed out elsewhere: Give incentives to prisoners to behave, including earlier release for completing prison programs. Bulk up community-based corrections, including drug and mental-health treatment, so nonviolent prisoners can be diverted. Find different ways to punish minor, technical parole violations.

States that have heeded the council's advice have benefited greatly.

Connecticut, for example, implemented some of the new approaches and, within three years, went from having the second-fastest-growing prison population in the U.S. to the state with the steepest decline. Texas was able to significantly slow its prison-population growth, thus averting hundreds of millions of dollars of spending in the coming years on the influx of inmates.

So why should the legislature reinvent the wheel? Senate Bill 22 is awaiting action. Every day that the state delays is money down the drain. If the legislature hasn't noticed, Ohio isn't exactly rolling in dough.

Ohio chooses to study

The trouble is, the state could use action on sentencing reform

Changes in criminal sentencing laws could ease dangerous overcrowding in prisons, save the state millions during difficult economic times and steer nonviolent offenders into treatment and training, reducing the likelihood of repeat offenses. What's Ohio going to do? Study the matter.

Unfortunately, the study announced last week continues a pattern of delay. Criminal sentencing reform was stripped from the governor's budget proposal early last year by House Democrats. Senate Republicans advanced a stand-alone bill. It stalled. During recent negotiations on a budget fix, Senate Republicans attempted to revive the idea.

Now, the nonpartisan, national Council of State Governments' Justice Center will take a look. Policy recommendations are expected this summer.

Ohio cannot afford the inaction, driven by some legislators' fear of being seen as soft on crime. The prison system, costing about \$2 billion a year and climbing, is on a collision course with other priorities such as schools, medical care and libraries. According to the Department of Correction & Rehabilitation, Ohio's prison population will increase by 9 percent, to 55,734 inmates, by 2018. The state will be forced to spend \$424 million in capital costs and another \$501 million in annual operating costs.

The corrections department has established that by allowing inmates to earn credit faster toward early release, diverting nonviolent offenders to community-based facilities for treatment and education and downgrading certain offenses, such as low-level drug offenses, from felonies to misdemeanors, the state would save about \$30 million a year, steering some 7,000 inmates out of the prison system.

Such ideas are working in parts of Ohio and in other states. Data gathered by the Council of State Governments in states from Connecticut to Texas have showed that prison populations can be contained, even decreased. Alternative sentencing, meanwhile, has proved its worth by turning lives around and thus reducing recidivism.

Gov. Ted Strickland named a bipartisan work group of agency directors, legislators and court officials to oversee the new study. The solutions are well recognized. The group must find a smart consensus before the next budget crisis hits.



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Summary of Major Provisions and Impact Substitute Senate Bill 22 as reported by Senate Judiciary Committee House Bill 386 as introduced February 4, 2010

Earned Credit

Impact to fathers and families

- An increase from one to five days (seven days in HB 386) earned credit per month for certain offenders will provide additional incentives to participate in educational, substance abuse, and job skills training.
- Studies have shown that participation in these programs increases employment, and lowers the likelihood of return to prison, thereby keeping offenders in the local community and preventing disruptions to families and children.

Enhance Public Safety

- Earned credit program participation lowers future crime rates and victimization.
- Frees up law enforcement staff to focus on preventing criminal behavior, community policing, etc.

Cost and Population Impact

- Projected annual prison bed savings of 1,270.
- Projected annual marginal cost savings of \$5.5 million.
- Increased employment enables more fathers to pay taxes, and reduces burden on other social services.
- Savings to criminal justice system for fewer arrests, trial costs, cost of criminal justice sanctions, etc.

Increase in theft threshold

Impact to fathers and families

- Increase in theft thresholds will result in more offenders being sentenced as misdemeanants rather than as felons.
- Will enable more offenders to be sentenced to alternative community sanctions, to remain employed, receive treatment and to continue to support and stay unified with their families.

Enhance Public Safety

- Fewer offenders sentenced to prison will reserve expensive beds for violent and predatory offenders ensuring lengthy prison stays for those persons.

Cost and Population Impact

- Projected annual prison bed savings of 440.
- Projected annual marginal cost savings of \$1.9 million.
- Increased employment enables more fathers to pay taxes, and reduces burden on other social services.

Non Payment of Support

Impact to fathers and families

- Authorizes judges to give preference to sentencing non support offenders to alternative community sanctions if they exist.
- Placement in successful DRC Community Correction Act pilot programs has resulted in increased support payments to children, decreased prison commitments, and improved parenting skills thereby strengthening families and communities.

Enhance Public Safety

- Parents who are employed, supporting their children, and provided appropriate treatment and counseling programs will reoffend less, making their and our communities safer.

Cost and Population Impact

- Projected annual prison bed savings of 263.
- Projected annual marginal cost savings of \$1.1 million.
- Savings to criminal justice system for fewer arrests, trial costs, cost of criminal justice sanctions, etc.

Absconding Supervision

Impact to fathers and families

- Authorizes Adult Parole Authority to utilize existing sanctioning authority including potential return to prison for offenders who fail to comply with their terms of supervision.
- Reduction in return rates to prison will allow more offenders to remain in the community, retain employment, pay taxes, and stay connected to their families.

Enhance Public Safety

- The Adult Parole Authority has a number of sanctioning options up to and including return to prison on existing charges that can hold offenders accountable and ensure public safety.

Cost and Population Impact

- Projected annual prison bed savings of 480.
- Projected annual marginal cost savings of \$2 million.

DRC Petition for 85% Release

Impact to fathers and families

- Allows Director of DRC to petition sentencing court for judicial release of inmate who has a stated prison term longer than one year who has served at least 85% of their sentence.
- Provides hope to some longer sentenced inmates and a positive incentive for good behavior and productive programming.
- Inmates who courts determine are appropriate for release will be reintegrated sooner with their families and children.

Enhance Public Safety

- Judges will release appropriate offenders who have exhibited positive achievements in prison, and who they deem to not be at risk of reoffending. Requires all Felony 1 and 2 offenders to be supervised on GPS monitoring for the remainder of their sentences.

Cost and Population Impact

- Projected annual prison bed savings of 500.
- Projected annual marginal cost savings of over \$700,000. Assumes deduction of \$1.4 million for annual costs of GPS supervision for Felony 1 and 2 offenders.

Equalization of Crack and Powder Penalties

Impact to fathers and families

- Eliminates the distinction between criminal penalties for drug offenses involving crack and powder cocaine, which disproportionately affects African American fathers and families.

Enhance Public Safety

- Increases powder cocaine penalties up to the level of crack cocaine for the worst traffickers (Felony 1 major drug offenders). Utilizes a blended approach at other levels (lowering most crack cocaine penalties, and raising most powder cocaine penalties.)

Cost and Population Impact

- Projected annual prison bed savings of 345.
- Projected annual marginal cost savings of \$1.5 million.

Treatment in Lieu of Conviction

Impact to fathers and families

- Expands eligibility for repeat offenders without prior felony offense and persons charged with specified theft and other offenses. Makes low level drug traffickers and felony 4 drug possession offenses eligible for TIL.
- Provides additional chances for treatment for those who are drug addicted. Research shows that many offenders relapse multiple times in treatment prior to success.
- Will allow more offenders to remain in the community, retain employment, pay taxes, and stay connected to their families while receiving treatment for their addictions.

Enhance Public Safety

- Fewer low level offenders sentenced to prison will free up expensive beds for violent and predatory offenders ensuring lengthy prison stays for those persons.

Cost and Population Impact

- Projected annual prison bed savings of 40.
- Projected annual marginal cost savings of over \$170,000.

Mandatory Drug Provisions

Impact to fathers and families

- Potentially shorter mandatory terms for trafficking in marijuana and hashish, and possession of hashish and marijuana.
- Provides additional chances for community treatment for those who are drug addicted.
- Will allow more offenders to remain in the community, retain employment, pay taxes, and stay connected to their families while receiving treatment for their addictions.

Enhance Public Safety

- Fewer low level offenders sentenced to prison will free up expensive beds for violent and predatory offenders ensuring lengthy prison stays for those persons.
- Will enable more offenders to be sentenced to alternative community sanctions, to remain employed, receive treatment and to continue to support and stay unified with their families

Cost and Population Impact

- Projected annual prison bed savings of 190.
- Projected annual marginal cost savings of over \$800,000.

