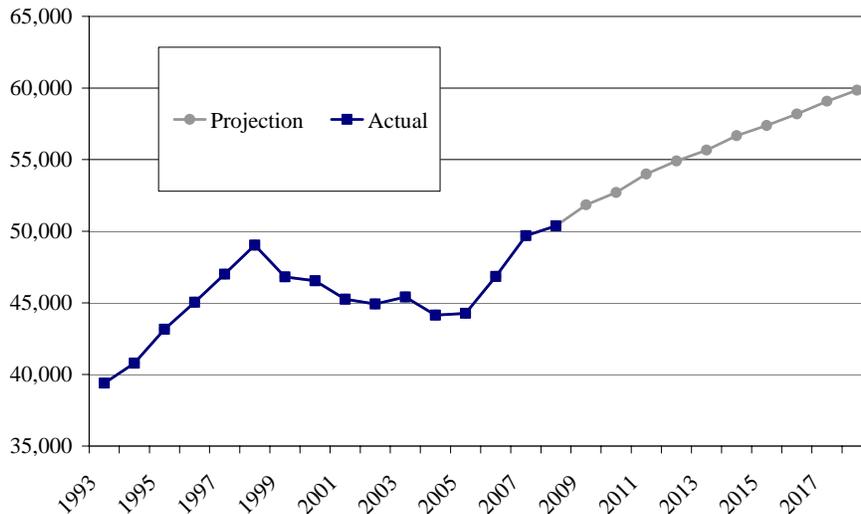


Common Sense Sentencing Reform

The Ohio Department of Rehabilitation and Correction's (DRC) institutional population is at an all-time high and projects to keep growing. In 1971, the institutional population was 9,129. Of every 100,000 Ohio residents, 85 were incarcerated in a state prison. DRC ended calendar year 2008 with a prison population of 50,887, meaning that 443 of every 100,000 Ohio residents (586 out of every 100,000 adult residents) were incarcerated in a state prison. As shown in the chart below, DRC has predicted substantial increases in the prison population over the next ten years, reaching 59,846 in 2018.

Figure D-18: DRC Population

DRC Population 1993-2018



Skyrocketing intakes (admissions to the DRC system) from calendar years 2002 to 2008 have been a primary driver of the increase in prison population. The number of prisoners who entered the DRC system a given year increased 25.4 percent, from 21,787 in 2002 to 29,069 in 2008. This increase in the annual intake rate has increased average sentence lengths, continuing to create upward pressure on the prison population. During fiscal year 2008, approximately 57 percent of inmates committed into the DRC system were low-level felony four (F-4) and felony five (F-5) offenders, whose lengths of stay average a little less than one year and cost the state hundreds of millions of dollars per year.

This Executive Budget proposes several reforms to criminal sentencing in Ohio, in an effort to cautiously and judiciously reduce the prison population and the associated substantial costs to taxpayers. The targets of these reforms are low-level, non-violent offenders, who drive the booming prison population. Reversing the current trend of population growth is imperative to the fiscal health of the state.

Increase Community Correction Diversions

In fiscal year 2008, there were 15,485 offenders admitted to Ohio's prison for F-4 and F-5 felonies, which was 57% of the total intake population. Many of these offenders would be eligible candidates for community-based sanctions and programming. DRC currently funds 113 jail diversion programs and 42 prison diversion programs across the state. DRC also provides funding for 18 residential Community-Based Correctional Facilities (CBCFs) statewide. Both CCA and CBCF programs are more cost-effective than jails and prisons and demonstrate a reduction in recidivism.

Community diversion programs provide a wide array of risk-and needs-based supervision and services for offenders, including electronic monitoring/GPS, day reporting, work release, substance abuse and mental health programming, and community service. These programs allow for local punishment while ensuring

the offender remains accountable for employment, paying taxes, paying child support, and other family responsibilities.

The Executive Budget provides for an additional allocation of \$8 million (in addition to the \$2 million allocated for the non-payment of child support CCA programs) to be disbursed in the following manner, thereby creating additional opportunities to divert eligible offenders in CCA jail and prison diversion programs and in CBCFs:

- \$2.8 million to expand existing CCA prison diversion programs that target F-4 and F-5 felonies and probation/community control violators, as well as, supplement local programming needs. Approximately 1,528 additional offenders would be diverted from prison.
- \$1.5 million to expand existing jail diversion programs targeting overcrowded jails. Historically, judges have sentenced offenders to prison if the local jail is consistently overcrowded. Approximately 2,767 additional offenders would be diverted from jails because of this additional funding.
- \$3.7 million to fund 220 CBCF existing, but unused beds. By funding these existing beds, an additional 780 offenders would be diverted from prison.

Figure D-19: Estimated Savings from Increasing Community Correction Diversions

Proposed Sentencing Reform	Annual Beds Saved	Annual Estimated Savings
CCA Prison Diversion	1,374	\$5,927,848
CCA Jail Diversion	520	\$2,243,436
CBCF	780	\$3,365,154

Raise Felony Theft Threshold

This proposal would amend several sections of the Revised Code to raise the threshold amount for increased penalties for theft related offenses from \$500 to \$750. This threshold has not been modified since it was raised from \$300 to \$500 in Senate Bill 2 in 1996. The increase in the felony threshold will adjust for inflationary increases since 1996, and will allow more of these low-level, non-violent offenders to be placed in community sanction programs, thereby reserving expensive state prison beds for the truly assaultive, violent, and predatory offenders.

Figure D-20: Estimated Savings from Raising Felony Theft Threshold

Proposed Sentencing Reform	Annual Beds Saved	Annual Estimated Savings
Raise Theft Felony Threshold	300	\$1,294,290

Non-Payment of Child Support (Non-Support)

This proposal would expand current Community Correction Act (CCA) prison diversion non-support sanctioning options and create new sentencing alternatives. In fiscal year 2008, 781 offenders were incarcerated solely for failure to pay child support. An allocation of \$2 million would create programs to divert some offenders from prison into structured programs focusing on employment, cognitive behavioral skill building, parenting classes and most importantly, paying child support. The allocation would provide services to approximately 1,100 eligible offenders in single-county or multi-jurisdictional non-support programs across Ohio.

Figure D-21: Estimated Savings from Non-Payment of Child Support Reform

Proposed Sentencing Reform	Annual Beds Saved	Annual Estimated Savings
Non-payment of Child Support	527	\$2,273,636

Redefine Statute Regarding Parole Violators who Abscond from Supervision

Under current law, offenders who abscond supervision can be charged with a new offense that can range from an F-1 to an F-5, depending on the severity of the underlying offense. This proposal would allow the Adult Parole Authority to utilize various sanctions pursuant to section 2967.15 of the Revised Code for these offenders, including returning them to prison.

Figure D-22: Estimated Savings from Redefining a Portion of Parole Violation Statute

Proposed Sentencing Reform	Annual Beds Saved	Annual Estimated Savings
Eliminate Abscond Offense	591	\$2,549,751

Seven Days Earned Credit

Prior to the enactment of Senate Bill 2, prisoners could get both “good time” and “earned credit.” “Good time” was given out simply for behaving while in prison. Additionally, qualified prisoners could earn seven days per month of “earned credit” for each month they productively participated in education, vocational, employment in prison industries, substance abuse, or other constructive programming. This reform would only reinstate the ability to receive seven days of “earned credit” based on monthly program completion, which is a strong enrollment incentive for inmates. The Executive Budget does not include the reinstatement of “good time.” Studies have shown that participation in “earned credit” programs reduce the likelihood of recidivism, thus resulting in future cost savings.

Figure D-23: Savings from Offering Seven Days Earned Credit

Proposed Sentencing Reform	Annual Beds Saved	Annual Estimated Savings
Earned Credit - 7 days	2,644	\$11,407,009

Rebalancing for Long-Term Sustainability

Currently, DRC operates with a population that is at 132 percent of rated-prison capacity. Without sentencing reforms to reduce the current prison population through shorter sentences for low-level offenders or alternative sanctions, the only method available to reduce the overcrowding problem facing DRC is to build additional prisons. Six 2,000-bed, dormitory style prisons would need to be built just to reach 100 percent of rated capacity with a prison population of 50,887 (assuming zero population growth). The capital costs that would be required to construct six additional prisons of the necessary size would total almost \$1.1 billion, and DRC would require an additional \$250 million dollars annually in general revenue funding to operate the newly-constructed prisons. However, construction is only a short-term solution for overcrowding that fails to address the underlying predicament of population growth.

With the current economic climate and scarce general revenue fund resources, Ohio needs a common sense approach to rebalance its corrections system, positioning it for long-term sustainability. The proposed sentencing reforms, targeting low-level, non-violent offenders, will help the state to live within its means, while simultaneously attacking the rising prison population in an effective, public safety-conscious manner.