



JUSTICE REINVESTMENT IN OHIO

Policy Framework to Reduce Corrections Spending & Reinvest Savings in Strategies that Can Reduce Crime



Background

IN LATE 2008, OHIO'S GOVERNOR, CHIEF justice, Senate president, and House speaker requested technical assistance from the Council of State Governments (CSG) Justice Center to use a data-driven justice reinvestment approach to develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety. Assistance was provided in partnership with the Public Safety Performance Project of the Pew Center on the States and made possible through funding support provided by Pew and the U.S. Department of Justice Bureau of Justice Assistance and the State of Ohio.

In January 2010, state leaders appointed state legislators, state agency directors, and Ohio Supreme Court officials to a bipartisan, inter-branch working group to review analyses provided by the CSG Justice Center's policy experts.

Between January and July 2010, CSG Justice Center staff collected and analyzed vast amounts of state criminal justice, mental health and substance abuse data, drawing on information systems maintained by the Ohio Department of Rehabilitation and Correction (ODRC), the Ohio Department of Mental Health (ODMH), the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), the Ohio Supreme Court, and county probation departments—as well as the FBI Uniform Crime Reports.

In addition to these quantitative analyses, the CSG Justice Center convened a series of focus groups and interviews with hundreds of practitioners and stakeholders from around the state, including prosecuting attorneys, public defenders and court-appointed counsel, behavioral health treatment providers, victim

advocates, judges, local government officials, chief probation officers, community corrections directors, law enforcement executives, and others.

In July 2010, at a policy conference in Columbus, CSG Justice Center staff presented the findings resulting from this exhaustive study.¹ Cabinet officials, state lawmakers, Ohio Supreme Court justices, and representatives of local government and community-based providers attended the event, providing comments on the study and suggesting policies that, in addressing the findings, would accomplish three goals: manage the growth of the prison population and reduce spending on corrections; improve the cost-effectiveness of existing criminal justice system resources; and reinvest in strategies that can increase public safety

CSG Justice Center staff subsequently translated the recommendations provided at this meeting into three sets of objectives: hold offenders accountable in more meaningful ways; make smarter, more effective use of community correction programs; and strengthen probation supervision. Through countless additional conversations and meetings with practitioners and stakeholders across the state, with the guidance of the working group, CSG Justice Center staff designed a policy framework that working group members agreed supported these goals and objectives and was bipartisan and data-driven.

This brief explains this policy framework, which is organized according to the three objectives described above. Thirteen policies are proposed to realize these objectives. This brief describes various elements of each proposed policy and reviews the data and best practices in other states across the country that support the proposed policy.

1. CSG Justice Center. *Justice Reinvestment in Ohio: Summary Report of Analyses*. New York, July 2010, <http://justicereinvestment.org/states/ohio/pubmaps-oh>.

Key Findings from the Comprehensive Analysis of Ohio's Corrections and Criminal Justice System

Property and drug offenders in Ohio cycle through a costly “revolving door”: they are sentenced to state prison for a short time and are subsequently released to the community with no supervision.

- In 2008, more than 10,000 fourth and fifth degree (F4 and F5) felony property and drug offenders were sentenced to state prison. There, they served an average of nine months at a cost of \$189 million.
- After serving their sentences in state prison, where few received treatment for their addictions or services to assist with behavior change, 72 percent of these property and drug offenders returned to the community with no post-release community supervision.
- Short periods of incarceration without treatment or supervision upon release back to the community provides little to no public safety benefit while producing sizeable costs to taxpayers.

Community correction programs in Ohio do not have clear criteria to inform the selection of participants, making it difficult for these programs to be cost-effective tools for diverting people from prison and reducing crime.

- The state invests over \$130 million annually in diversion programs, but it does not define in sufficient detail who is eligible to participate in them.
- Without such eligibility criteria, the wrong types of offenders are assigned to these programs, which contributes to increased rates of recidivism among program participants and generates unnecessary expense to state taxpayers.

Ohio's probation system is a patchwork of independent agencies that do not have consistent policies.

- At the end of 2009, an estimated 254,949 people in Ohio were on probation and supervised by officers in one or more of the 187 municipal, county, or state probation agencies. The operations of these agencies overlap and are uncoordinated.
- Training and supervision policies vary significantly among these agencies. The state has no minimum requirements regarding the length of pre- and in-service training for probation officers or any statewide standards regarding the use of graduated response grids or risk assessment instruments.
- No meaningful data are collected statewide to provide policymakers information about basic outcomes for the hundreds of thousands of individuals on probation supervision.

Justice Reinvestment Policy Framework

Goals

- MANAGE THE GROWTH OF THE PRISON POPULATION AND REDUCE SPENDING ON CORRECTIONS
- IMPROVE THE COST-EFFECTIVENESS OF EXISTING CRIMINAL JUSTICE SYSTEM RESOURCES
- REINVEST IN STRATEGIES THAT CAN INCREASE PUBLIC SAFETY

Objective	1 Hold offenders accountable in meaningful ways	2 Make smarter, more effective use of community correction programs	3 Strengthen probation supervision
Policies	<p>1-A: Require first-time property and drug offenders to serve probation terms and attend treatment as needed.</p> <p>1-B: Raise the maximum sentence length for people convicted of committing particularly serious and violent crimes, and provide judges sentencing lower level offenders with more options.</p> <p>1-C: Provide judges with a risk reduction sentencing option to encourage participation in programs that lower recidivism.</p> <p>1-D: Mandate that people sentenced to prison who demonstrate a high risk of reoffending are supervised after their release to the community.</p> <p>1-E: Study how restitution is collected locally and recommend improvements.</p>	<p>2-A: Adopt a common set of risk assessment instruments across the state’s criminal justice system.</p> <p>2-B: Sentence only people to CBCFs who research demonstrates would be less likely to reoffend after participating in the program.</p> <p>2-C: Make more effective use of CCA prison diversion programs by ensuring they employ supervision strategies and services demonstrated to reduce recidivism.</p>	<p>3-A: Establish statewide standards that define effective probation supervision policies and practices.</p> <p>3-B: Provide funding and incentives to improve felony probation supervision and increase successful completion rates.</p> <p>3-C: Reduce duplication of supervision resources.</p> <p>3-D: Require probation violation hearings to be held in a relatively swift period of time.</p> <p>3-E: Collect and analyze data from probation departments across the state.</p>

Objective 1: Hold offenders accountable in meaningful ways.

1-A: Require first-time property and drug offenders to serve probation terms and complete treatment as needed.

Description

- Sentence people convicted of lower level (F4 and F5) property and drug offenses with no prior adult felony convictions to probation supervision.
- Ensure that probation and the courts have options for responding to people who violate conditions of supervision or who reoffend, by imposing sanctions ranging in severity up to and including revoking probation and incarcerating them.
- Allow judges to sentence a first time, low-level property or drug offender to prison when that person has held a public office or position of trust, committed the offense while in possession of a firearm, or, in committing the offense, caused significant harm to a person.

Rationale

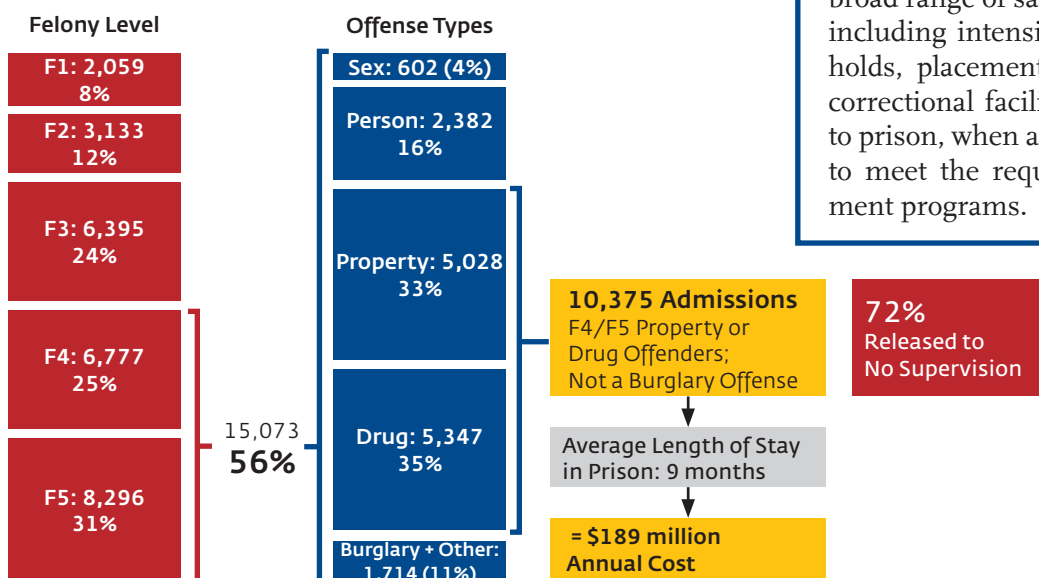
Brief prison stays for these first time low-level property and drug offenders, many of whom have substance use or mental health disorders, do little to change the behaviors that contributed to their criminal activity.

Requiring these individuals to be on probation, and mandating participation in treatment as needed, ensures they participate in programs that address mental health disorders along with substance use and other criminogenic needs associated with recidivism. In addition, the length of time under probation supervision, unlike the brief stay in prison, is sufficient to engage the person through the completion of a rigorous program. A probation sentence for these individuals may be up to five years, whereas a prison term may be no longer than 12 months for an F5 offense and 18 months for an F4 offense. Moreover, research indicates that completing treatment programs in the community is twice as effective at reducing re-offense rates when compared with treatment programs based in a prison or jail.²

Finally, unlike prison officials, court officials and probation officers have a broad range of sanctions available to them, including intensive supervision, short jail holds, placement in a community based correctional facility (CBCF), or revocation to prison, when a person on probation fails to meet the requirements of these treatment programs.

Analysis of 2008 Ohio Prison Admissions

Prison Admissions in 2008



2. Drake, Elizabeth, Steve Aos, and Marna Miller. "Evidence-based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications

in Washington State." *Victims and Offenders*, 4:170-196, 2009. Available: <http://www.wsipp.wa.gov/pub.asp?docid=09-00-1201>.

1-B: Raise the maximum sentence length for people convicted of committing particularly serious and violent crimes, and provide judges sentencing lower level offenders with more options.

Description

- Increase the length of time the most serious and violent (F1) offenders may be sentenced to prison.
- Enable judges to sentence F3 offenders to 9- and 18-month terms as well as the current 1-, 2-, or 3-year terms.

Rationale

This policy enables judges to put dangerous offenders, who under most circumstances have caused the greatest harm to crime victims and the community, behind bars for longer periods of time.

This policy also enables judges to be more precise when prescribing the length of time a person must spend in prison. Under current law, judges are limited to increments in years when sentencing people convicted of mid-level felony levels (F3). Judges sentencing F4 and F5 offenders, however, may impose prison terms in months.

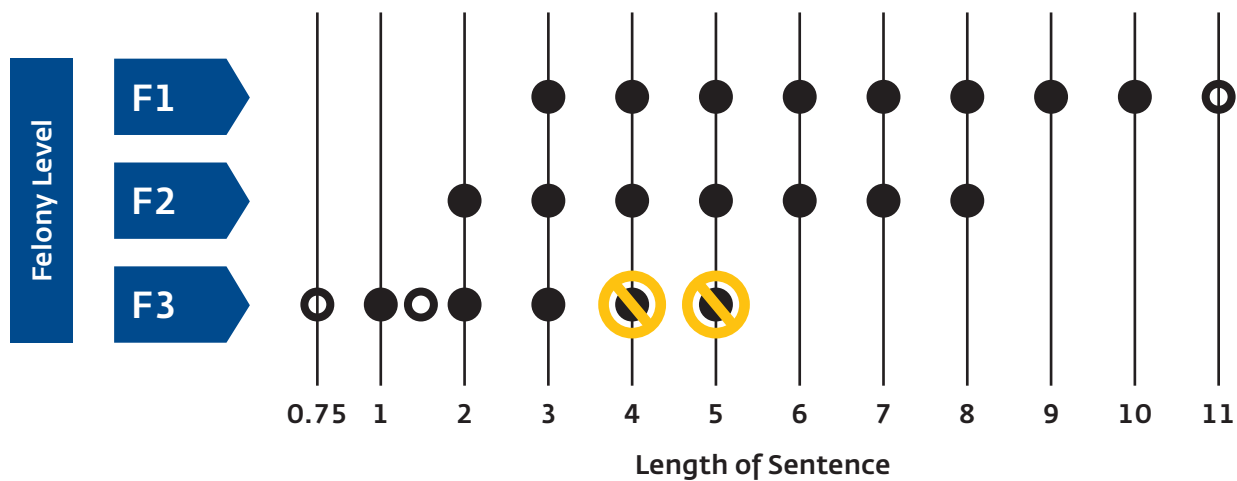
Furthermore, sentence lengths that correspond to F1, F2, and F3 offenses overlap considerably: a person convicted of any of these felonies may be sentenced to three to five years in prison. Lowering the ceiling of the sentence range that corresponds to F3 offenses by two years helps reduce this overlap.

Modifications to the existing sentencing ranges are in bold:

F1: 3, 4, 5, 6, 7, 8, 9, 10, **or 11** years

F2: 2, 3, 4, 5, 6, 7, 8 years

F3: **9 months**, 1, **1.5**, 2, 3, **4, 5** years



1-C: Provide judges with a risk reduction sentencing option to encourage participation in programs that lower recidivism.

Description

- Provide judges with the option at sentencing, when the prosecuting attorney and defense attorney agree, of imposing a “risk reduction sentence.”
- Conduct a validated risk and needs assessment for anyone admitted to prison, and, when that person is subject to a risk reduction sentence, ensure he/she completes programs and services while incarcerated that address the results of this assessment, which should decrease the likelihood of a person reoffending when he/she reenters the community.
- Encourage completion of programs and services that reduce likelihood of a person reoffending, and compliance with ODRC institutional rules and policies, by granting a 25 percent reduction in time the offender otherwise would have served.

Rationale

This policy upholds the principles of Ohio’s truth-in-sentencing law, providing transparency in sentencing to victims and the public and making it clear when the judge imposes the sentence how much time the person convicted of the crime will serve in prison.

At the same time, it provides an incentive, commonly found in states such as Texas, with indeterminate sentencing laws, to encourage people incarcerated to participate in institutional programs that can reduce the likelihood of recidivism following their release.

1-D: Mandate that people sentenced to prison who demonstrate a high risk of reoffending are supervised after their release to the community.

Description

- Require post-release supervision for the following categories of people: those convicted of the most serious offenses (F1 and F2s), people convicted of violent F3s or sex offenses, and any person, regardless of offense type, who poses a high or very high likelihood of reoffending upon release.

Rationale

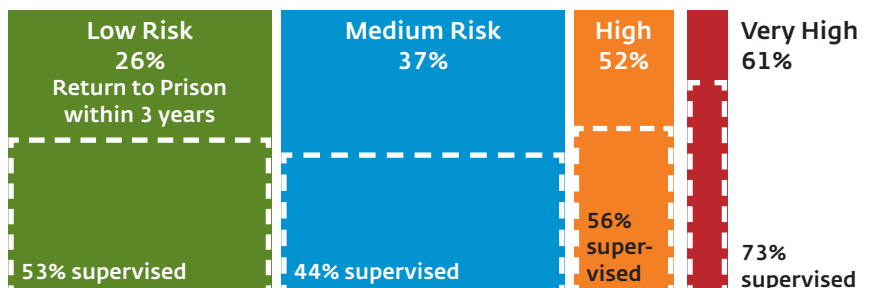
Currently, all people convicted of sex offenses, F1 and F2 offenses, or an F3 offense that is a violent crime must be supervised in the community after their release from prison. People convicted of non-violent F3 offenses and all F4 and F5 offenses are eligible for discretionary post-release supervision, subject to the discretion of the Parole Board.

Because Ohio statutes (RC §2967.28) are silent on the use of a validated risk assessment to guide discretionary post-release supervision decisions, while providing specific guidance on other criteria, low-risk offenders are being watched closely while many high and very high risk offenders are able to return unsupervised to the community.³

In 2008, for example, 44 percent of high risk and 27 percent of very high risk offenders were released with no post-release supervision despite ODRC analysis showing they have a much higher likelihood of re-offending: more than half of high risk and almost two-thirds of very high risk offenders will be re-incarcerated within three years.

This policy reallocates existing resources to ensure the supervision of people who pose the highest risk of reoffending, many of whom currently are leaving prison without first undergoing a period of community supervision, with no additional cost to taxpayers.

Percent of People by Risk Level who, following Release from Prison, Receive Community Supervision



3. Criteria the Ohio Parole Board currently considers include: the offender’s criminal history, juvenile court delinquency adjudication, the record of the prisoner’s conduct while imprisoned, and any recommendations

from the Office of Victim Services. Available: <http://www.drc.ohio.gov/web/PRC.htm>.

1-E: Study how restitution is collected locally and recommend improvements

Description

- Establish and appoint a bipartisan, inter-branch task force comprising victim advocates and representatives of the criminal justice system to study, in detail, victim restitution collection efforts at the local level.
- Direct the task force to submit policy recommendations to the General Assembly by January 2012, which will accomplish the following: speed the collection of debts, streamline payment mechanisms, apply best practices from jurisdictions around the state and across the country, and implement minimum standards for restitution collection.

Rationale

Ohio victims, survivors, and their advocates have made it clear that current rates of restitution collection are unsatisfactory and must be improved. Yet, no data describing, at the county level, collection rates of court-ordered restitution exists. Similarly, little information has been assembled documenting how restitution collection varies from one county to the next. The development of a plan to improving restitution must begin with the collection and analyses of these data and a comprehensive review of existing policies and practices.

Victim Restitution

Courts order restitution as part of the sentence when it is demonstrated that the victim sustained pecuniary losses (such as medical expenses, lost wages, or stolen or damaged property) as a result of the crime. Restitution is crucially important to victims because they often are without the resources to pay for all the losses they sustained as a result of the crime committed against them. In addition, collection of restitution provides the victim with an important sense that the person who committed the crime is being held accountable for their actions.

Court-ordered restitution, however, does not guarantee that the person ordered to pay it will do so; it creates a process through which victims can legally pursue restitution obligations that are owed to them. Many people incarcerated who owe restitution have few resources, and their financial prospects are unlikely to improve soon after their return to the community.

Given these practical challenges, policymakers and criminal justice practitioners are seeking strategies and solutions for increasing the rate of restitution collection.

Objective 2: Make smarter, more effective use of community correction programs.

Risk Assessment

Risk assessment instruments help users sort individuals into low-, medium-, and high-risk groups. They are designed to gauge the likelihood that an individual will come in contact with the criminal justice system, either through a new arrest and conviction or re-incarceration for violating the terms of supervision. Similar to the instruments used by an insurance company to rate risk, they predict the likelihood of future outcomes based on an analysis of past activities (e.g., criminal history) and present conditions (such as behavioral health or addiction). They utilize relevant actuarial data to enhance the ability of the corrections system to prioritize supervision and treatment resources on those individuals who pose the greatest public safety risk.

Predictive measures of offenders' likelihood of reoffending provide more information to decision-makers on sentencing, appropriate levels of probation and parole supervision, and prioritization of programming and treatment needs. Validated risk assessment instruments have been very effective at predicting who will be re-arrested. One study found that over a period of three years after their release from prison, 10 percent of the individuals classified as low-risk were re-arrested for a new crime or for violating the terms of their supervision. Meanwhile, 70 percent of the individuals placed in the high-risk group were re-arrested.⁴

Ohio, due in large part to the pioneering work of the Center for Criminal Justice Research at the University of Cincinnati (UC), is recognized nationally for its development and application of state-of-the-art risk assessment instruments. The Department of Rehabilitation and Correction (ODRC) has commissioned numerous studies using risk assessment to evaluate state-funded program effectiveness and adjust funding allocations accordingly. In 2006, the ODRC contracted with UC to develop the Ohio Risk Assessment System (ORAS), which UC subsequently validated for the Ohio adult population. Already being piloted in many jurisdictions across the state, ORAS will become available statewide in early 2011.

ORAS can be used to inform corrections decisions at the following points in the criminal justice system: pretrial, community supervision, prison intake, and community reentry.⁵ These instruments, by following people through the criminal justice system, can help improve interagency communication, reduce costly duplication of information collection, and create system-wide consistency in their application.

4. Edward Latessa, Paula Smith, Richard Lemke, Matthew Makarios, and Christopher Lowenkamp, *Creation and Validation of the Ohio Risk Assessment System: Final Report* (Cincinnati: Center for Criminal Justice Research, 2009); Christopher Lowenkamp and Edward Latessa, "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders," *Topics in Community Corrections* (Washington, DC: National Institute of Corrections, 2004).

5. Instruments ORAS contains include the Pretrial Assessment Tool (PAT), the Community Supervision Tool (CST), the Community Supervision Screening Tool (CSST), the Prison Intake Tool (PIT), and the Reentry Tool (RT).

2-A: Adopt a common set of risk assessment instruments across the state's criminal justice system.

Description

- Require the following points in the criminal justice system to employ the appropriate ORAS instrument: municipal courts, common pleas courts, pre-trial entities, municipal and county probation agencies, the Adult Parole Authority, the Parole Board, ODRC prisons, and community correction agencies.
- Provide training, certification, and refresher trainings on proper utilization of ORAS.
- Require agencies using ORAS to develop policies and protocols that define how its instruments should be applied and integrated into existing operations, supervision and case planning, administrative oversight, staff training, and data collection and sharing.

Rationale

A statewide survey of felony and misdemeanor and probation departments found that at least six different risk instruments are currently in use across the state. Not only are each of these instruments distinct, but training of staff in their use has been inconsistent, which undermines the value of these instruments.

A validated risk assessment system, applied consistently up and down the criminal justice system and across the state, will enable state and local leaders to focus supervision resources on those people who pose the greatest danger to the community. Furthermore, state leaders can systematize how people are assigned to services in prison and in the community, which maximizes the value of these scarce program slots.

Community Correction Programs

Ohio is known nationally for its extensive network of state-funded community correction programs to which adults are sentenced in lieu of jail or prison. The programs include Community Correction Act programs (prison and jail diversion), halfway houses, and community-based correctional facilities.

- Prison and jail diversion programs are non-residential and controlled by the local corrections planning board in each jurisdiction and administered by county or city officials. The range of programs includes intensive supervision probation, electronic monitoring, work release, and day reporting.
- Halfway houses (HWHs) are community-based residential programs providing supervision and treatment services, such as drug and alcohol treatment, job placement, educational programs, and specialized programs for people with mental illness. HWHs serve people who are released from state prison or sentenced there directly by courts. They also serve people who are found in violation of probation or in violation of parole/post-release control.
- Community-based correctional facilities (CBCFs) are secure residential facilities with a maximum length of stay of 180 days. CBCFs serve, almost exclusively, people who are directly sentenced by the court or who are found in violation of probation.
- In FY 2010, the state invested \$136.6 million in these programs, including \$21.9 million for prison diversion, \$11.1 million for jail diversion \$41.1 million for HWHs, and \$62.5 million for CBCFs.

Criteria to Guide Placements in CBCFs and CCA Prison Diversion Programs

For Policies 2B and 2C

	Felony	Risk Level	Initial Sentence		Upon Revocation	
			CCA Prison Diversion	CBCF	CCA Prison Diversion	CBCF
STATE PAYS: Placement Likely to Reduce Prison Admissions or Reduce Recidivism	F1	Any	Green	Green	Green	Green
	F2	Any	Green	Green	Green	Green
	F3	High	Green	Green	Green	Green
		Medium	Green	Green	Green	Green
		Low	Green	Red	Green	Red
STATE DOES NOT PAY Placement Does Not Likely Reduce Prison Admissions or Reduce Recidivism	F4	High	Green	Green	Green	Green
		Medium	Red	Red	Green	Green
		Low	Red	Red	Red	Red
F5	High	Green	Green	Green	Green	
	Medium	Red	Red	Green	Green	
	Low	Red	Red	Red	Red	

2-B: Sentence only people to CBCFs who research demonstrates would be less likely to to reoffend after participating in the program.

Description

- Establish statewide criteria defining who may be sentenced to a community-based correctional facility (CBCF) and to reduce recidivism rates among people who committed less serious crimes but who are at high risk of re-offending.
- Ensure ODRC pays CBCF’s only for participants that fit these statewide criteria for placement in a CBCF.

Rationale

Residential programs that address criminogenic needs, such as substance abuse disorders, job-skill deficits, or cognitive-behavioral problems are key resources in Ohio’s continuum of sanctions.

In two major program evaluations conducted by the University of Cincinnati, a number of CBCF programs demonstrated the ability to reduce recidivism rates by large percentages. The CBCF programs collectively, however, had little overall impact on recidivism statewide because some CBCF programs failed to reduce recidivism or increased recidivism rates

for participants, and, in doing so, offset the benefit that other programs provided.^{6,7}

Research shows that low-risk offenders, when placed in programs with high-risk offenders, are more likely to recidivate than if they skipped participation in the program altogether. Low and medium-risk individuals placed in CBCFs had poorer outcomes than a comparison group placed on probation supervision. (Recidivism rates were between 3 and 10 percentage points higher, depending on the measure).⁸

Ensuring that only those high-risk individuals or those who would otherwise have been sentenced to prison are admitted to CBCFs would increase the effectiveness of these programs. Standardized eligibility criteria will inform court officials’ sentencing decisions, helping them to prioritize placement in the CBCF’s for those populations most likely to benefit from them.

CBCF Admission Criteria	
F1	Judicial Discretion
F2	Judicial Discretion
F3	All Medium and High Risk Offenders
F4	All High Risk Offenders Medium Risk in Lieu of Revocation
F5	All High Risk Offenders Medium Risk in Lieu of Revocation

ODRC pays only for CBCF admissions meeting these criteria

Impact of CBCF Programs on Recidivism Rates by Risk Level

Percentage point change in rate of recidivism for all participants. Shaded numbers indicate reduction in recidivism.

	NEW FELONY CONVICTION	ANY NEW CONVICTION	NEW INCARCERATION
Low Risk	+4.8	+2.7	+9.7
Medium Risk	+3.6	+4.3	+10.6
High Risk	-4.5	-1.4	-0.8
All Participants	+ 2.6	+3.8	+8.9

Note: CBCF participants compared to a matched group of individuals on intensive probation supervision.

6. The UC evaluation studies, the first of which was released in 2002 and the second in 2010, used a two-year follow-up timeframe to track three measures of recidivism among participants: a new felony conviction, any new conviction, and a new incarceration

7. Latessa, Lovins, and Smith, "Follow-up Evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs—Outcome

Study," Table 11: "Mean Recidivism Rates for the CBCF/ISP Sample by Risk—All Participants—Measured by New Felony Conviction," (p. 73); Table 12: "Mean Recidivism Rates...Measured by Any New Conviction," (p. 75); and Table 13: "Mean Recidivism Rates...Measured by New Incarceration" (p. 76), <http://www.drc.ohio.gov/web/planning.htm>.

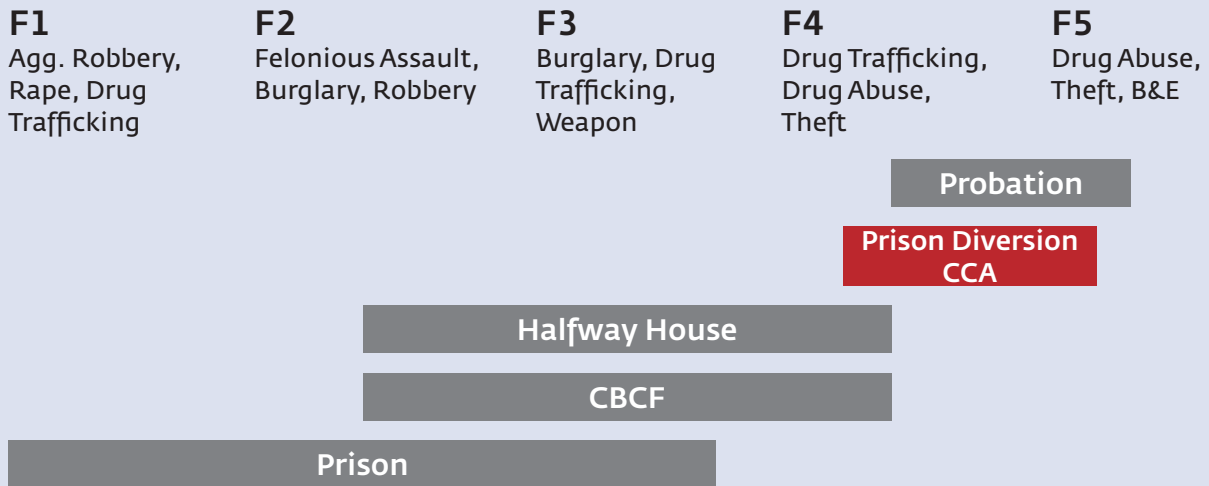
8. Ibid.

Community Corrections Act (CCA) Prison Diversion Programming

In FY 2010, Ohio spent approximately \$21 million on Community Correction Act (CCA) prison diversion programs. These grants are a key component of the continuum of sanctions available to hold accountable offenders who otherwise would be prison-bound. Programs currently admit participants who span a broad spectrum of risk levels.

Planning boards use the bulk, approximately \$17 million, of prison diversion program funding for intensive supervision probation (ISP). Although ISP is defined differently among local probation departments (and officers within those departments) in Ohio, it generally involves smaller and more specialized caseloads, more frequent contacts with the probationer, and a range of required activities, such as random drug testing and electronic monitoring.

Role of CCA Prison Diversion Funds in the Continuum of State-Funded Community Correction Programs



2-C: Make more effective use of CCA prison diversion programs by ensuring they employ supervision strategies and services demonstrated to reduce recidivism.

Part I:

Utilize state-funded CCA prison diversion programs primarily as an option for judges and supervision officers responding to people who are not complying with the terms of their probation.

DESCRIPTION

- Establish statewide criteria, which draw on the results of ORAS, that define who may be sentenced to prison diversion programs.
- Review admissions to prison diversion programs on a quarterly basis; reimburse diversion program for supervising someone only when the program demonstrates that participant meets these eligibility criteria.

RATIONALE

Results from a 2005 University of Cincinnati evaluation of Ohio's prison diversion programs found that, similar to the findings of the residential program evaluations, these intensive programs are more successful for higher-risk participants than for those who are lower-risk. In the evaluation, programs with more higher-risk participants (75 percent or more of total placements) had average decreases in recidivism of 5 percent. On the other hand, programs with fewer higher-risk offenders (less than 75 percent of

total placements) had average increases in recidivism of 2 percent.⁹

Standardizing prison diversion program eligibility criteria will facilitate the efforts of court officials to sentence defendants to programs that are most likely to reduce recidivism.

Part II:

Ensure people in prison diversion programs who are assessed as having a high risk of recidivism have their treatment needs addressed.

DESCRIPTION

- Require probation administrators applying for prison diversion grants to specify what portion of these funds will be used for services to address the treatment needs of the populations under their supervision, with particular attention paid to offenders assessed as high-risk, and the capacity, within the county and surrounding region, to deliver services and programs to address the level of need.
- Instruct probation administrators whose agency staff is not qualified to deliver services proven to address behaviors that contribute to recidivism among high-risk probationers to contract with community-based service providers.

RATIONALE

Programs using prison diversion funding across Ohio vary in program design, use of evidence-based practices, and quality of supervision. Almost three-quarters of grant funds are used for intensive supervision, with relatively little funding dedicated to treatment services and supports.

Evaluations of intensive supervision probation programs demonstrate that intensive supervision is effective in reducing recidivism only when combined with treatment programs that address criminogenic needs. Intensive supervision that connects probationers to effective treatment programs addressing criminogenic needs can reduce recidivism rates by as much as 18 percent. Intensively supervising people without connecting them to effective programs and treatment, however, has no effect on recidivism.¹⁰

CCA Prison Diversion Admission Criteria	
F1	Judicial Discretion
F2	Judicial Discretion
F3	Judicial Discretion
F4	All High Risk Medium Risk in Lieu of Revocation
F5	All High Risk Medium Risk in Lieu of Revocation

ODRC pays only for participants meeting this criteria

9. Lowekcamp, Christopher and Latessa, Edward. "Evaluation of Ohio's CCA Funded Programs." April 2005, p. 48. Available: http://www.uc.edu/ccjr/Reports/ProjectReports/Final_CCA_Report.pdf

10. Drake, Elizabeth, SteveAos, and Marna Miller. "Evidence-based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State." *Victims and Offenders*, 4:170-196, 2009. Available: <http://www.wsipp.wa.gov/pub.asp?docid=09-00-1201> . .

Objective 3: Strengthen probation supervision.

Probation Supervision in Ohio

At the end of 2009, 75 percent (254,949 people) of the 339,816 adults under state criminal justice control in Ohio were being supervised on felony or misdemeanor probation.¹¹ Because of the volume of people supervised and its role in working with a population that courts deem appropriate for local management, an effective probation system is integral to public safety.

A patchwork of independent agencies, managed at the state, county, and municipal level, manage Ohio's probation system. ODRC provides probation supervision

services in 47 counties, where approximately 20 percent of the state's felony probation population lives. In the remaining 41 counties, where 80 percent of the felony probation population resides, county-administered departments operate probation agencies. Furthermore, in some counties, municipal probation departments (within a county there may be multiple municipal probation departments) can supervise people convicted of misdemeanor offenses.

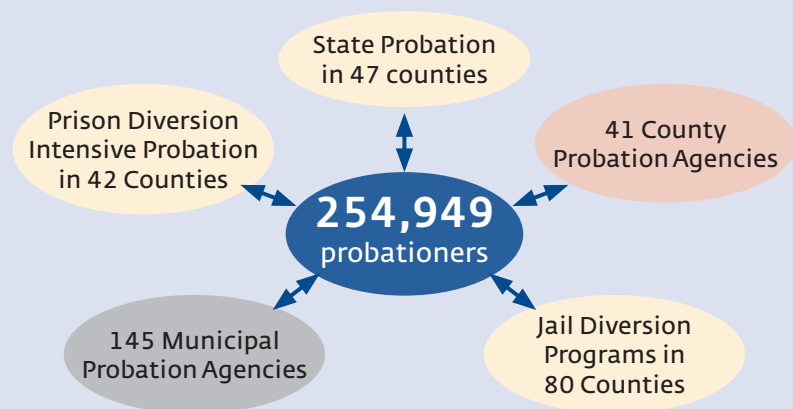
Without statewide probation standards, policies and practices regarding the following issues vary substantially: minimum qualifications for officers; the lengths of mandatory pre- and in-service training; the number of monthly officer-probation contacts; and the use of risk assessment instruments to assign probationers to appropriate levels of supervision. Many probation departments do not use evidence-based practices that have been shown to reduce recidivism rates, such as risk-based probation caseloads with appropriate contact standards and unified systems of progressive sanctions to manage offender non-compliance.

In a web-based survey of common pleas court judges, one-quarter of the respondents indicated that probation policies and procedures vary even within their counties, where individual felony court judges set their own rules governing probation.¹²

The existence of so many independent community supervision agencies contributes to inefficiencies. For example, it is not unusual for a person to be assigned to both misdemeanor and felony probation and, consequently, report to two different officers in two separate probation departments.

No single agency in Ohio is responsible for the collection of basic probation data statewide, such as the number of people on probation, the number who successfully complete the conditions of supervision, and those who are revoked.

187 Agencies Providing Supervision to Ohio's Probationers



11. U.S. Department of Justice, Bureau of Justice Statistics. "Probation and Parole in the United States, 2009." (December 2010), <http://bjs.ojp.usdoj.gov/content/pub/pdf/ppus09.pdf>.

12. The CSG Justice Center web-based survey was conducted from May 31 to June 11, 2010 with assistance from the administrative office of the Ohio Judicial Conference. 101 common pleas court judges completed all sections of the survey.

3-A: Establish statewide standards that define effective probation supervision policies and practices.

Description

Require each probation agency, for both misdemeanor and felony probation, to demonstrate compliance with the following standards:

- (1) each common pleas and municipal court overseeing a probation agency maintains a system of graduated responses that ensures certain and immediate action when someone fails to comply with the terms of their supervision;
- (2) every probation agency uses the results of the statewide common risk assessment system to assign supervision resources based on probationers' likelihood of reoffending or violating conditions of their supervision;
- (3) every probation officer receives pre- and in-service training to ensure minimum levels of certification for the exercise of officer duties; and
- (4) every court overseeing a probation agency adheres to protocols and standards for hiring of chief probation officers.

Rationale

In jurisdictions across the country, these evidence-based standards have been associated with improved probationer success rates, the result of which means fewer revocations to prison.

Ohio's decentralized probation system, in which local probation departments receive significant state dollars, resembles the organizational structure of probation systems in many states across the U.S. Unlike most states, however, Ohio does not have statewide standards that all probation departments are required to meet.

Texas state law, for example, defines the minimum standards that all probation departments must meet. Furthermore, the Texas state corrections agency includes a division charged with tracking each local probation department's performance, monitoring local budgets, distributing state funding, providing technical assistance, and training and certifying probation officers. Implementing these statewide standards for probation in Ohio will introduce greater consistency, coordination, and professionalism to agencies operating across the state.

Proposed Probation Improvement and Incentive Grant Programs

\$3 Million Probation Improvement Grant

Purpose	Eligibility	Formula
Help felony probation agencies reduce recidivism.	Any felony probation agency that is using ORAS and in compliance with Policy 3-A standards	Divided among eligible counties based on the number of people placed on probation

\$2 Million Probation Incentive Grant

Purpose	Eligibility	Formula
Encourage practices and policies leading to further recidivism reductions	Counties that reduce revocation rates from baseline FY 2010	\$2,000 x number of reductions in revocations to prison from baseline year

3-B: Provide funding and incentives to improve felony probation supervision and increase successful completion rates.

Description

- Establish a probation improvement grant program to provide support and incentives for common pleas probation agencies to reduce recidivism among felony probationers.
- Make any felony probation agency in Ohio eligible for funding under this grant program if they are found to be in compliance with the standards set by Policy 3-A and are using the statewide validated risk assessment system.
- Create a formula, which is based on the number of people placed on probation in each eligible county, to divide \$3 million among Ohio's counties.
- Make available an additional \$2 million in performance funding for counties that reduce their revocation rate from the baseline FY 2010. The performance funding would be calculated as follows: \$2,000 for each reduction in revocations to prison from the baseline year, which would be adjusted annually to reflect the percent change in the number of annual probation placements to the current year.
- Reallocate any funds not expended through the performance funding program to counties requesting support for technical assistance and training to advance evidence-based practices and reduce revocations.

Rationale

A performance incentive funding structure will facilitate a partnership between the state and local probation departments, which will increase the effectiveness of criminal justice resources in lowering

recidivism and increasing public safety. The state has an incentive, from the perspective of enhancing public safety, managing prison costs, and increasing effectiveness of its investment in community correction programs, to encourage local probation departments to strengthen the supervision they provide.

The estimated marginal corrections cost to incarcerate people on probation who are revoked to prison is \$10 million annually. Many of these probationers revoked to prison could be held accountable in the community using community correction programs and by successfully employing other graduated responses to minor violations.

In 2008, Arizona launched a performance incentive funding structure for local agencies to help reduce recidivism among people on probation. Under the program, the state awards to counties that successfully reduce crime and probation revocations 40 percent of the cost savings generated by these reductions. This supplemental funding could then be reinvested in victim services, substance abuse treatment, and strategies to improve community supervision and reduce recidivism. In the two years (FY 2008 to FY 2010) following Arizona's enactment of this policy, probation revocations to prison declined 28 percent and revocations to jail declined 39 percent. At the same time, the number of probationers charged with a new felony conviction declined statewide by 31 percent.¹³

In 2007, Kansas policymakers took a similar approach by awarding \$4 million in grant funds to community corrections agencies that develop plans to reduce revocations by 20 percent. Following enactment, revocations from community corrections declined 25 percent from 2006 to 2009. During the same period, state leaders have witnessed a 29-percent increase in probationers successfully completing their terms of supervision.¹⁴

13. Arizona Supreme Court, Adult Probation Services Division, *Probation Revocation and Crime Reduction Report: Fiscal Year 2010, 2010*.

14. Kansas Department of Corrections, 2010 *Risk Reduction Initiative Report-SB 14*, <http://doc.ks.gov/publications/the-senate-bill-14-risk-reduction-initiative>.

3-C: Reduce duplication of supervision resources.

Description

- Create a protocol for counties with multiple courts operating distinct probation agencies to ensure that individuals sentenced to probation are supervised by only one probation authority at a time.

Rationale

It is not unusual in Ohio for offenders to be assigned to both misdemeanor and felony probation and, consequently, report to two different officers in two separate probation departments. The absence of communication systems linking probation processes across courts contributes to inefficient use of supervision resources.

Using distinct probation agencies to supervise the same person may increase the likelihood that the person's probation is revoked because he or she must meet various conditions of supervision, such as reporting to the probation officer and submitting to drug tests, that multiple probation departments have set. Time that would be otherwise spent seeking employment, securing housing, or seeking treatment (all activities that promote a stable, crime-free life) is instead used to meet numerous conditions of supervision.

3-D: Require probation violation hearings to be held in a relatively swift period of time.

Description

- Require that a notice of violation be filed within three business days of a probationer's arrest.
- Ensure that when a notice of violation is filed, a court hearing is held within 30 business days from the date of filing.

Rationale

Sheriffs from around the state expressed concern, during focus groups and other interviews, that probationers awaiting violation hearings are spending lengthy periods in jails, some for as much as 60 or 90 days. Currently, the Ohio Revised Code provides no specific guidance to courts, jails, or probation departments on the length of time a probationer may be held in jail awaiting a violation hearing. As a result, the average length of time probationers are held in jails varies considerably from one county to the next.

Holding someone in jail for several days, weeks, or even months while waiting for a decision about whether to revoke that person's probation accomplishes little. It is expensive for county officials and it disrupts whatever connection the person on probation was making to community-based treatment, housing, and employment.

Policy 3-E: Collect monthly data from probation departments across the state and analyze this information routinely.

Description

Require, beginning in June 2011, each probation department, both municipal and common pleas, to submit to the ODRC a monthly count of the following:

- Number of people sentenced to probation (by offense level and with basic demographic information),
- Number of people under probation supervision at the end of the month (by offense level and with basic demographic information), and
- Number of people exiting probation (including reason for exit, such as revocation, completion of sentence, offense level, and basic demographic information).

Rationale

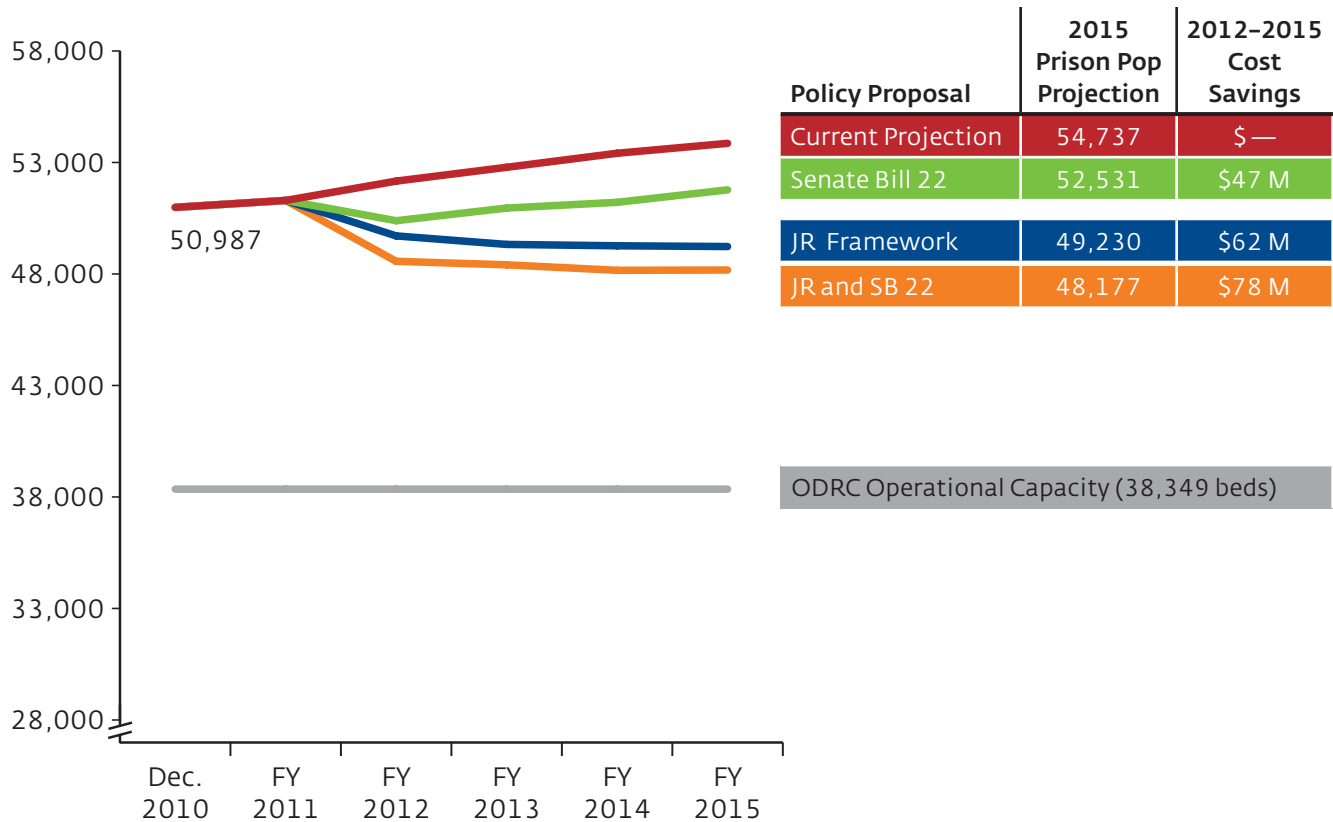
The ODRC should work with common pleas and municipal court probation departments to develop a uniform data reporting template, which all probation agencies would use to ensure aggregate data are submitted monthly, in a consistent format.

Although there are approximately 254,949 adults on probation on any given day in Ohio, very little is known about this population, including offense levels, assessed risk of reoffending, and basic demographic information.¹⁵ Also unknown is the proportions of probationers that successfully complete a term of supervision, are revoked to prison, and exit for other reasons. These data are also important for fiscal accountability, given the state's significant investment in community correction programs for people being supervised on probation.

In most states, especially in those of Ohio's size, this basic information is collected and reported in order to provide key information about effectiveness of probation in holding offenders accountable.

15. U.S. Department of Justice, Bureau of Justice Statistics. "Probation and Parole in the United States, 2009." (December 2010), <http://bjs.ojp.usdoj.gov/content/pub/pdf/ppus09.pdf>.

Projected Impact of Proposed Justice Reinvestment Framework and Senate Bill 22, FY 2012-2015¹⁶



	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Current Projection	51,297	52,164	52,784	53,413	53,858
Senate Bill 22	51,297	50,388	50,955	51,213	51,772
JR Framework	51,297	49,707	49,325	49,264	49,230
JR Package and SB 22	51,297	48,568	48,410	48,164	48,177

16. The graphs and tables below review the projected impact of the policy framework described in this report on the state's current prison population projection if the policies are enacted by July 1, 2011. The base prison population projection assumes no change to current trends

in prison admissions or to the criminal code. Cost savings and proposed level of reinvestment are based on projected savings as calculated by the Ohio Department of Rehabilitation and Correction.

Projected Outcomes of the Implementation of the Proposed Justice Reinvestment Policy Framework

1. Community correction programs are redesigned to reduce re-offense rates and cut crime.

- Establishes criteria that people admitted to community correction programs must meet so that only those people who are likely to benefit from them participate.
- Increases cost-effectiveness of community correction programs, ensuring they target people for whom intensive programming is appropriate and who would otherwise have been sent to prison at substantially higher costs to the taxpayer.

2. The probation system is strengthened considerably, and recidivism rates among probationers decline by 10 percent.

- Establishes minimum statewide standards regarding probation agency operations.
- Creates incentives for probation departments to improve their performance through the establishment of incentive funding grants that reward local probation departments that meet minimum standards and reduce recidivism.

3. The substantial growth projected in the state prison population is avoided, returning the number of people in prison to 2007 levels.

- Averts the 2,871-person increase projected for Ohio's prison population between year-end 2010 and FY 2015.¹⁷
- Eases existing prison crowding as the number of people in prison gradually declines.

4. The state saves more than \$62 million in corrections costs between FY2012 and FY 2015.¹⁸

- Avoids the hundreds of millions in additional spending that would be needed to construct and operate new prisons to accommodate growth.
- Generates \$62 million in marginal cost savings (from reduced clothing, food, and medical costs).

Proposed Level of Reinvestment

	Investment over the Two-Year Period (FY 2012 and FY 2013)
Probation Improvement Grant	\$6 M
Probation Incentive Grant	\$4 M

Creating a performance incentive funding structure between the state and counties to strengthen probation requires a reinvestment of a portion of the cost savings that the justice reinvestment framework will generate. The proposed grant programs would be competitive: only those local probation departments that meet certain criteria could receive funding from the state. Possible investments include establishing or upgrading informational technology systems, hiring specialized officers to respond to people with mental health or substance use disorders, implementing a training curriculum based on evidence-based practices, and more.

17. Prison population projections and impact of proposals are based on based on analysis performed by the ODRC Bureau of Research, and Evaluation

18. Cost impacts relating to the prison population projection and proposals are based on analysis performed by the ODRC Office of Administration.

Senate Bill 22

During the 128th Ohio General Assembly, Senator Bill Seitz (R-Green Township) authored and championed legislation that sought to use state taxpayer dollars in a more efficient and effective manner to make the state safer. Although the legislation never came before the legislature for a full vote, it enjoyed bipartisan support and is expected to be reintroduced in the 129th General Assembly.

Some of the provisions contained in the legislation would:

- Raise the felony theft threshold from \$500 to \$1,000;
- Increase the potential number of credit days inmates can earn but sets conditions on the availability of possible days based on the type of offense committed;
- Subject a person under Adult Parole Authority supervision to prosecution for escape only if the absconding occurred for a period in excess of nine consecutive months;
- Eliminate the distinction between the criminal penalties provided for drug offenses involving crack cocaine and those offenses involving powder cocaine, generally increasing penalties for large amounts of powder cocaine and lowering penalties for small to medium amounts of crack;
- Extend judicial release eligibility to offenders serving one or more non-mandatory prison terms that, in aggregate, are 10 years or less; and
- Authorize the ODRC director to petition the sentencing court for the release from prison of certain persons incarcerated under a stated prison term of one year or more who have served at least 85% of the stated prison term.

To learn more about the justice reinvestment strategy
in Ohio and other states,
www.justicereinvestment.org

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The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities.



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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

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