

# Justice Reinvestment in Ohio

## Overview



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## Background

Ohio faces several criminal justice challenges. Despite the fact that the state's total crime rate has decreased in recent years, the number of murders and aggravated assaults has risen, with individual cities experiencing this increase to varying degrees. The use of opioids and other substances is overwhelming local communities, causing the arrest and imprisonment of people for drug offenses to increase and sparking a need to determine the proper way for the criminal justice system to respond and ensure that treatment and other interventions are accessible and effective. Local probation officers are supervising a large number of people in the community, and although the state supports local supervision officers, the limited amount of county data and information about supervision policies and practices makes it hard for the state to accurately assess local needs and provide targeted support. Finally, the state's capacity to invest resources in tackling these local public safety challenges is hindered by high corrections spending and a large prison population.

Though these issues impact various aspects of the state's criminal justice system, they are interconnected, and an effort to examine them and make improvements can provide relief across the entire system. State leaders recognize that to respond effectively to these issues, a data-driven approach is necessary to identify factors contributing to crime, arrests, substance use disorders, recidivism, high corrections costs, and the large probation and prison populations and develop a policy framework to reduce crime, provide proper substance use treatment, and better manage corrections spending.

In July 2017, Ohio Governor John Kasich, Chief Justice Maureen O'Connor, Senate President Larry Obhof, House Speaker Clifford Rosenberger, and Attorney General Mike

DeWine requested support from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to explore a justice reinvestment approach to address these challenges. As public-private partners in the federal Justice Reinvestment Initiative (JRI), BJA and Pew approved Ohio's request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance through JRI to help collect and analyze data and develop appropriate policy options to help contain corrections spending and reinvest in strategies that can reduce recidivism, improve responses to behavioral health challenges, and increase public safety.

In September 2017, the Ohio Criminal Sentencing Commission voted to establish the Ohio Justice Reinvestment Committee comprising designees from all three branches of government and state and local criminal justice system stakeholders. Under the direction of the committee, CSG Justice Center staff will conduct a comprehensive analysis of data collected from various relevant state agencies and departments. To build a more comprehensive picture of statewide criminal justice trends, data on jail and community corrections will be collected from local governments and analyzed where possible. CSG Justice Center staff will also convene focus groups and lead interviews with key stakeholders in Ohio's criminal justice system. Based on the findings from these extensive quantitative and qualitative analyses, the committee will develop policy options that are designed to both increase public safety and contain the cost of corrections.

This overview highlights some recent criminal justice trends in Ohio. The committee will explore these issues, and many others, in greater depth in the coming months.

# Criminal Justice System Trends in Ohio

Ohio's reported violent crime rate is down overall from its peak in 1991.<sup>1</sup>

- Ohio's violent crime rate decreased 47 percent between 1991 and 2016, from 562 to 300 reported violent crimes per 100,000 residents.<sup>2</sup>

In recent years, the number of murders and aggravated assaults has increased statewide, rising in some cities and falling in others.<sup>3</sup>

- From 2011 to 2016, the number of murders in Ohio increased 27 percent, from 513 to 654 incidents, and the number of aggravated assaults rose 5 percent, from 15,283 to 16,111 incidents.<sup>4</sup>
- At a local level, some cities experienced increases while others experienced declines. For example, from 2011 to 2016, the number of murders increased significantly in Cleveland (74 to 135, an 82-percent increase), but more modestly in Toledo (30 to 37, a 23-percent increase) and Columbus (87 to 91, a 5-percent increase), while the number of murders decreased in Cincinnati (61 to 57, a 7-percent decrease).<sup>5</sup>
- During the same period, the number of aggravated assaults increased significantly in Cleveland (1,842 to 2,696, a 46-percent increase) and Toledo (1,562 to 2,163, a 38-percent increase), but more modestly in Columbus (1,289 to 1,398, an 8-percent increase), while the number of aggravated assaults decreased in Akron (869 to 555, a 36-percent decrease).<sup>6</sup>

While murders and aggravated assaults have increased in Ohio, arrests for murder have decreased and arrests for aggravated assault have remained stable. Total arrests have also declined.<sup>7</sup>

- From 2011 to 2016, the number of arrests for murder declined 20 percent, from 235 to 189, and arrests for aggravated assaults increased 1 percent, from 4,138 to 4,166. Total arrests during this period declined 17 percent, from 256,625 to 213,801.<sup>8</sup>
- In 2016, there were 654 reported murders and 189 murder arrests, and 16,111 reported aggravated assaults and 4,166 aggravated assault arrests.<sup>9</sup>

The opioid epidemic is driving an increase in drug overdose deaths; arrests and prison commitments for drug offenses are also increasing.

- Between 2011 and 2015, drug overdose deaths in Ohio increased 72 percent, from 1,772 to 3,050. Over the same period, the number of opioid-related drug overdose deaths more than doubled, from 1,163 to 2,590, a 123-percent increase.<sup>10</sup> (See Figure 1)
- In 2015, Ohio had the third-highest rate of opioid overdose deaths in the U.S. at 24.7 per 100,000 residents, behind West Virginia (36.0) and New Hampshire (31.3).<sup>11</sup>
- Drug arrests in Ohio increased 13 percent between 2011 and 2015, from 28,943 to 32,827.<sup>12</sup>
- In the same period, prison commitments for drug offenses increased 9 percent, from 5,127 to 5,580.<sup>13</sup> (See Figure 2)

Figure 1. Drug Overdose Deaths, 2011–2015

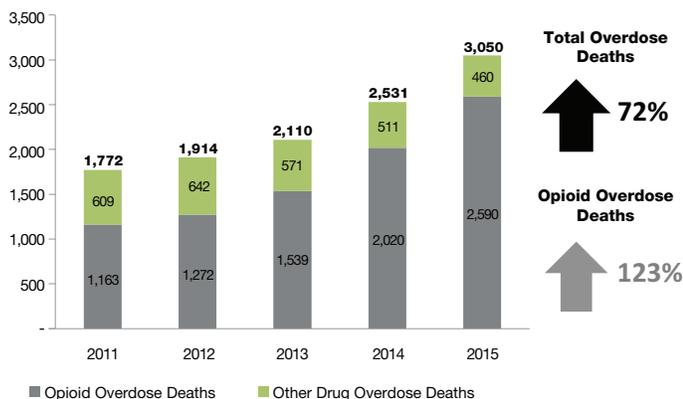
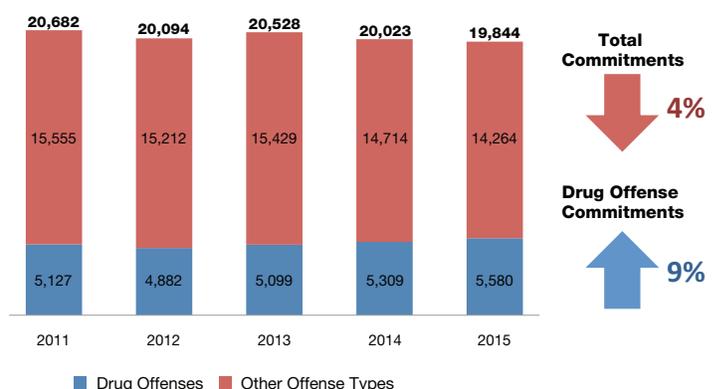


Figure 2. Commitments to Prison, 2011–2015



## Ohio has one of the highest rates of adults on probation in the country, and commitments to prison for probation violations account for almost a quarter of all commitments.

- In 2015, Ohio's 185 different state, county, and municipal probation departments supervised close to a quarter million people (243,710) who had been convicted of misdemeanor or felony offenses.<sup>14</sup>
- In the same year, Ohio had the third-highest rate of adults on probation in the country, with 2,706 people on probation per 100,000 residents, trailing only Georgia and Rhode Island.<sup>15</sup>
- The number of people committed to prison for probation violations increased 5 percent, from 4,406 in 2011 to 4,634 in 2015, accounting for 21 percent of commitments in 2011 and 23 percent in 2015.<sup>16</sup>

## State funding for community correction programs has increased in recent years.

- From FY2011 to FY2016, state spending on community correction programs increased 39 percent, from \$140.4 million to \$194.7 million.<sup>17</sup> These programs are delivered to people on probation in lieu of jail or prison and post-release control.

## Despite a recent decline in commitments, Ohio's prison population remains large and expensive, in part due to an increase in how long people are staying in prison.

- In 2015, Ohio had the fourth-largest prison population in the country at 52,233 people, ahead of several states with larger resident populations (New York, Illinois, and Pennsylvania).<sup>18</sup>
- Between 2011 and 2015, Ohio's prison population increased 2 percent, from 50,964 to 52,233 people.<sup>19</sup>
- Between 2011 and 2015, commitments to prison declined 4 percent, from 20,682 to 19,844.<sup>20</sup> (See Figure 2)
- Between 2011 and 2014, the average length of stay in prison increased 10.9 percent from 2.10 years to 2.33 years. This includes people serving time for the lowest-level felonies, with a 5.5-percent increase for Felony 4 offenses (1.08 years to 1.14 years) and a 9.3-percent increase for Felony 5 offenses (from .75 years to .82 years).<sup>21</sup>
- Between 2011 and 2015, general fund spending on corrections declined 8 percent, from \$1.89 to \$1.74 billion, but corrections spending in Ohio still ranked seventh-highest in the country in 2015.<sup>22</sup>

# The Justice Reinvestment Approach

## Step 1: Analyze data and develop policy options

Under the direction of the Ohio Justice Reinvestment Committee, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, incarceration, behavioral health, post-release control, and recidivism data, using hundreds of thousands of individual data records. CSG Justice Center staff will examine probation, post-release control, and incarcerated population trends; length of time served in incarceration and on supervision; statutory and administrative policies; and availability of treatment and programs designed to reduce recidivism; among other factors. To the extent data are available, CSG Justice Center staff will also assess how felony sentencing trends impact probation, post-release control, and incarcerated populations, and explore contributors to recidivism trends. The analyses will result in findings related to the sources of correctional population growth, correctional bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input from criminal justice system stakeholders, including the Office of the Attorney General, judges, prosecuting attorneys, public defenders, sheriffs, police chiefs, supervision officers, community correction program providers, behavioral health treatment providers, victims and their advocates, people in the criminal justice system and their advocates, residents and leaders in communities and neighborhoods where confidence in the criminal justice system may be low, local officials, and others.

With the assistance of CSG Justice Center staff, the Ohio Justice Reinvestment Committee will review the analyses and develop data-driven policy options focused on increasing public safety and better managing corrections spending. Policy options will be available for the committee's consideration in late 2018, and recommendations will be provided to the legislature for consideration in early 2019.

## Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, CSG Justice Center staff will work with Ohio policymakers for a period of up to 24 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Ohio will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and measures to ensure fidelity to evidence-based practices.

## Step 3: Measure performance

Finally, the CSG Justice Center will assist Ohio officials in the development of a strategy to improve data collection and sharing statewide. This could include identifying key data points to record and the officials who are best positioned to collect data, as well as exploring best practices to track, monitor, share, and analyze data. These improvements will allow state leaders to assess the impact of enacted policies on pretrial, probation, post-release control, and incarcerated populations, including recidivism rates, and to develop strategies to monitor these outcomes. Typically, this includes a spreadsheet of multiple indicators that makes it easy for policymakers to track the changes occurring in various components of the state's criminal justice system.

## Notes

1. "UCR Crime Tool," <https://www.ucrdatatool.gov/>.
2. Ibid; "FBI-Crime in the U.S. 2016," <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016>.
3. "FBI-Crime in the U.S. 2011," <https://ucr.fbi.gov/crime-in-the-u.s/2011>; "FBI-Crime in the U.S. 2016," <https://ucr.fbi.gov/crime-in-the-u.s/2016>.
4. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid.; Reported crimes and arrests cannot be directly linked. Not all crimes are reported, so some people are arrested for one crime (e.g., drug possession) even if they have committed other unreported crimes (e.g., aggravated assault). Also, someone might commit multiple crimes that are reported, but if the person is arrested, the arrest only counts once. For example, a person who commits five reported aggravated assaults and is arrested only counts as one arrest. So even though the data would suggest that there are four aggravated assaults that have not resulted in an arrest, this is not the case.
10. Ohio Department of Health, *2015 Ohio Drug Overdose Data: General Findings* (Columbus: Ohio Department of Health, 2016). The year 2015 is used throughout the rest of the document to provide consistency as 2016 data is not yet available for many of the data points used. Although 2015 numbers are used in this report for consistency, the opioid epidemic continues to provide increasing challenges for the state. In 2016 there were 3,495 opioid-related overdose deaths, an increase of more than 200 percent since 2011. Commitments to DRC continued to increase as well, with 5,609 people entering DRC for drug violations in 2016, an increase of 9 percent since 2011.
11. "Henry J. Kaiser Family Foundation: State Health Facts," [www.kff.org/other/state-indicator/opioid-overdose-death-rates/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Opioid%20Overdose%20Death%20Rate%20\(Age-Adjusted\)%22,%22sort%22:%22asc%22%7D](http://www.kff.org/other/state-indicator/opioid-overdose-death-rates/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Opioid%20Overdose%20Death%20Rate%20(Age-Adjusted)%22,%22sort%22:%22asc%22%7D).
12. "FBI-Crime in the U.S. 2011"; "FBI-Crime in the U.S. 2015," <https://ucr.fbi.gov/crime-in-the-u.s/2015>.
13. "DRC Commitment Report," <http://www.drc.ohio.gov/reports/commitment>.
14. Danielle Kaeble and Thomas P. Bonczar, *Probation and Parole in the United States, 2015* (Washington, DC: U.S. Department of Justice: Bureau of Justice Statistics, 2017).
15. Ibid.
16. Ohio Department of Rehabilitation and Correction, *Bureau of Research and Evaluation*. (Columbus: Ohio Department of Rehabilitation and Correction Bureau of Research and Evaluation, 2017).
17. ODRC funds a variety of community correction programs, both residential and nonresidential. Programs include Community Correction Act programs (e.g., intensive supervision probation, electronic monitoring, work release, and day reporting), halfway houses (i.e., community-based residential programs providing supervision and services), and community-based correctional facilities (secure residential facilities with a maximum length of stay of 180 days). Additional ODRC-funded community services not included in budget numbers include permanent supportive housing and community residential centers.
18. E. Ann Carson and Elizabeth Anderson, *Prisoners in 2015* (Washington, DC: U.S. Department of Justice: Bureau of Justice Statistics, 2016). This figure includes the transitional control population in halfway houses, so it may vary from other Department of Rehabilitation and Corrections figures that do not include this population.
19. Ibid; E. Ann Carson and William J. Sabol, *Prisoners in 2011* (Washington, DC: U.S. Department of Justice: Bureau of Justice Statistics, 2012).
20. "Department of Rehabilitation and Correction Commitment Report," <http://www.drc.ohio.gov/reports/commitment>.
21. "Department of Rehabilitation and Correction Time Served Reports," <http://www.drc.ohio.gov/reports/time-served>. The 2014 report is the most recent that is publicly available. These releases are called "non-judicial releases," or people released due to expiration of sentence or released to parole or post-release control. "Judicial releases" are people who have been incarcerated as part of shock probation. Sentencing judges have the power to grant people early release from prison under certain circumstances. Felony 4 offenses include burglary, domestic violence, receiving stolen property, and theft in an office, among other offenses. Felony 5 offenses include breaking and entering and forgery, among other offenses.
22. Brian Sigrutz et al., *2007 State Expenditure Report* (Washington, DC: National Association of State Budget Officers, 2008); Brian Sigrutz et al., *Examining Fiscal 2014–2016 State Spending* (Washington, DC: National Association of State Budget Officers, 2016).



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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 27 states. For additional information about Justice Reinvestment, please visit [csgjusticecenter.org/jtr/](http://csgjusticecenter.org/jtr/).



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