



Justice Reinvestment 2.0 in Ohio

**Presentation to the Justice Reinvestment Ad Hoc Committee of
the Ohio Criminal Sentencing Commission**
June 21, 2018

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The Council of State Governments Justice Center



Ohioans representing many state agencies, organizations, and counties continue to lend their expertise to the Justice Reinvestment process.

Law Enforcement:

- Ohio Office of the Attorney General (OAG)
- Ohio Office of Criminal Justice Services (OCJS)
- Ohio Prosecuting Attorneys Association (OPAA)
- Ohio Association of Chiefs of Police (OACP)
- Buckeye State Sheriffs' Association (BSSA)
- International Association of Chiefs of Police (IACP)
- National Public Safety Partnership (Lucas Co.)

Behavioral Health:

- Ohio Mental Health and Addiction Services (OMHAS)
- Ohio Department of Medicaid (ODM)
- The Ohio Council of Behavioral Health and Family Service Providers (Ohio Council)
- Ohio Association of Recovery Providers (OARP)
- CareSource
- UnitedHealthcare

Sentencing/Parole:

- Ohio General Assembly Members
- Ohio Department of Rehabilitation and Corrections (ODRC)
- Parole Board members
- Ohio Criminal Sentencing Commission (OCSC)
- Ohio Legislative Service Commission (LSC)
- Judges, prosecutors, defense attorneys, community corrections professionals
- American Civil Liberties Union of Ohio

Additional CSG Participation in Meetings/Conferences:

- Ohio Community Corrections Association (OCCA) Conference—May 3 (Dublin, OH)
- Stepping Up Recidivism Committee—May 8 and June 8 (Columbus, OH)
- Stepping Up Steering Committee—May 21 (Remotely)

*Since April, stakeholders have participated in the process through **emails**, **calls**, and **meetings**, and have provided valuable insights through conversation and sharing of **reports and other materials**.*

Data acquisition and analysis has been challenging.

Data Type	Source	Status
Crime and Arrests	Ohio Bureau of Criminal Investigation	August 15 - Requested October 2 - Submitted assurance documents December 1 - Data predicted February 28 - Data received June 21 - Presentation
Sentencing	Ohio Courts Network	Data will not meet project's needs
Prison admissions, releases, and population snapshots	Ohio Department of Rehabilitation and Correction	September 8 - Requested October 4 - Data meeting October 13 - Application submitted December 1 - Data predicted February 2 - Commitments to DRC data received June 1 - Release data received June 15 – Snapshot data predicted
Probation Supervision Post-Release Control Supervision	Ohio Department of Rehabilitation and Correction	September 8 - Requested October 4 - Data meeting October 13 - Application submitted June 30 (probation) - Data predicted June 30 (PRC) - Data predicted
Community-Based Correctional Facility	Ohio Department of Rehabilitation and Correction	September 8 - Requested October 4 - Data meeting October 13 - Application submitted June 30 - Data predicted

A groundbreaking analysis of Ohio's arrest (BCI) data offers insight into questions that have largely been unanswerable.

Voluntary data collection has long hindered Ohio's ability to understand key decision points in the criminal justice system. Thanks to data provided by the Bureau of Criminal Investigation (BCI) and analyzed by the CSG Justice Center, we now have the ability to answer questions critical to improving public safety at less cost in the state of Ohio.

- ✓ **What types of offenses go through the felony courts and who is sentenced to probation vs. prison?**
- ✓ **What recidivism outcomes do we see based on those sentences?**
- ✓ **How do probation recidivism rates compare across geography, offense levels, and other dimensions?**
- ✓ **To what degree is the felony level, type of offense, or number of prior arrests predictive of future arrests?**
- ✓ **What share of people arrested for violent crime, such as homicides, have recently been released from prison?**

Given how unique and new these analyses are, we anticipate a lot of questions and we welcome ideas about how continued analysis of these data could further help inform the goals of **improving outcomes** for people arrested for property and drug offenses, **reducing recidivism** among the large probation population, and focusing resources on the most effective ways to **reduce violence**.

Overview

01

Sentencing of Property
and Drug Felony Offenses

02

Recidivism Analysis of
Probation Population

03

Analyses to Inform Efforts
to Reduce Violence

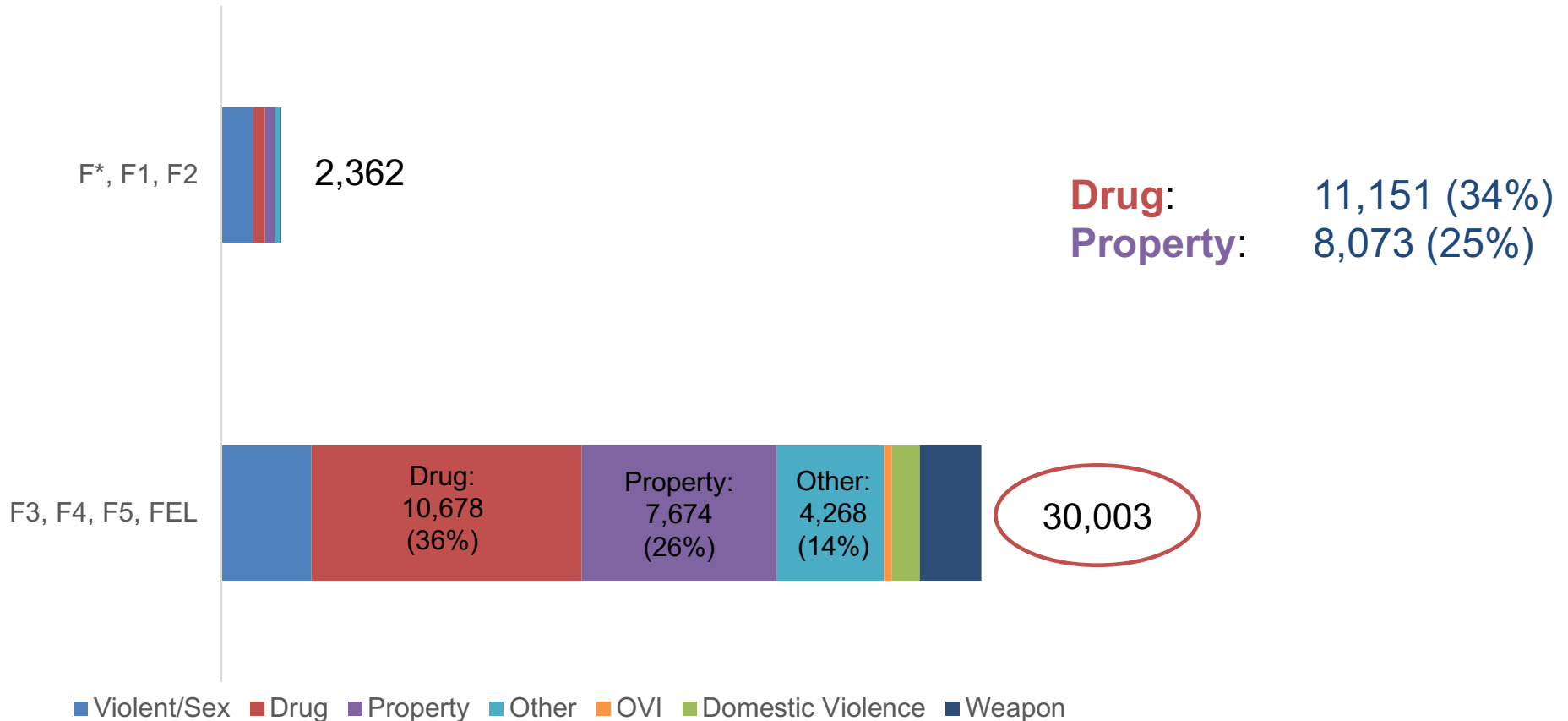
04

Improving CJ Data in Ohio



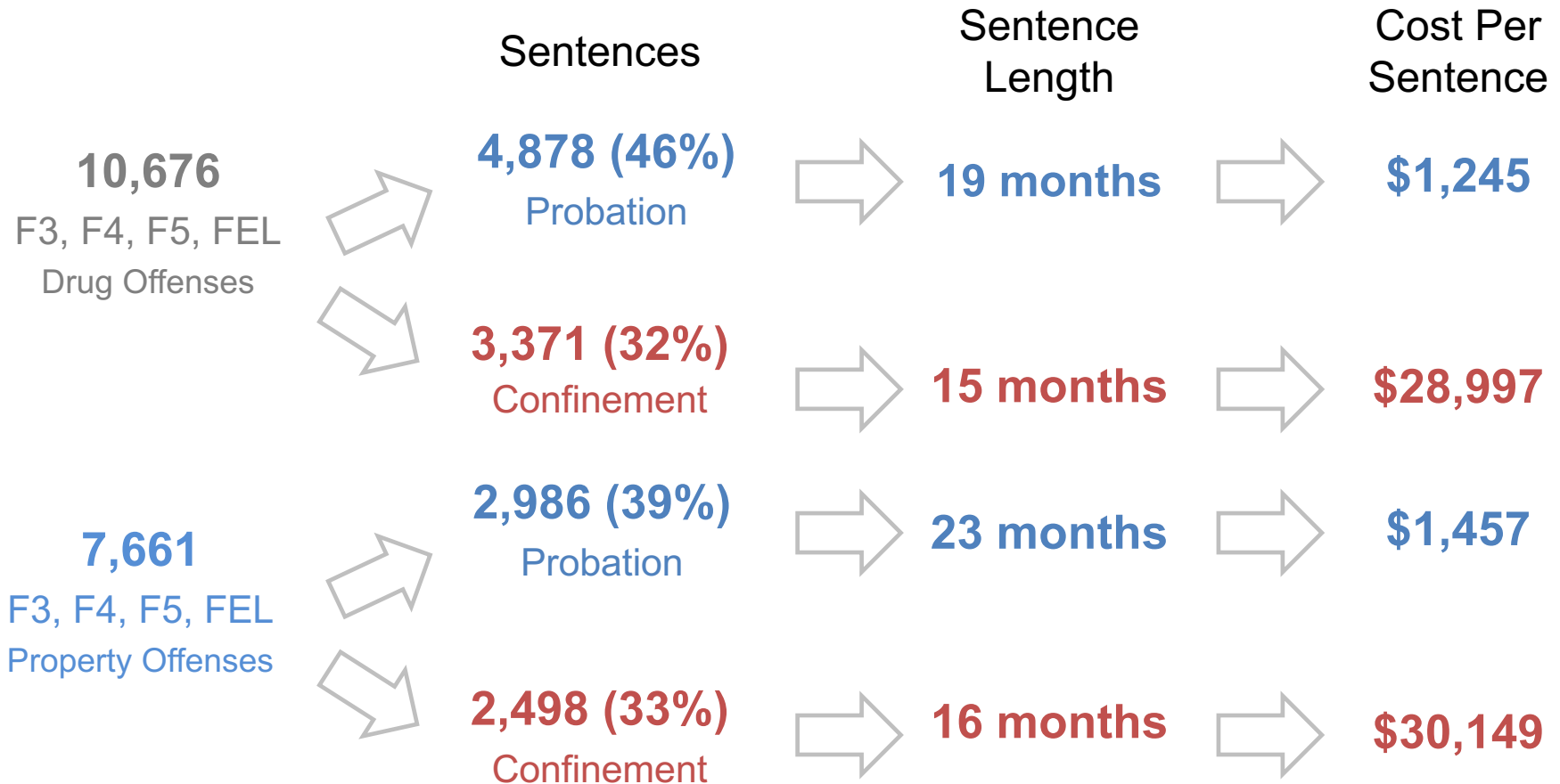
Drug and property offenses constitute nearly 60 percent of all felony sentences.

Disposed Cases by Offense Type and Offense Level, 2016



Source: CSG Analysis of BCI Data

One-third of all people sentenced for drug and property offenses are sentenced to confinement, and roughly 40 percent are sentenced to probation. Sentences to probation are much less costly for taxpayers.



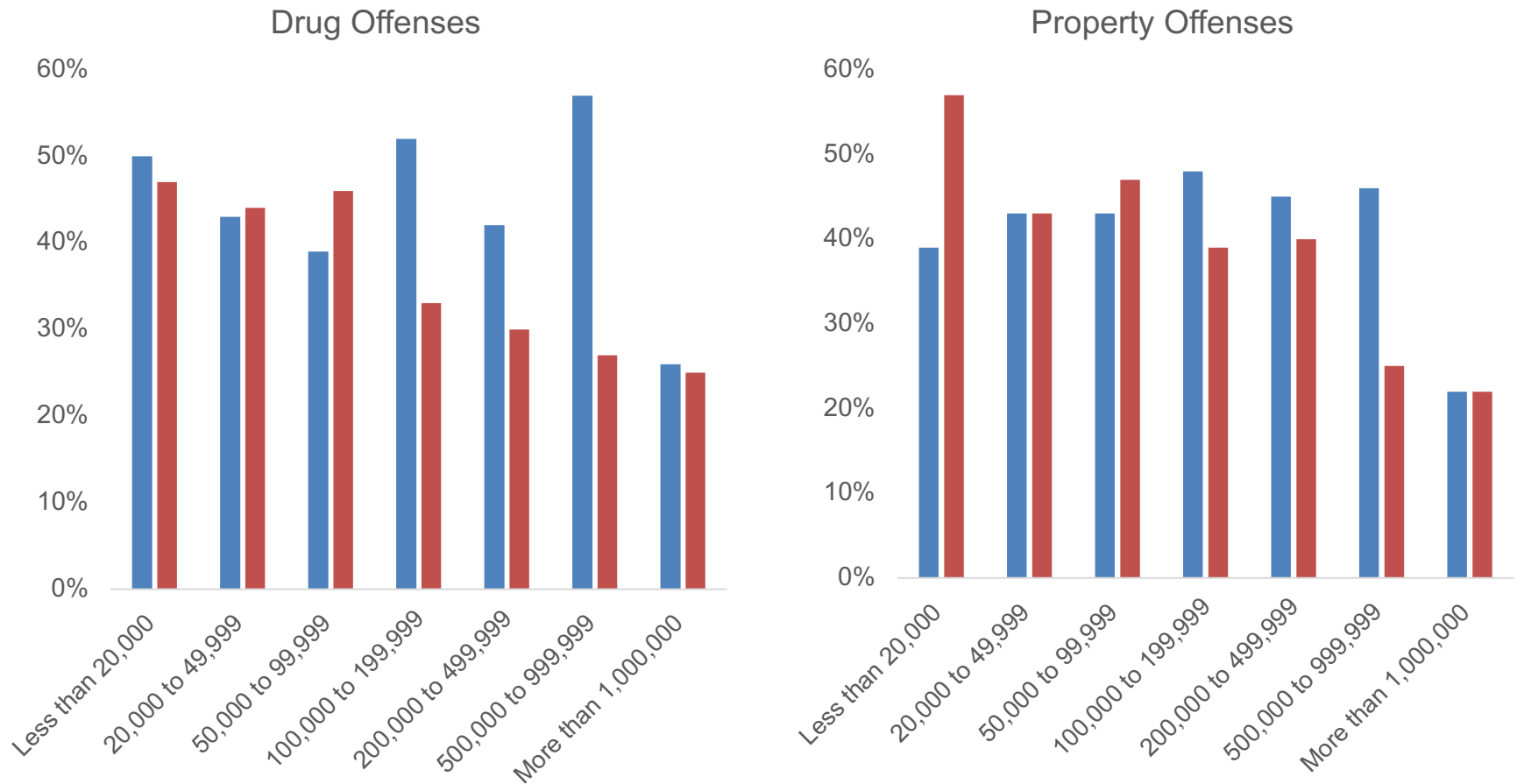
Source: CSG analysis of BCI data, DRC Fact Sheet.

Notes: In 2016, 23 percent of sentences for drug offenses and 28 percent of sentences for property offenses were a suspended sentence, an order to pay fines, fees, court costs, or restitution, or had no sentencing information other than the conviction. The cost of probation is based on the APA cost per day.

The likelihood of being sentenced to confinement for a property or drug offense is higher in counties with smaller populations.

Sentences for F3, F4, F5, and FEL Offenses by County Size, 2016

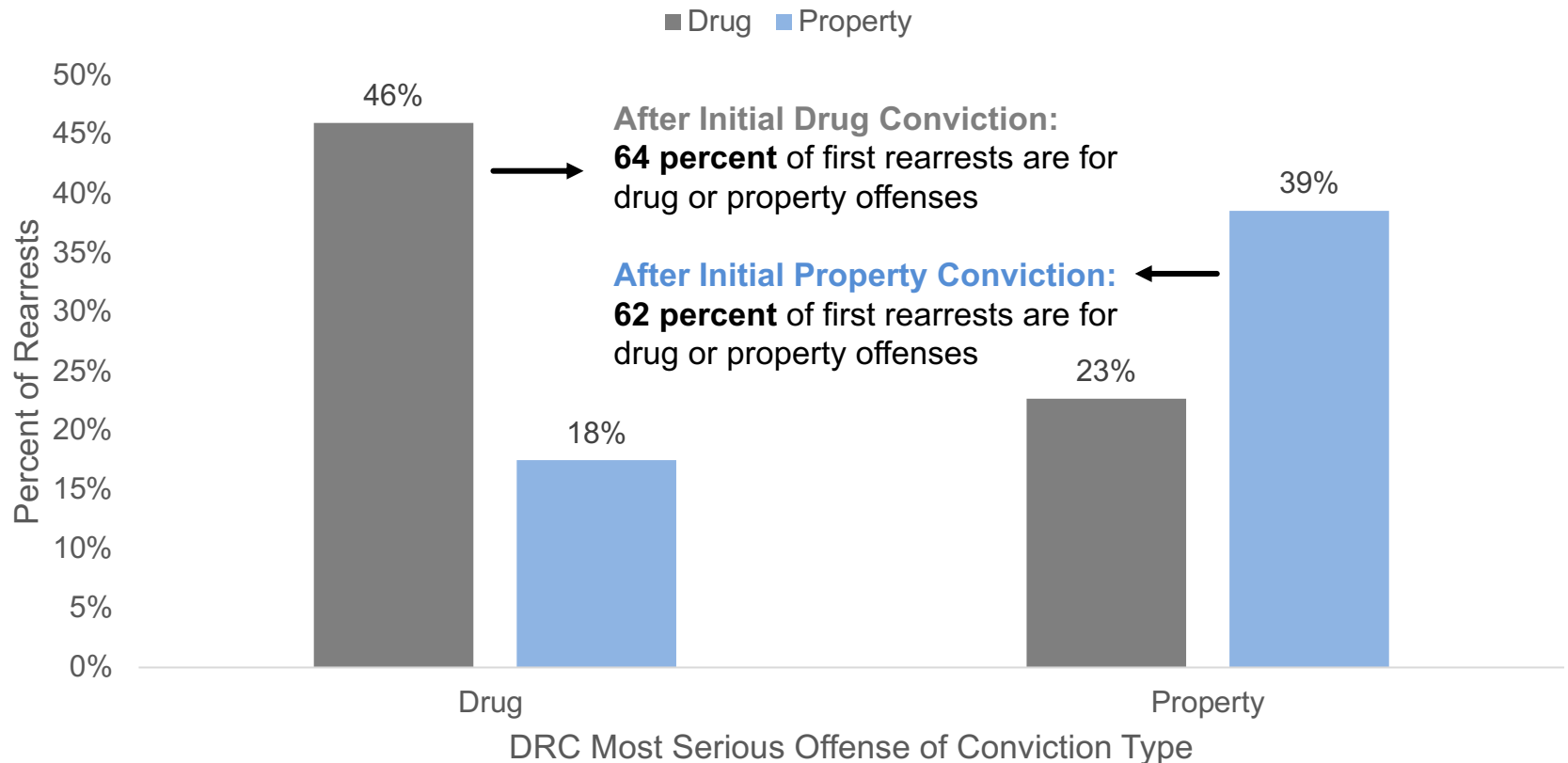
■ Probation ■ Confinement



Source: CSG analysis of BCI data, US Census Data

There is significant crossover in rearrest patterns for drug and property offenses.

Offense Type of First Rearrest for People Released from DRC for Drug and Property Offenses, 2014



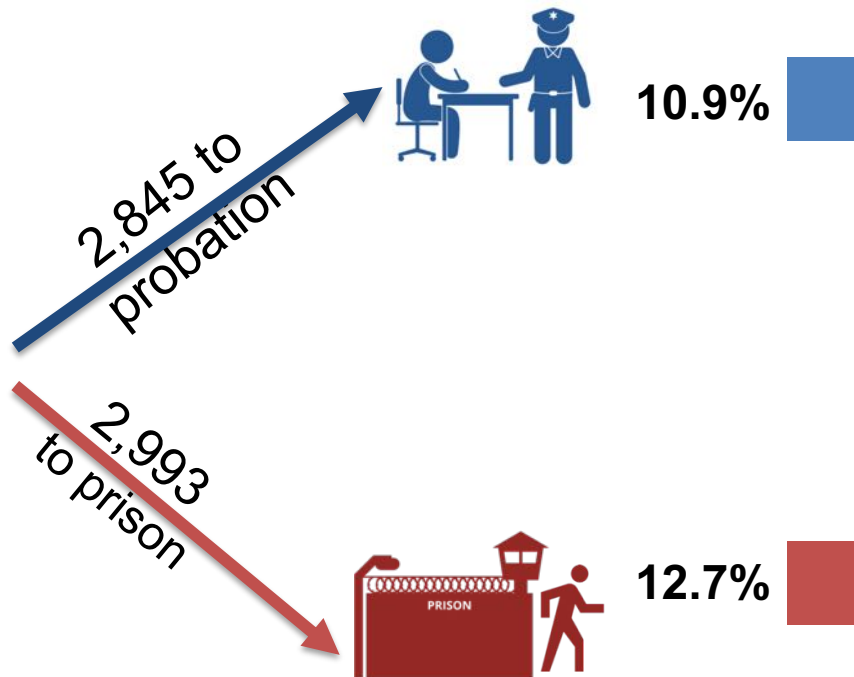
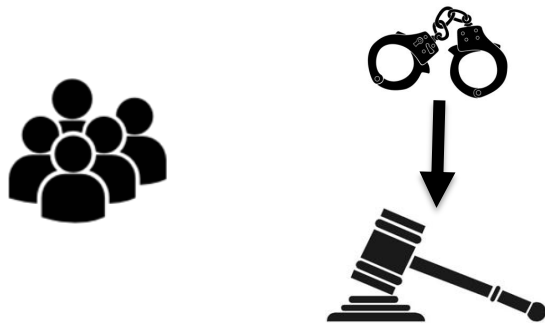
Source: CSG Analysis of BCI and DRC data.

About 90 percent of people with no prior arrests who are sentenced to probation or prison for drug/property crimes will not be rearrested during their first year on probation or in the community post release.

People with
**no prior
arrests**

**Sentenced for
a drug/property
offense (felony)**

**Percent rearrested after one
year on probation or in the
community post release**



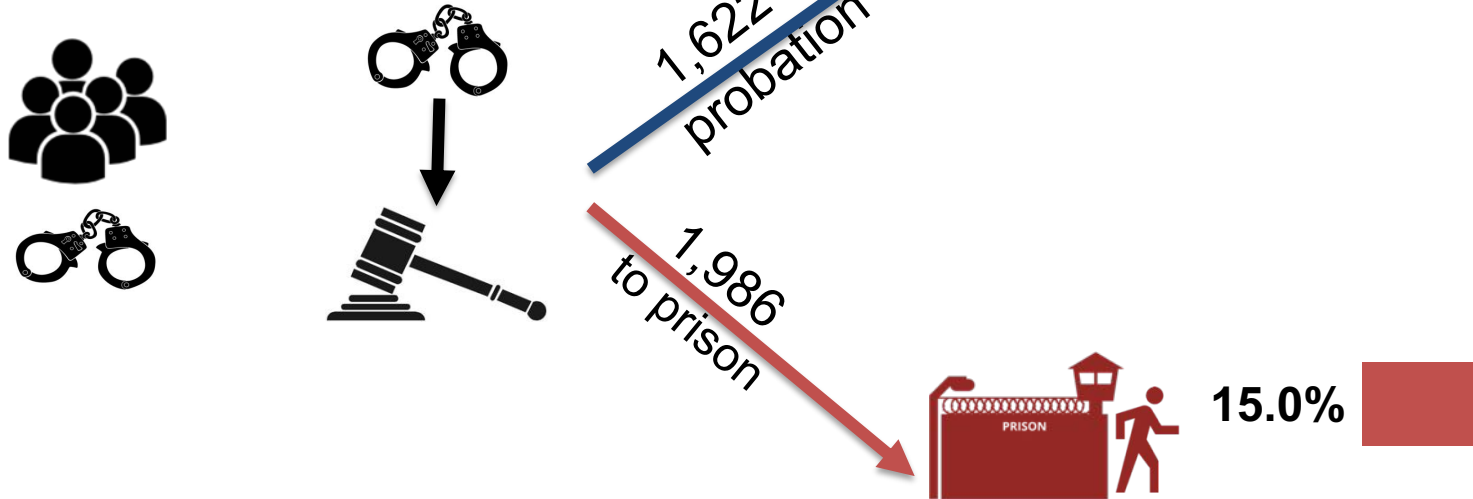
Source: CSG Analysis of BCI Data, DRC Release Data.

For people with one prior arrest, probation appears to deliver similar public safety outcomes as prison, at significantly less cost.

People with
one prior
arrest

Sentenced for
a drug/property
offense (felony)

Percent rearrested after one
year on probation or in the
community post release



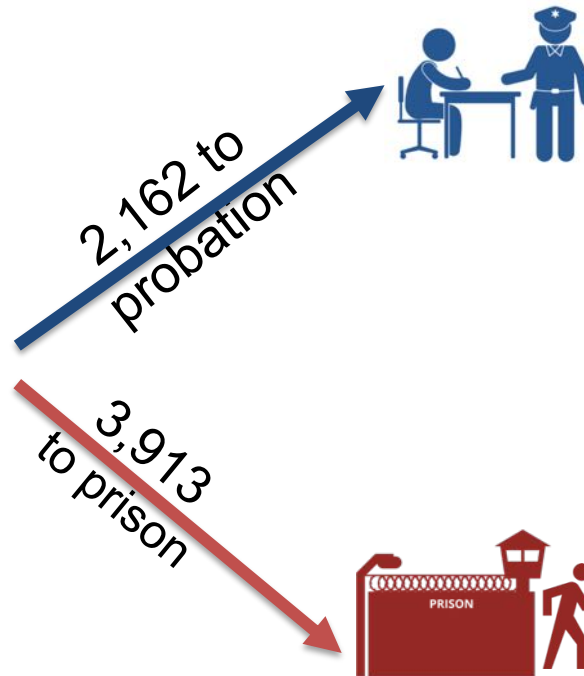
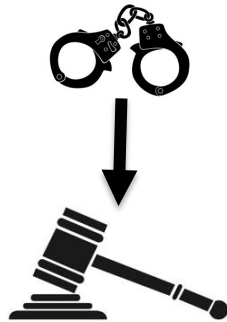
Source: CSG Analysis of BCI Data, DRC Release Data.

For people with 2–4 prior arrests, probation appears to deliver similar public safety outcomes as prison, at significantly less cost.

People with
2–4 prior
arrests



Sentenced for
a drug/property
offense (felony)



Percent rearrested after one
year on probation or in the
community post release



21.0%



24.8%



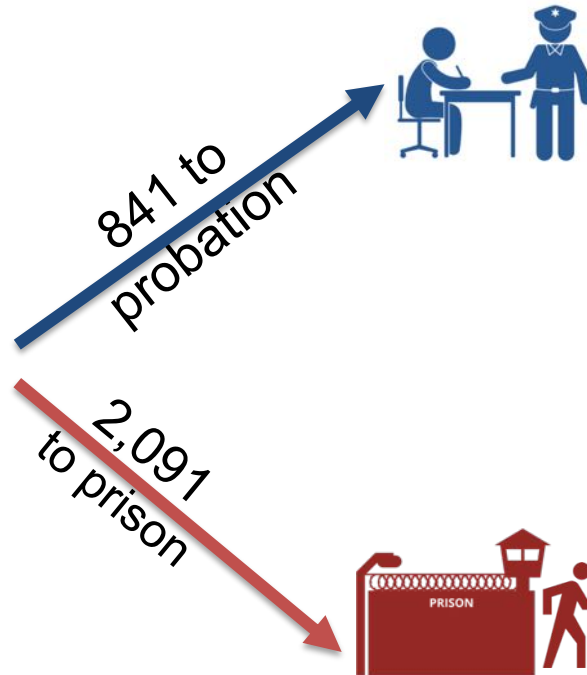
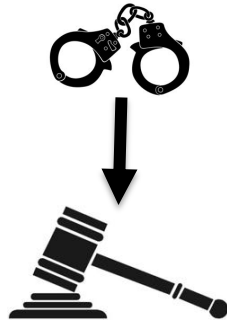
Source: CSG Analysis of BCI Data, DRC Release Data.

For people with 5+ prior arrests, probation appears to deliver significantly better public safety outcomes than prison.

People with
5+ prior arrests



**Sentenced for
a drug/property
offense (felony)**



**Percent rearrested after one
year on probation or in the
community post release**

31.9%



42.3%



Source: CSG Analysis of BCI Data, DRC Release Data.

Summary, additional analyses, and policy implications.

Summary:

- 1) **60 percent of felony sentences are for drug and property offenses.**
- 2) **Whether someone is sentenced to prison or probation varies by county population size.**
- 3) **People initially convicted of either a property or drug offense are often rearrested for property or drug offenses, if they reoffend.**
- 4) **Rearrest rates are very low for people with no prior arrests.**
- 5) **For people with prior arrests, those who are sentenced to probation are rearrested at lower rates than those who are sentenced to prison.**

What additional analyses would be helpful?

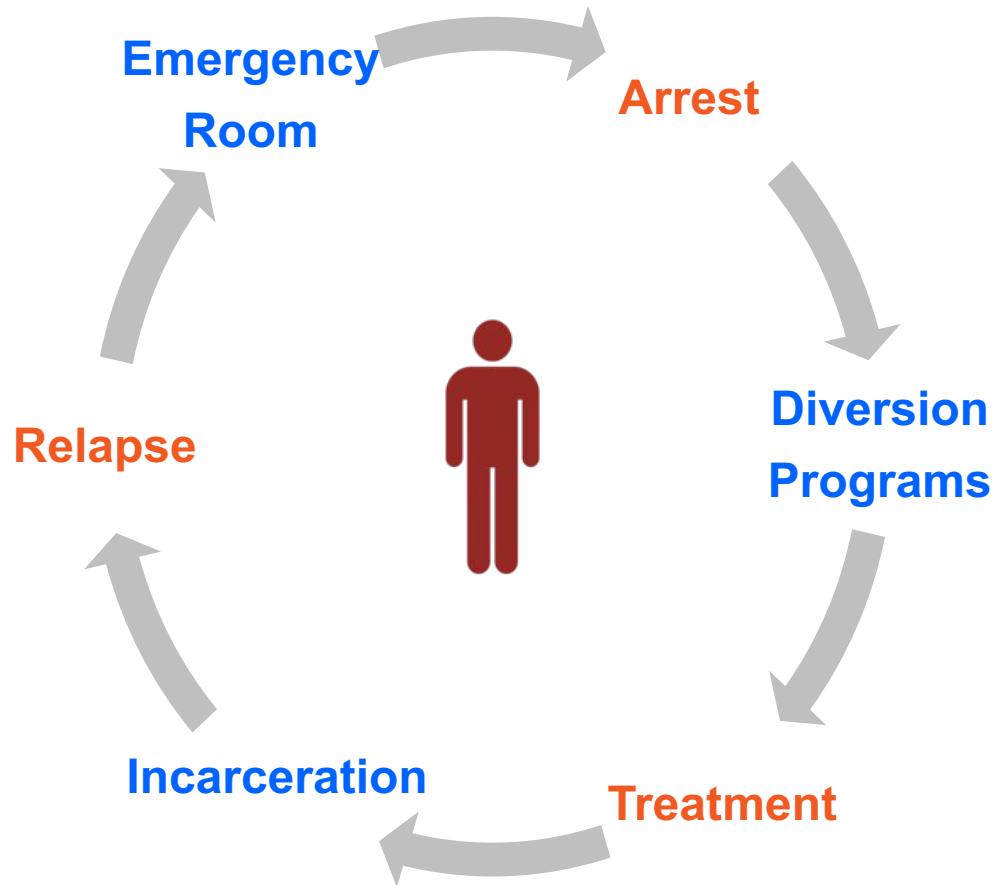
- **Analyzing sentencing trends by other variables?**
- **Examining impact of CBCF and other treatment services?**

Policy implications?

Should additional diversion options exist for people with little to no arrest history?

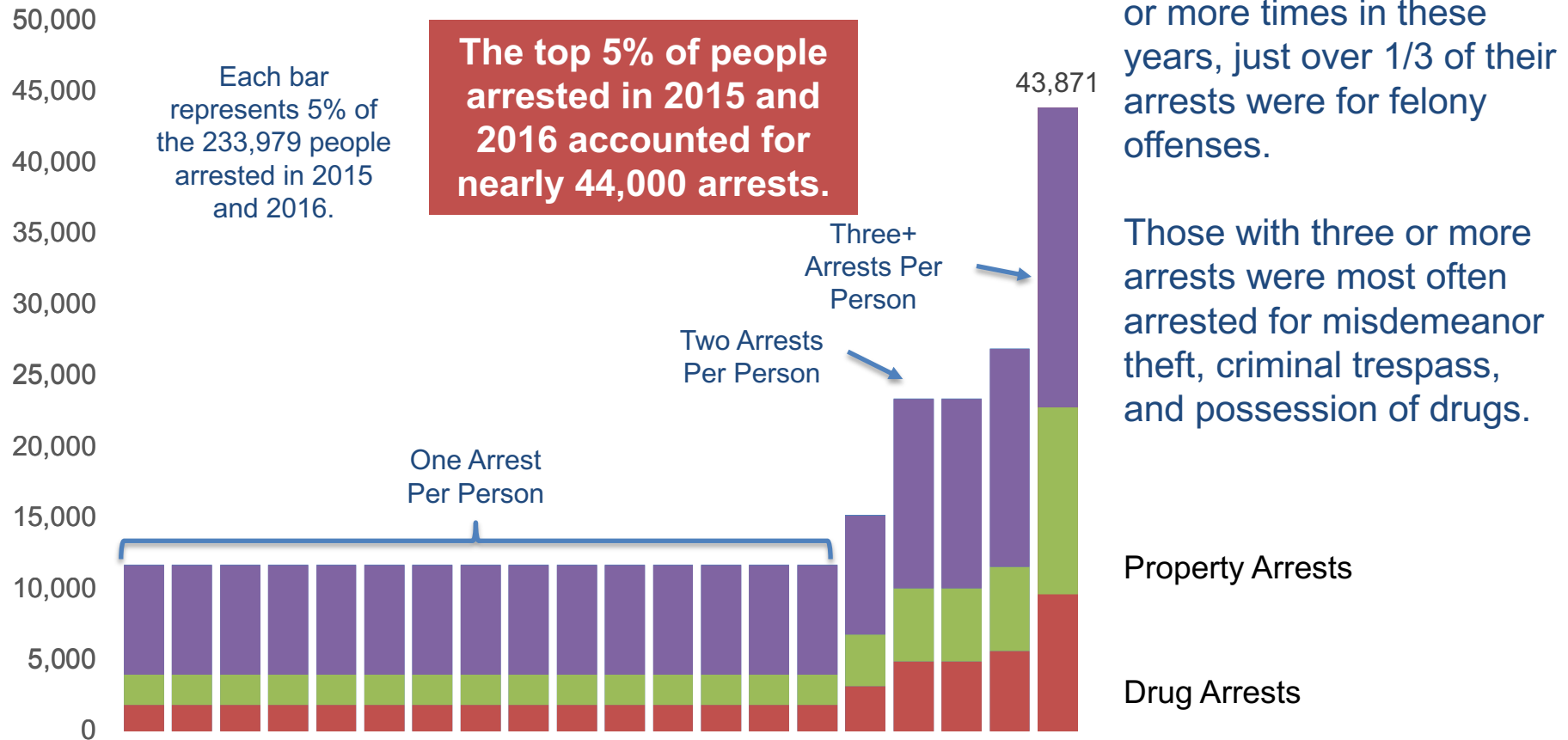
Since prison sentences produce no better, and in some cases worse, recidivism outcomes than probation, what is the purpose of prison sentences for property and drug offenses?

Reminder: Our analyses in other states suggest that people repeatedly sentenced for property and drug offenses often have complex needs and drive a significant share of costs in the health care and criminal justice systems.



Half of the people who continually cycle through the criminal justice system are arrested for property or drug offenses.

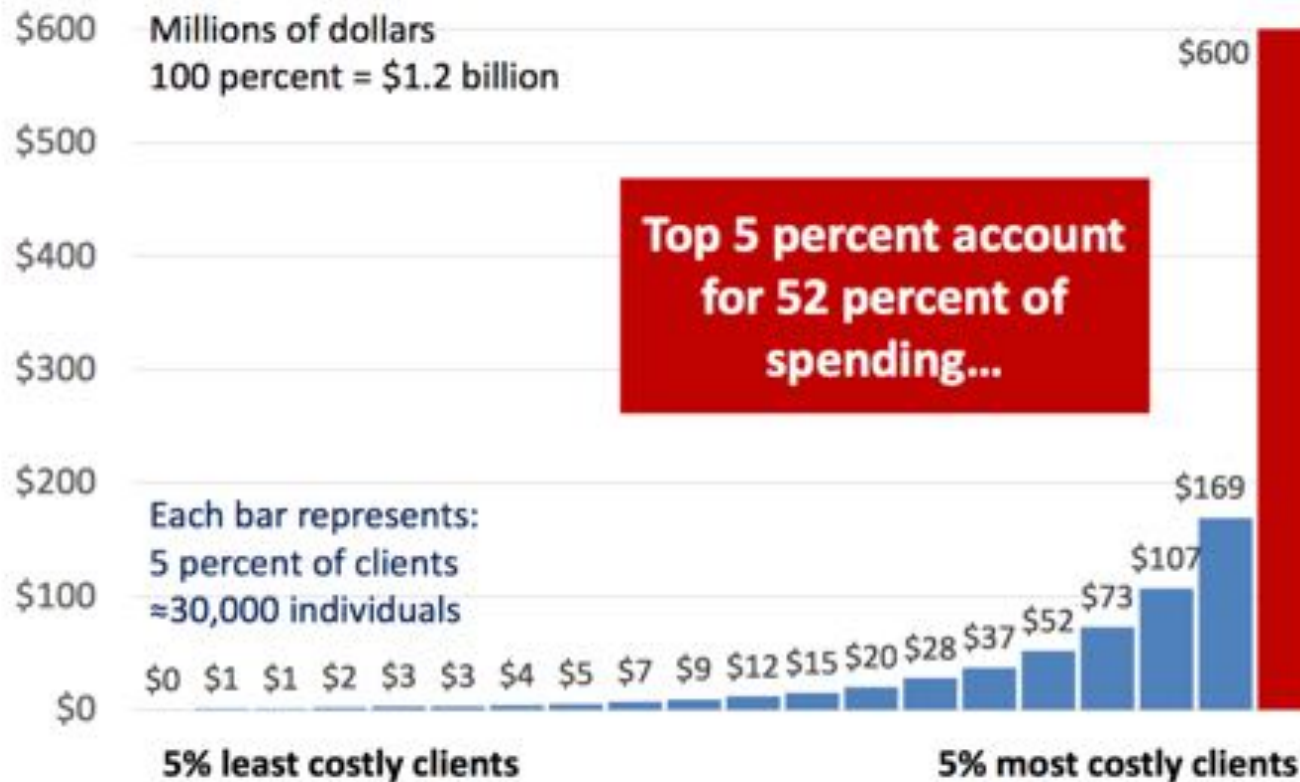
Distribution of People Arrested in 2015 and 2016 by Total Arrests



Source: CSG Analysis of BCI data.

Ohio found that a small number of people account for a large percentage of behavioral health spending.

Distribution of Behavioral Health Clients by Spending

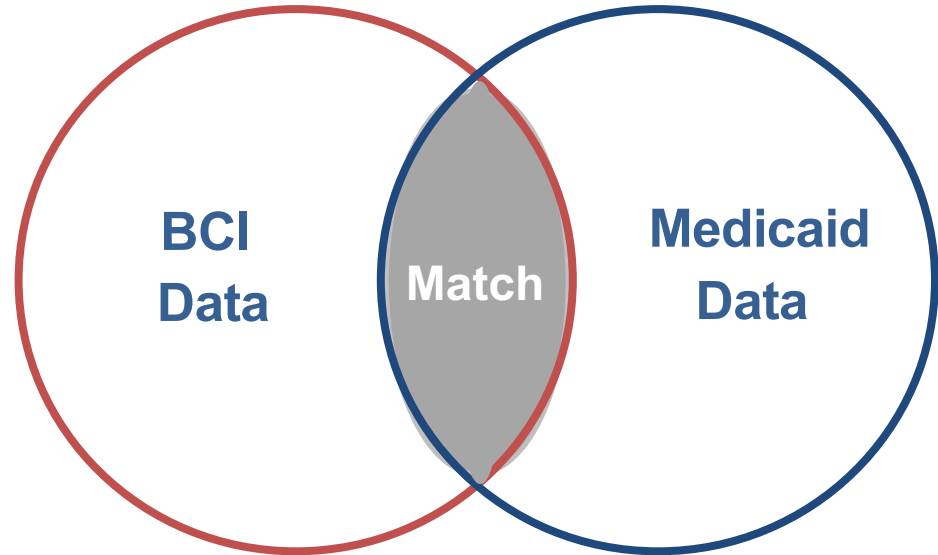


Governor's Office of
Health Transformation

Source: Ohio Medicaid claims, including claims with diagnosis code of ICD9 290-314 excluding 299 and dementia codes in 294; does not include pharmacy claims (August 2012-July 2013).

Source: Ohio Office of Health Transformation.

Data matching is underway to allow us to determine the overlap between people who frequently utilize the behavioral health and criminal justice systems and define a target population for enhanced health and safety interventions.



Questions:

- How many people are **arrested frequently** and consistently require law enforcement, court, and confinement resources due to rearrest? To what extent do these people also interact with the behavioral health system?
- How many people **require medical care often** and consistently utilize emergency room visits, treatment services from community behavioral health providers, or pharmacy resources? How many of these people also come in contact with the criminal justice system?
- What will it take to better coordinate an already expensive system, maximize existing resources, and **improve outcomes**?



Overview

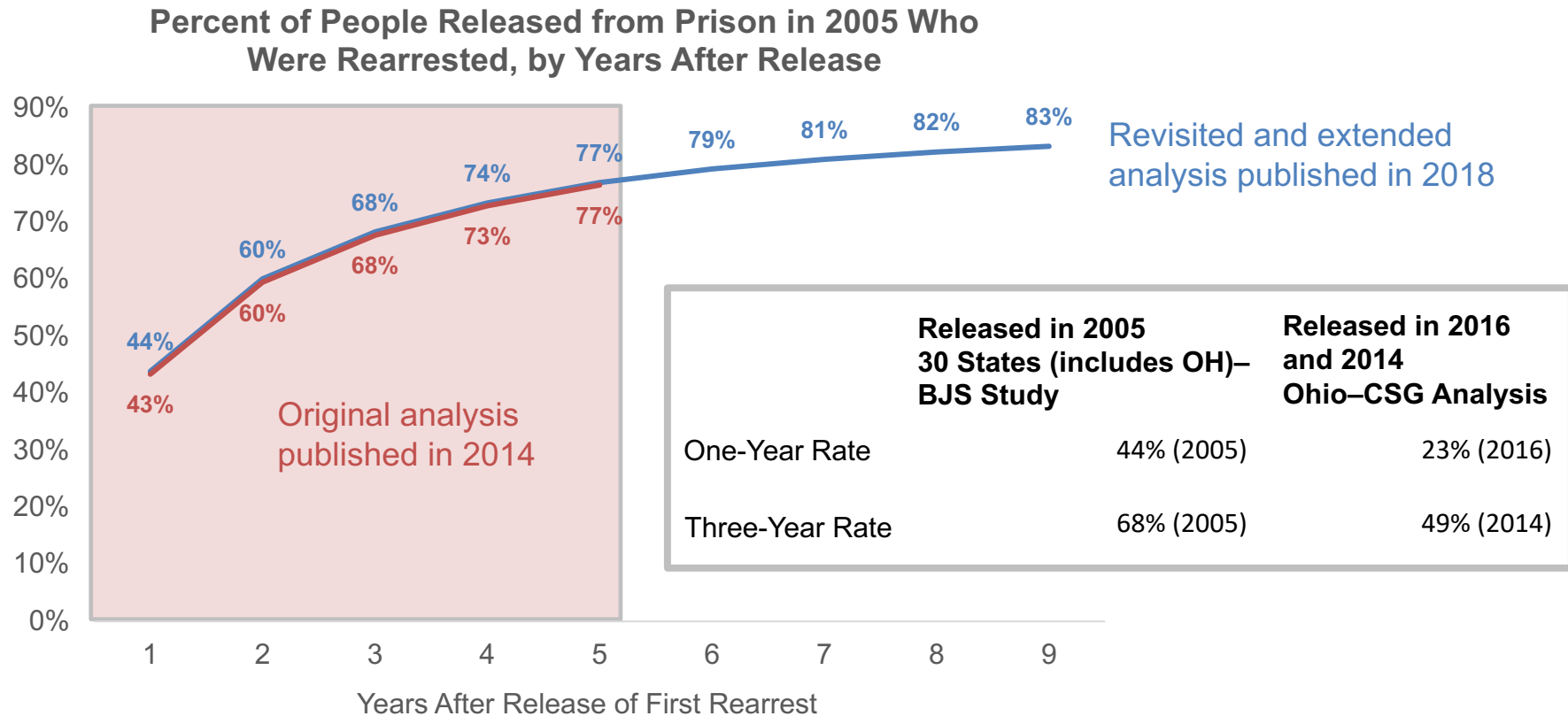
01 Sentencing of Property
and Drug Felony Offenses

02 Recidivism Analysis of
Probation Population

03 Analyses to Inform Efforts
to Reduce Violence

04 Improving CJ Data in Ohio

A recent BJS report extended prior rearrest analysis to nine-year follow-up for **people exiting prison** in 30 states, including Ohio.

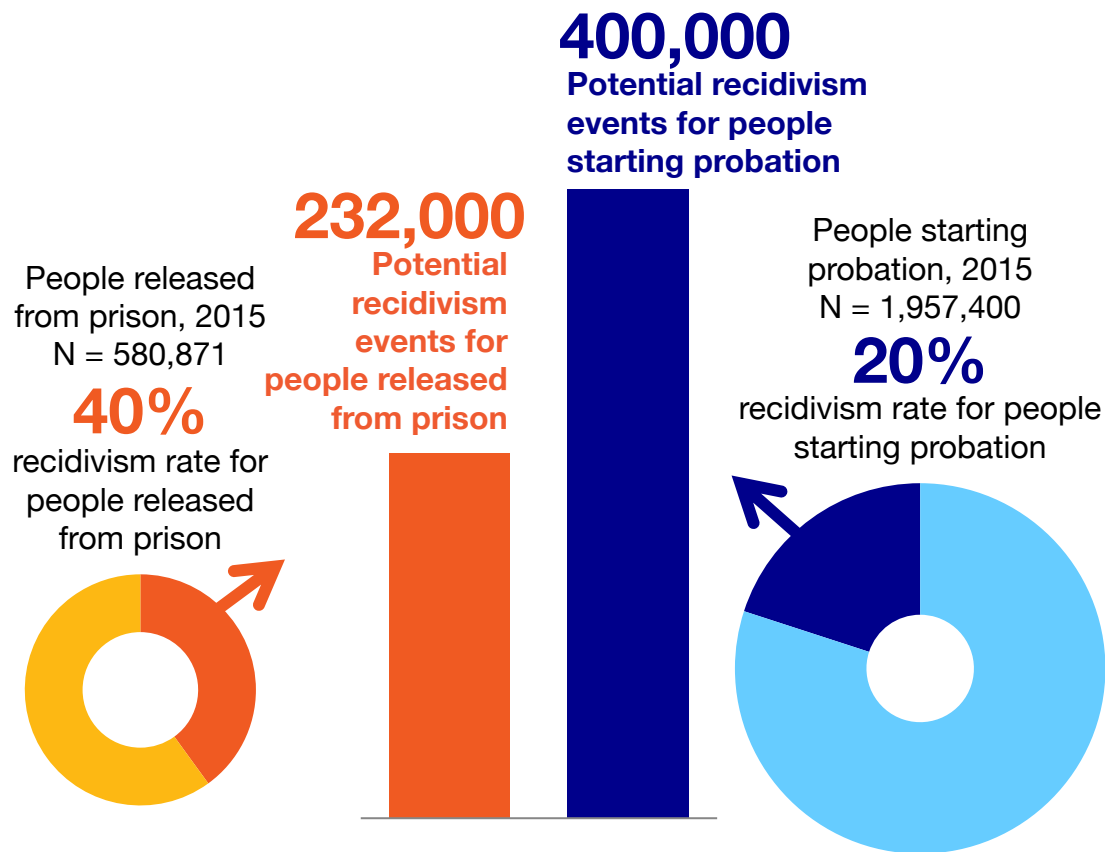


About two-thirds (68.4%) of those released were arrested within the first three years while 77.0% were arrested in the first five years post release. In years 6–9, not covered in the 2014 BJS report, an additional 6.4% were arrested for the first time.

"Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010," April 2014, BJS.

"2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)," May 2018, BJS.

National data shows that rearrests among the **probation population** contribute to a much greater percentage of overall crime than rearrests among people released from prison.

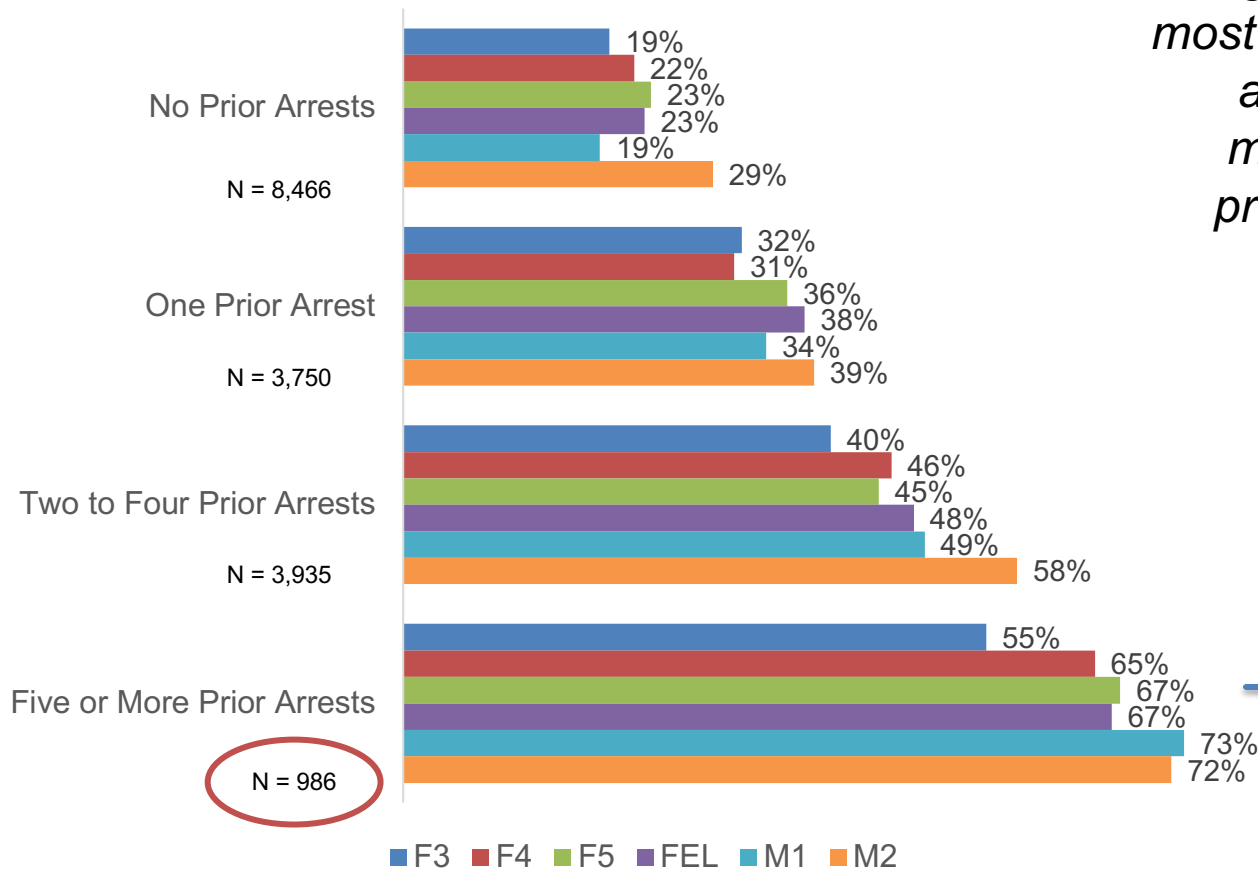


Efforts to reduce recidivism for the probation population can have a greater impact than focusing only on people released from prison due to the large number of people on probation.

This is especially true in Ohio, which has the third-highest probation rate in the country. In 2016, there were 2,842 people on probation per 100,000 adult residents.

Ohio BCI data allows for detailed examination of **probation** rearrest rates across felony and misdemeanor populations, by criminal history, and more.

Three-Year Rearrest Rates by Offense Level and Arrest History for People Sentenced to Probation in 2014

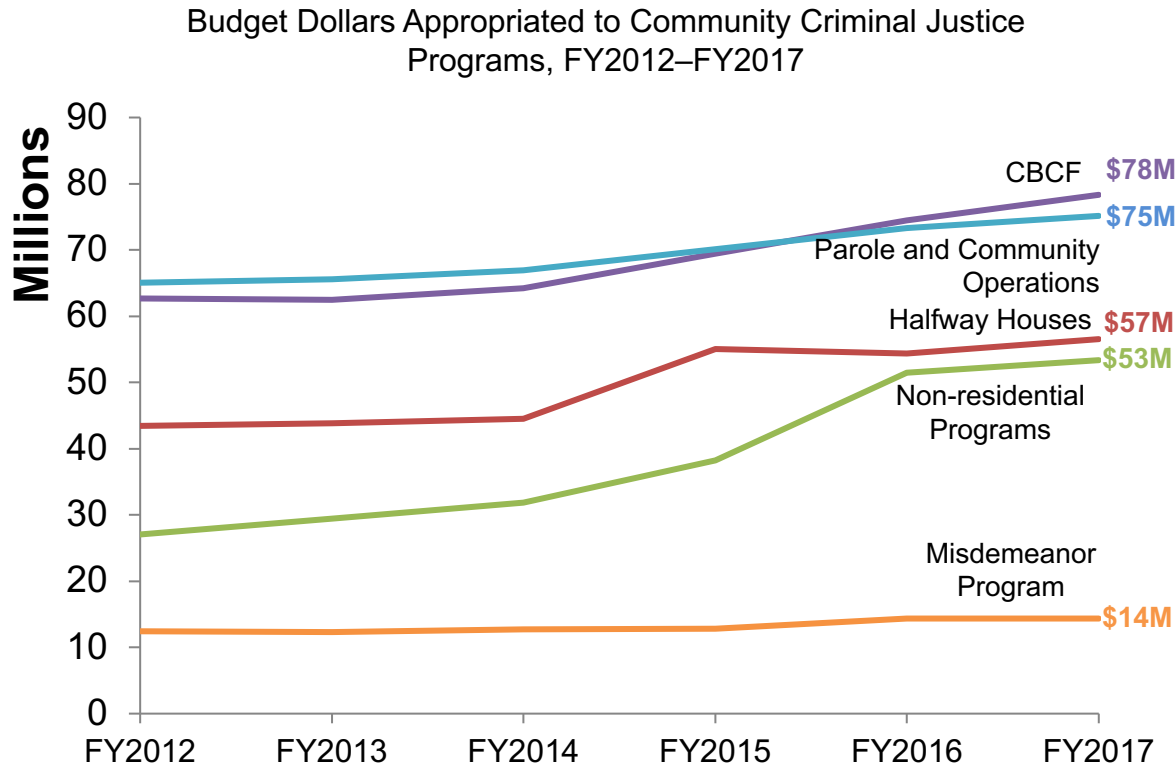


Ohio could use this data to target resources to people most likely to reoffend as well as develop metrics to measure the impact of probation supervision & services.

5.8% of all F3-M2 probation sentences had 5+ prior arrests

- 149 arrests for drugs
- 266 arrests for property
 - 70 arrests for DV
- 127 arrests for other offenses

Ohio invests more than \$277M into community initiatives designed to reduce recidivism, which overlap with probation supervision efforts. To assess impact, a comprehensive set of metrics are needed to determine what is working and what is not.



For FY2017, the state appropriated a total of **\$277.7M** to community-based correctional facilities, parole, halfway houses, non-residential programs, and community-based misdemeanor programs.

Initiatives administered outside of the Ohio Department of Rehabilitation and Correction, such as the Community Transition Program, are missing from this chart.

Note: Chart shows actuals for FY2012 through FY2015 and the appropriations for FY2016 and FY2017. General revenue funds only.

Source: Ohio Operating Budget <http://obm.ohio.gov/Budget/operating/fy16-17.aspx>

Summary, additional analyses, and policy implications.

Summary:

- 1) **The majority of rearrests occur in the first five years after release from prison.**
- 2) **Rearrests among the probation population contribute to a greater percentage of overall crime than rearrests among people released from prison.**
- 3) **There is more of a correlation between prior arrest history and future rearrest rate than between offense severity and future rearrest rate.**
- 4) **BCI data can be used in conjunction with data on community correction diversions to show the degree to which state investments are not only reducing recidivism, but also being used to divert people from prison.**

What additional analyses would be helpful?

- **Examining probation rearrests by county and looking at details for each, including:**
 - **Misdemeanor and felony level**
 - **Number of prior arrests**
 - **Offense type at sentencing**
 - **Offense type at rearrest**
 - **Gender, race, age, etc.**

Policy implications?

How can policies about probation sentence length and supervision intensity be adjusted based on what we know about prior arrest history and recidivism?

How should metrics be established to guide improving the effectiveness of probation further and across probation departments?

Given the impact that prior arrest history has on rearrest rates, how should metrics be adjusted if one probation agency takes on a population with more prior arrests than another on average?



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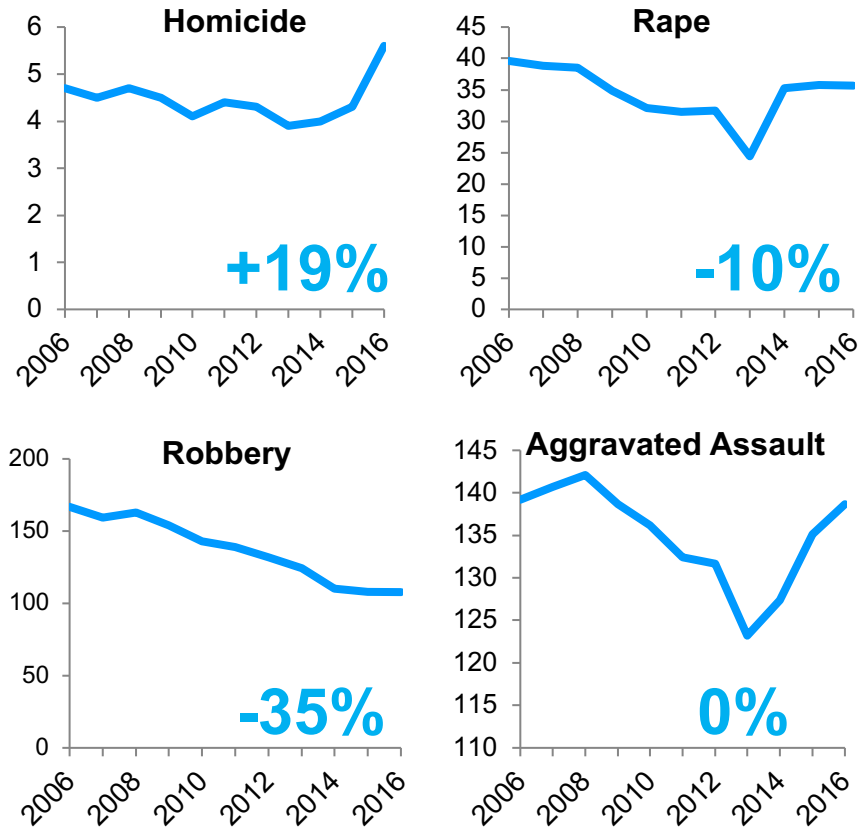
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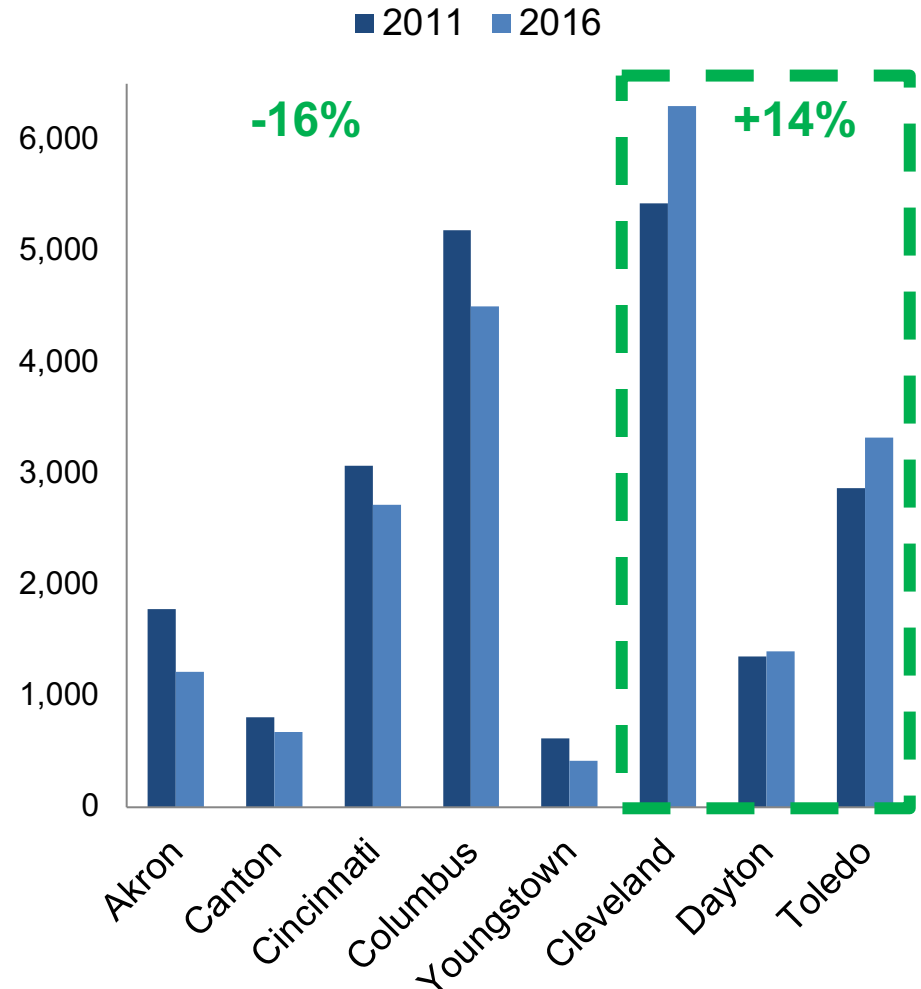
04 Improving CJ Data in Ohio

Reminder: Recent increases in violent crime raise questions about how Ohio can most effectively reduce violence.

Violent Crime Rate in Ohio (Incidents per 100,000 Residents) by Offense Category, 2006–2016*



Reported Violent Crime in Major Ohio Cities (2011 and 2016)



Sources: FBI, Crime in the U.S., 2006–2016.

BCI data analysis of homicide arrests can inform this discussion. Most homicides are committed by people who did not recently exit prison.

633 Reported murders (2016)

251 Arrests for murder (2016)

128 (51%)
No prior felony
arrests

87 (35%)
Prior felony
arrests

36 (14%)
Released from prison within last 2 years

Deter crime

Reduce recidivism

**Prolong
incapacitation**

- The majority of homicides (and other violent crimes) do not result in arrest
- Half of homicides resulting in arrest are committed by people with no prior arrests for 8 years
- Most homicides are committed by people who did not recently exit prison

Source: OCJS Crime Report, CSG Analysis of BCI data and ODCR release data.

Deterrence through strategic law enforcement is the most cost-effective approach to preventing violent crime.

[illegible]

Deter crime

Increase law enforcement's ability to use hot-spot strategies and deploy additional officers to increase the perceived certainty of apprehension.

Reduce recidivism

High-quality supervision (risk, need, responsivity), consistent sanctioning, and high-quality treatment programs tailored to needs.

Prolong incapacitation

Increase length of stay to hold moderate- to high-risk people in prison for an additional 3 months, adding 250 to the prison population.

Benefit to Cost Ratio

Benefits per dollar
of cost.

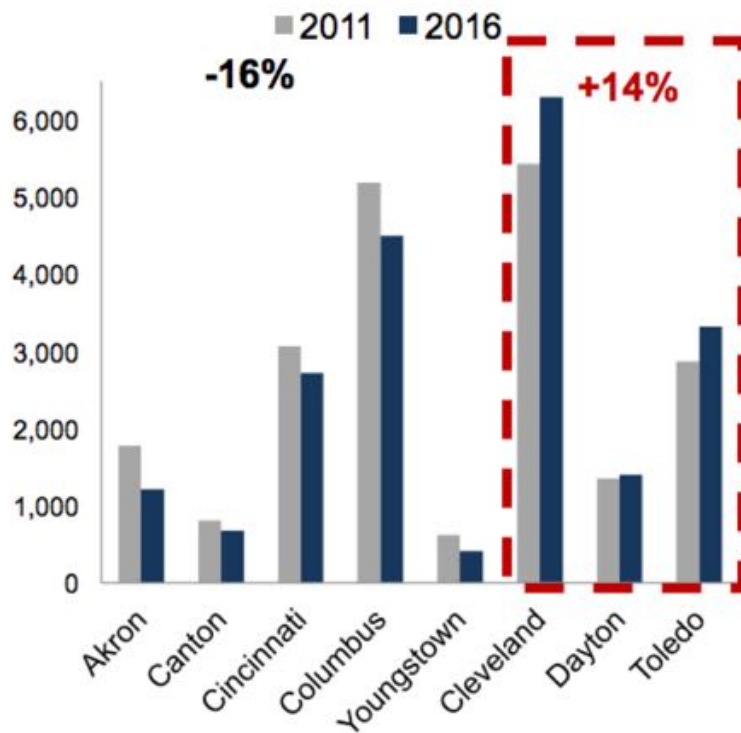


Source: Aos, S. and Drake, E. "Prison, Police, and Programs: Evidence-Based Options that Reduce Crime and Save Money." Olympia: Washington State Institute for Public Policy, 2013.

Ohio has the opportunity to invest in a collaborative approach that supports local law enforcement efforts to reduce violence.



Reported Violent Crime (2011 and 2016)



Potential Approach:

- Identify cities with high rates of homicide or robbery
- Conduct problem analysis
- Develop targeted evidence-based strategy to address issue
- Provide technical assistance & funding
- Share outcomes, successes, and lessons learned

Consider Promising Strategies:

- Hot-spot Policing—robberies, burglaries
- Focused Deterrence—gang violence, homicides, shootings
- Place-based problem solving—robberies, shootings, property crime, drug markets

Summary and policy implications.

Summary:

- 1) **Recent increases in violent crime highlight the need for a violence-reduction strategy.**
- 2) **Since most homicides are committed by people who did not recently exit prison, a law enforcement-focused approach can have greater impact than an approach focused on prolonged incapacitation.**
- 3) **Reducing violence through prolonged incapacitation is costly and hindered by the challenge of identifying the small percentage of people who will likely commit violent crimes upon release.**

Policy implications?

What are the costs and projected impacts on violent crime rates in Ohio among potential policy proposals?

How can the state effectively strengthen evidence-based efforts to reduce violence in areas of the state with high or rising rates of violent crime?

What is the state's role in helping local law enforcement agencies prevent violent crime?



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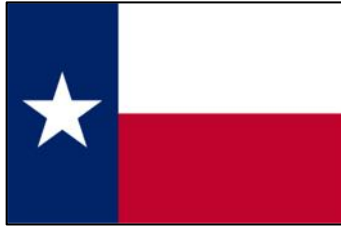
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Criminal justice data sources explored for this project all have shortcomings, notably a lack of statewide coverage.

Data Type	Name and Source	(Known) Shortcomings
Crime and Arrests	“BCI” Ohio Bureau of Criminal Investigation	Lacks fixed offense codes (e.g., NCIC codes) Lacks fixed reporting agency codes Allows free text disposition information No publicly available arrest reports
Sentencing	“OCN” Supreme Court of Ohio	Incomplete state coverage Not easily analyzed on a large scale Every jurisdiction must agree to analysis Small number of data fields are mandatory so limited data is collected
Prison admissions, releases, and population snapshots	“DOTS” Ohio Department of Rehabilitation and Correction	No link to BCI data Incomplete information in sentencing journal entries Modules don’t interface, connect to each other
Probation Supervision	“OCSS” & “JRI Repository” ODRC	Incomplete state coverage Every jurisdiction must agree to analysis
Risk Assessment	“ORAS” ODRC	Limited access by law—no research allowed No link to other ODRC databases
Community-Based Correctional Facility	“CCIS-Web” ODRC	<i>Extremely old—transitioning to OCSS</i>

Data quality is achieved through mandates, training, auditing, and reporting.



Texas has been working on criminal justice data collection and quality since **1991**

Law Enforcement: State police monitor, audit, and report on local submission of arrest and disposition data.

Community Corrections: The state community justice assistance division was required to develop a system capable of receiving **tracking data from community supervision and corrections departments'** caseload management and accounting systems, and **capable of tracking the defendant and the sentencing event at which the defendant was placed on community supervision by name, arrest charge code, and incident number.**

Judicial Branch: The Office of Court Administration (OCA) was statutorily directed to promulgate a **standardized felony judgment form.** OCA has prepared the seven felony judgment forms which courts are required to use. Prisoners are not accepted by the state without them.

What to collect is rooted in what you should know; start with the end in mind.®

Knowledge Goals

1. Law Enforcement: How many people are arrested when they could receive a citation instead? How does this vary by department, or by officer? [Is citation authority broad enough?]
2. Jails: For each jail, how many people are admitted who have serious mental illnesses? How long do they stay?
3. Pretrial: For each jail, what proportion of people are released v. detained? Examine by charge, race, judge, history.
4. Disposition: Who gets what dispositions, by race, county, offense, judge, history? What are rearrest and reconviction rates by disposition?
5. Probation: How many people are on probation in each locality? How many are revoked or sanctioned short of revocation?

What is the population impact of a proposed change in policy?

*Habit Two, "The Seven Habits of Highly Effective People," by Stephen R. Covey.

With goals as a guide, engage in a process to identify sources of data, challenges, and next steps to chip away at the challenge.

Juncture	Knowledge Goals	Data & Source	Challenges	Deliverables by Date
Law Enforcement	# arrests when citation permissible	Citations and Arrests by Offense in BCI/OHLEG	Data input on non-arrests (citations)	Interview LE reps by 9/1
Jail	# admissions with SMI	(new?) Fields in Jail CMSs	-Modifying CMSs -Data definitions -Agreement or requirement to share	<ul style="list-style-type: none"> • Compare current/planned jail CMS fields applicable; quantify costs of modifications; identify 2–3 recommended MH screens by 9/1 • Draft financing plan and timeline; quantify training cost; draft data dictionary by 10/1
Pretrial	# released v. detained	_____ Appriss?	-Agreement or requirement to share	_____
Disposition	# to CC v. jail v. prison by offense, risk, etc.	_____ OCN?	-Agreement or requirement to share	_____
Probation	# on probation by place % sanctioned % revoked	_____ OCN? OCSS? JRI Repository?	-Agreement or requirement to share	_____

Ohio's biggest barrier to collecting data is subservience to "local control."

Policy Options to Improve Collection and Quality

- Ensure that arrest and disposition data reporting mandates are complete.
- Generate arrest reports as a check on accuracy.
- Require probation data reporting in order to receive community corrections funding.
- Adopt data definitions to standardize information and allow aggregation and research.
- Allow bona fide research using ORAS data.
- Adopt standardized sentencing journal entries, either through law or court rule.

The barrier to better data is not technological; it is having the political will to require reporting.

Next steps for Justice Reinvestment 2.0.

Law Enforcement:

- Continue working with AG's Office, OCJS, OACP, BSSA, and OPAA on refining details of strategy to support local violent crime reduction efforts.

Behavioral Health:

- Continue working with AG's Office, OMHAS, and Department of Medicaid on data analysis to identify people cycling through the system, and develop potential approach to reducing recidivism among this population.

Sentencing:

- Consider how JR 2.0 analyses can inform the design of policy options that will reduce recidivism and prioritize limited DRC capacity for people convicted of the most serious and violent offenses who are at a high risk of reoffending.

Data:

- Conduct additional data analyses requested and share with JR Committee. Work with Ohio Criminal Sentencing Commission to create clear next steps for improvements to data collection, sharing, and analysis efforts.

Tentative Timeline of Remaining Meetings (Exact Dates TBD):

August – Fourth JR Committee Meeting (possibly as part of Sentencing Commission meeting)

October – Fifth JR Committee Meeting (Behavioral Health Focus)

November – Sixth JR Committee Meeting (Policy Option Discussion)



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Thank You

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