Justice Reinvestment in Ohio

Council of State Governments Justice Center
• National non-profit, non-partisan membership association of state government officials

• Represents all three branches of state government

• Justice Center provides practical, nonpartisan advice informed by the best available evidence

Criminal Justice / Mental Health Consensus Project

National Reentry Resource Center

Justice Reinvestment
Ohio Justice Reinvestment Process

1. Analysis
   - Collect & examine quantitative data
     - Reported crime & arrests
     - Court disposition & sentencing
     - Jail populations
     - Community control (probation & community corrections programs)
     - Prison admissions, population, and releases

2. Implementation
   - Engage input from stakeholders
     - Behavioral Health Officials and Treatment Providers
     - Law Enforcement
     - Judges
     - Prosecutors
     - Defense Bar
     - Victims
     - Community Corrections Agencies (Probation, CBCF, Halfway House, CCA Programs)

3. Accountability
   - Develop & present a comprehensive analysis of the state’s criminal justice system
   - Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending
Overview

1. Report Summary

2. Key Findings

3. Detailed Analyses
Key Findings

1. **Revolving Door: Ineffective use of prison for nonviolent offenders**
   More than 10,000 F4 and F5 property and drug offenders are sentenced to prison annually, stay about 9 months in prison and then 72% are released with no supervision.

2. **No Clear Criteria to Effectively Use Alternatives**
   Ohio invests over $130 million annually in diversion programs, but has no clear criteria to inform the selection of program participants (by offense & risk level), making it difficult for these programs to be cost-effective.

3. **Patchwork of Probation Supervision**
   An estimated 260,000 people in Ohio are on probation, supervised by one or more of the 187 municipal, county, and state probation agencies whose policies, training, and supervision standards vary significantly. No data are collected statewide.
Crime has declined or remained fairly stable since 2000 ...

Violent & Property Crime Rates per 100,000 (2000-2008)

**Violent**
- US Avg. 456
- 348

**Property**
- 3412
- US Avg. 3,213
... yet, the number of people admitted to prison each year has increased dramatically ...

<table>
<thead>
<tr>
<th>Year</th>
<th>Intakes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>19,418</td>
</tr>
<tr>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td></td>
</tr>
<tr>
<td>2003</td>
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<td>2005</td>
<td></td>
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<tr>
<td>2006</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>27,315</td>
</tr>
<tr>
<td>2008</td>
<td></td>
</tr>
</tbody>
</table>

Prison Intakes + 41% 2000-2008
... the number of people on probation increased as well ...


<table>
<thead>
<tr>
<th></th>
<th>Ohio</th>
<th>Illinois</th>
<th>Indiana</th>
<th>Michigan</th>
<th>Wisconsin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation Population 2000</td>
<td>194,875</td>
<td>139,029</td>
<td>107,673</td>
<td>173,676</td>
<td>54,272</td>
</tr>
<tr>
<td>Probation Population 2008</td>
<td>260,962</td>
<td>144,904</td>
<td>131,291</td>
<td>175,591</td>
<td>50,418</td>
</tr>
<tr>
<td>Percent Change 2000-2008</td>
<td>34%</td>
<td>4%</td>
<td>22%</td>
<td>1%</td>
<td>-7%</td>
</tr>
<tr>
<td>Number on Probation per 100,000 Adults (2008)</td>
<td>2,973</td>
<td>1,483</td>
<td>2,727</td>
<td>2,304</td>
<td>1,164</td>
</tr>
</tbody>
</table>

Source: BJS, Probation and Parole in the United States
... state funding for community corrections programs has increased, but a lack of admission criteria for these programs makes them less cost-effective at diverting offenders...

State Funding for CBCF, HWH, Prison & Jail Diversion Programs

$117 million FY2006

$137 million FY2010
Report Summary

<table>
<thead>
<tr>
<th>Felony Level</th>
<th>Annual Admissions to Prison</th>
<th>Average Sentence (months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2003</td>
<td>2008</td>
</tr>
<tr>
<td>1st</td>
<td>1,842</td>
<td>2,059</td>
</tr>
<tr>
<td>2nd</td>
<td>2,587</td>
<td>3,133</td>
</tr>
<tr>
<td>3rd</td>
<td>4,190</td>
<td>6,395</td>
</tr>
<tr>
<td>4th</td>
<td>5,710</td>
<td>6,777</td>
</tr>
<tr>
<td>5th</td>
<td>8,542</td>
<td>8,296</td>
</tr>
<tr>
<td>Total</td>
<td>22,871</td>
<td>26,660</td>
</tr>
</tbody>
</table>

- Prison Population + 15%
- Currently Overcapacity + 133%

... low level felony offenders (F4/F5) account for the majority of those sentenced to prison ...

56% of all admissions
... after release from prison, supervision resources are not targeted on the offenders who pose the greatest risk to public safety.

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Supervision</th>
<th>Return to Prison within 3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Risk (26%)</td>
<td>53% supervised</td>
<td>26%</td>
</tr>
<tr>
<td>Medium Risk (37%)</td>
<td>44% supervised</td>
<td>37%</td>
</tr>
<tr>
<td>High Risk (52%)</td>
<td>56% supervised</td>
<td>52%</td>
</tr>
<tr>
<td>Very High Risk (61%)</td>
<td>73% supervised</td>
<td>61%</td>
</tr>
</tbody>
</table>
Overview

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Key Findings

1. **Revolving Door: Ineffective use of prison for nonviolent offenders**
   More than 10,000 F4 and F5 property and drug offenders are sentenced to prison annually, stay about 9 months in prison and then 72% are released with no supervision.

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   Ohio invests over $130 million annually in diversion programs, but has no clear criteria to inform the selection of program participants (by offense & risk level), making it difficult for these programs to be cost-effective.

3. **Patchwork of Probation Supervision**
   An estimated 260,000 people in Ohio are on probation, supervised by one or more of the 187 municipal, county, and state probation agencies whose policies, training, and supervision standards vary significantly. No data are collected statewide.
Roving Door: Low Severity Offenders “In and Out” of Prison

Prison Admissions in 2008

**Felony Level**
- F1: 2,059 (8%)
- F2: 3,133 (12%)
- F3: 6,395 (24%)
- F4: 6,777 (25%)
- F5: 8,296 (31%)

**Offense Types**
- Sex: 602 (4%)
- Person: 2,382 (16%)
- Property: 5,028 (33%)
- Drug: 5,347 (35%)
- Burglary + Other: 1,714 (11%)

10,375 Admissions (F4/F5 Property or Drug Offenders; Not a Burglary Offense)

- Average Length of Stay in Prison: 9 months

= $189 million Annual Cost

72% Released to No Supervision
Revolving Door: Short Sentences for Property/Drug Offenders – Not Very Tough or Effective At Reducing Recidivism

Sentencing Options for a Low-Risk, Property Offender w/ Drug Addiction and no Prior Felony Convictions

Which is “tougher”? Which is be more likely to reduce recidivism?

Option A: 9 month prison term, No Supervision

Option B: 36 month probation term, Drug Tx
No Clear Criteria for Diversion Programs: Funding Support for Community Corrections is Significant

- Jail Diversion: $11m
- Probation Diversion: $22m
- HWH: $41m
- CBCF: $63m
- Prison
No Clear Criteria for Diversion Programs: Expanding the Net vs. Diverting from Prison

- **F1**: Agg. Robbery, Rape, Drug Trafficking
- **F2**: Felonious Assault, Burglary, Robbery
- **F3**: Burglary, Drug Trafficking, Weapon
- **F4**: Drug Trafficking, Drug Abuse, Theft
- **F5**: Drug Abuse, Theft, B&E

Programs:
- **Probation**
- **Prison Diversion CCA**
- **Halfway House**
- **CBCF**
- **Prison**
No Clear Criteria for Diversion Programs:
Large Percentage of Low Level Offenders
Consuming the Most Expensive Residential and Prison Space

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Diversion CCA</td>
<td>172</td>
<td>580</td>
<td>1752</td>
<td>2805</td>
<td>4759</td>
</tr>
<tr>
<td>Halfway House</td>
<td>83</td>
<td>145</td>
<td>344</td>
<td>512</td>
<td>1239</td>
</tr>
<tr>
<td>CBCF</td>
<td>74</td>
<td>360</td>
<td>1082</td>
<td>1664</td>
<td>2453</td>
</tr>
<tr>
<td>Prison</td>
<td>2073</td>
<td>3137</td>
<td>6399</td>
<td>6782</td>
<td>8301</td>
</tr>
</tbody>
</table>

Estimated Cost: $392 million
No Clear Criteria for Diversion Programs: Large Percentage of Residential Sanctions Used as the Initial Sentence of Low Level Offenders

5,633 People Sentenced to CBCFs in 2008:
Each square represents 4 admissions in 2008.

- **F1-F3** (27%)
- **F4 & F5** (73%)

**Violation of Probation** (29%)

**Condition of Probation**
- 2,461 Admissions (44%)
- $24 million
### Patchwork of Probation Supervision:

**Most Offenders Are on Probation**

Individuals under criminal justice control as of 12/31/2008: **352,235**

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor Probation</td>
<td>152,900</td>
</tr>
<tr>
<td>Felony Probation</td>
<td>57,214</td>
</tr>
<tr>
<td>Unknown Probation</td>
<td>50,610</td>
</tr>
<tr>
<td>Jail</td>
<td>20,706</td>
</tr>
<tr>
<td>Prison</td>
<td>51,686</td>
</tr>
<tr>
<td>PRC</td>
<td>19,119</td>
</tr>
</tbody>
</table>

74% on probation
3 Patchwork of Probation Supervision:
187 agencies form a patchwork of supervision policies and practices

- **State Probation in 47 counties**
- **Prison Diversion Intensive Probation in 42 Counties**
- **41 County Probation Agencies**
- **145 Municipal Probation Agencies**
- **Jail Diversion Programs in 80 Counties**

260,724 probationers

- $22 million
- $11 million
Key Findings

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Next Step for the Justice Reinvestment Process:
Developing a Data-Driven Set of Policy Options for Ohio

Big Picture Goals

- Reduce Recidivism
- Reduce Spending on Corrections
- Reinvest in Effective Strategies

Policy Objectives

- Strengthen probation supervision & shift supervision resources to target high risk offenders
- Refocus diversion and treatment resources to improve cost-effectiveness by developing a consensus on what types of offenders should utilize which diversion/treatment programs
- Identify opportunities to reinvest existing dollars in more effective strategies to increase public safety and further reduce recidivism
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Council of State Governments Justice Center
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