

# Justice Reinvestment in Ohio

Analyses of Crime,  
Community Corrections,  
and Sentencing Policies



## Background

**I**N LATE 2008, GOVERNOR TED STRICKLAND, Senate President Bill Harris (R-Ashland), then House Speaker Jon Husted (R-Kettering), and former Supreme Court Chief Justice Thomas Moyer requested technical assistance from the Council of State Governments Justice Center to help develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety.

In January 2010, to guide the CSG Justice Center's analysis of the state's criminal justice system and development of policy options, Governor Strickland, Senate President Harris, current House Speaker Armond Budish (D-Beachwood), Senate Minority Leader Capri Cafaro (D-Hubbard), and House Minority Leader William Batchelder (R-Medina) announced the "Justice Reinvestment Working Group," which Senator Bill Seitz (R-Green Township) and Representative Mike Moran (D-Hudson) co-chair and which includes a bipartisan, inter-branch group of state lawmakers, state agency directors, and Ohio Supreme Court officials.

The CSG Justice Center collected and analyzed vast amounts of state criminal justice, mental health, and substance abuse data, drawing on information systems maintained by the Department of Rehabilitation and Correction, the Department of Mental Health, the Department of Alcohol and Drug Addiction Services, the 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 dozens of focus groups, interviewing hundreds of people from across the criminal justice system, including judges, prosecuting attorneys, defense attorneys, law enforcement, probation and parole/post-release control, community corrections administrators, and others. Additional stakeholders consulted included victim advocates, county officials, behavioral health treatment providers, and many others.

This report provides a brief summary of the preliminary findings. The working group will review these findings to begin developing a policy framework for the General Assembly's consideration.

# Key Findings

## **A. 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.**

More than 10,000 fourth and fifth degree felony property and drug offenders were sentenced to state prison in 2008 for an average of nine months at a cost of \$189 million. After serving brief sentences, 72 percent were returned to the community with no supervision.

## **B. Community correction programs in Ohio do not have clear criteria to inform the selection of program 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 does not provide any data-driven selection criteria for program participants. Without such criteria, judges cannot be certain they are sentencing people to programs from which they will benefit the most.

## **C. Ohio’s probation system is a patchwork of independent agencies that do not have consistent policies.**

At the end of 2008, an estimated 260,000 people in Ohio were on probation and supervised by one or more municipal, county, or state agencies. The operations of these agencies overlap and are uncoordinated. Training and supervision standards vary significantly, and no meaningful data are collected statewide to provide policy-makers information about the overall effectiveness of the probation system.

# I. Crime

## Between 2000 and 2008, the violent crime rate remained fairly stable.<sup>1</sup>

- Ohio's violent crime rate fluctuated slightly between 334 and 352 crimes per 100,000 residents during this period, but it remained well below the 2008 national violent crime rate of 456 crimes per 100,000.<sup>2</sup>

## Property crime in Ohio has decreased.

- Ohio's property crime rate, consistent with trends across the region and the country, fell 8 percent from 2000 to 2008.
- Despite this decline, Ohio's property crime rate (3,412 crimes per 100,000) remained higher than the national average (3,213 crimes per 100,000) in 2008.

# II. Probation

## Ohio has a large number of people on probation but key information about the system, particularly regarding individual departments, is unknown

- The most recent data available describing the total number of people on probation in Ohio comes from surveys conducted by the US Department of Justice Bureau of Justice Statistics (BJS) for 2008. That report indicated that Ohio had 57,214 felony probationers, 152,900 misdemeanor probationers, and 50,610 on probation for whom the offense level was not reported to BJS.<sup>3</sup>

- The number of people on probation in Ohio increased 34 percent from 194,875 in 2000 to 260,962 in 2008. No other Midwest state experienced a similar growth rate in its probation population over this time period.
- Ohio, at 2,917 probationers per 100,000 adults, has a higher percentage of its adult residents under probation supervision than other large states in the Midwest: Illinois (1,471), Indiana (2,646), Michigan (2,392), or Wisconsin (1,237).<sup>4</sup>

## A patchwork of independent agencies, operated at the state, county, and municipal level, supervises people on probation in Ohio.

- The Ohio Department of Rehabilitation and Correction (ODRC) provides probation supervision services in 47 counties, which account for approximately 20 percent of the felony probation population. In the remaining 41 counties, where 80 percent of the felony probation population resides, county-administered departments operate probation agencies.
- Municipal probation departments (within each county there are often multiple municipal probation departments) supervise people on probation for misdemeanor offenses.
- It is not unusual for offenders to be assigned to both misdemeanor and felony probation and, consequently, report to two different officers in two separate probation departments.<sup>5</sup>

1. Comparisons between 2000 and 2008 in reported crime are all based on data from the following sources: U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States, 2000" (September 2001), <http://www.fbi.gov/ucr/00cius.htm>; U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States, 2008" (September 2009), <http://www.fbi.gov/ucr/cius2008/index.html>.

2. Unless otherwise noted, reported crime rates are compared between 2000 and 2008.

3. U.S. Department of Justice, Bureau of Justice Statistics. "Probation and Parole in the United States, 2008." (December 2009), <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1764>.

4. Ibid.

5. Fifty-three percent of Court of Common Pleas chief probation officers responding to a web survey indicated this occurred in their jurisdictions. At focus groups with chief probation officers, probation department site visits, and elsewhere, this observation was mentioned.

**Because the probation system is so decentralized, policies and practices vary significantly from one agency to the next.**

- Minimum qualifications for probation officers, lengths of mandatory pre- and in-service training, and data collection and reporting requirements vary widely among probation agencies in the state.
- 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.
- Depending on the probation agency, the number of monthly officer-probationer contacts across risk level ranges from two to twenty contacts for maximum risk probationers, from one to nine for medium risk, and from one every three months to four every month for minimum risk probationers.
- Risk assessment instruments used for probation-

ers vary from one probation department to the next. Instruments currently in use include the following: the ODRC’s Ohio Parole Authority’s instrument, the LSI-R, the Wisconsin Risk Assessment, and a self-appraisal questionnaire.<sup>7</sup>

- In a web-based survey of Common Pleas 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.
- Seventy percent of Common Pleas judges responding to the survey stated they do not receive data indicating who among people they sentence to probation was revoked and who successfully completed probation.

**SURVEY OF STATE, COUNTY, AND MUNICIPAL PROBATION AGENCIES<sup>6</sup>**

	AGENCIES RESPONDING YES	AGENCIES RESPONDING NO
Is mandatory officer pre-service training required?	64 %	36 %
Is a written system of progressive sanctions guidelines in place?	38 %	62 %
Is a risk assessment instrument used?	73 %	27 %
Are contact standards associated with risk level?	64 %	36 %

6. The CSG Justice Center web-based survey was distributed through the Ohio Chief Probation Officers Association from March 10 through 24, 2010. Thirty-one departments completed all sections of the survey: twenty-one Court of Common Pleas departments (felony and misdemeanor supervision), and ten Municipal Court departments (misdemeanor supervision only).

7. The ODRC, in consultation with the University of Cincinnati, is currently piloting the Ohio Risk and Needs Assessment System (ORAS) in certain jurisdictions. It is expected to be made available statewide in 2011. Currently, there is no legislative mandate for statewide utilization.

# III. State-Funded Community Correction Programs

## Using state funding, public and private agencies deliver community correction programs to people on probation and people under post-release supervision.

- As state funding for community corrections has increased in recent years, ODRC has taken steps to ensure these programs demonstrate successful results. To that end, ODRC has commissioned outcome evaluation studies of the programs from the University of Cincinnati (UC).<sup>8</sup>
- Results of these studies, which have shown that some programs are reducing offender recidivism while others are actually increasing it, have

prompted ODRC to terminate certain contracts for failure to implement evidence-based programming, and to grade CBCF and HWH programs based on recidivism outcomes, successful completions, and other measures.

- Although the mixed results these programs have yielded are well-documented, no comprehensive study has been able to document whether those people sentenced to community correction programs would otherwise have been sentenced to jail or prison. Without standardized sentencing or probation data, or admission criteria, it will remain difficult to determine what percent of program participants were diverted from jail or prison.

## Community Correction Programs

Ohio is recognized across the country 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 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 almost entirely serve offenders 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.

8. In March 2010, UC released a two-year follow-up evaluation study on the effectiveness of CBCFs and HWHs in reducing recidivism outcomes between program participants and control groups. UC also conducted a

2002 evaluation study on CBCFs and HWHs and a 2005 study of prison and jail diversion programs that is being commissioned for an updated evaluation.

UC evaluation studies found that outcomes for people participating in community correction programs varied, depending on offender risk level and the recidivism measure used.<sup>9</sup>

- Statewide, HWH programs slightly reduced recidivism and CBCFs slightly increased recidivism, when looking at outcomes for all participants in the programs and not just those who successfully completed them.<sup>10,11</sup> A number of CBCF and HWH programs have demonstrated an ability to reduce recidivism rates by large percentages, but the impact of these programs was offset by others that failed to reduce recidivism or increased recidivism rates for participants.
- Low risk offenders placed in either HWHs or CBCFs showed the worst outcomes, with recidivism increases between 3 and 10 percentage points, depending on the measure (new felony conviction, any new conviction, or new incarceration).<sup>12</sup>
- CBCFs and HWHs achieved the best outcomes among the high-risk population, with recidivism reductions up to 5 percentage points, depending on the measure used.<sup>13</sup>
- Although the impact of these programs on recidivism frequently corresponds to the participants' risk level, sentencing courts and the Ohio Parole Board assign people of all risk levels to these programs.

The quality of supervision and treatment a person receives after leaving a residential program has a significant impact on recidivism.

- UC's findings and other research suggest that prison and jail-based treatment programs have modest impacts on recidivism, particularly when compared to the results associated with effective non-residential community-based treatment.

### 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
<b>All Participants</b>	<b>+ 2.6</b>	<b>+3.8</b>	<b>+8.9</b>

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

### IMPACT OF HALFWAY HOUSE 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	+6.2	+9.0
Medium Risk	-0.8	+0.1	+9.6
High Risk	-4.8	-4.0	+12.8
<b>All Participants</b>	<b>- 1.5</b>	<b>-0.6</b>	<b>+8.8</b>

Note: HWH participants compared to a matched group of parolees or people on post-release control.

9. The UC study uses a two-year follow-up timeframe to track three measures of recidivism: a new felony conviction, any new conviction, and a new incarceration.

10. 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>.

11. Ibid. Table 29: "Mean Recidivism Rates for All HWH Participants by Referral Type and Risk." (p. 107).

12,13. 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); Table 29: "Mean Recidivism Rates for All HWH Participants by Referral Type and Risk." (p. 107).

## IV. Behavioral Health: Mental Health and Substance Use Treatment Services

**Many law enforcement officers are trained in effective responses to people with mental illnesses, but lack community resources to connect this population with treatment.**

- Crisis Intervention Training (CIT), a specialized police-based response to people with mental illnesses, has been provided to over 3,700 law enforcement officers in Ohio employed by 350 agencies spanning 74 counties.
- In Ohio, CIT has demonstrated positive results, helping law enforcement de-escalate encounters with people with mental illnesses who are in crisis: encounters involving CIT officers are more likely to result in transport to treatment (62 percent) than custody (4 percent).<sup>14</sup>
- CIT programs are unable to realize their full potential because local law enforcement officers are often unable to connect people with mental illnesses to community-based treatment services.<sup>15</sup> The availability of such services is limited because of reductions in reception center hours and restrictions that prohibit community-based treatment providers from serving people who have histories of violence or who are intoxicated at time of arrest.

**A large percentage of people on probation need behavioral health treatment, but resources are insufficient to meet this demand for services.**

- County- and state-operated probation departments do not have a unified database to collect information regarding probationers' behavioral health needs. The absence of such information hinders efforts to make data-driven budgetary and programmatic decisions to address the mental health and substance use disorder needs of the probation population.
- Data reflect that people admitted to prison because they violated a condition of probation supervision are especially likely to have mental health and/or drug treatment needs: Thirty-six percent of people admitted to prison because of a probation violation have mental health needs; 85 percent of such prison admissions indicate recent drug use.<sup>16</sup>
- Two-thirds of probation departments report that there are insufficient mental health resources in their jurisdiction.<sup>17</sup>
- In the absence of adequate community-based treatment services, some probation departments have attempted to meet the needs of clients with substance abuse disorders by creating treatment groups, which probation officers facilitate.<sup>18</sup>

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<sup>14</sup>. Teller, Munetz, Gil, and Ritter, "Crisis Intervention Team training for Police Officers Responding to Mental Disturbance Calls." *Psychiatric Services* 57L (2006) 232-237.

<sup>15</sup>. On June 8, the U.S. Attorney's Office, Northern District, hosted a focus group of approximately 25 chiefs and sheriffs from northern Ohio.

<sup>16</sup>. Data taken from The Ohio Intake Survey (conducted annually on a random sample of admissions to ODRC). The sample is representative and generalizable to the ODRC admission population. The 2008 sample consisted of 3,212 of the 26,660 admissions to prison in 2008. Indicators of need for mental health treatment and recent drug use for new

court commitments are: 30 percent for mental health and 76 percent for recent drug use.

<sup>17</sup>. CSG Justice Center web-based survey was distributed through the Ohio Chief Probation Officers Association in March 2010. Thirty-one departments completed all sections of the survey: twenty-one Court of Common Pleas departments (felony and misdemeanor supervision) and ten Municipal Court departments (misdemeanor supervision only).

<sup>18</sup>. Focus group consisted of representatives from probation departments in Clermont, Newark, Wayne, and Ashtabula counties.

**Judges report that because community-based outpatient treatment programs are unavailable they end up sentencing people with behavioral health issues to more expensive residential community correction programs.**

- In a survey of Common Pleas judges, 63 percent of the respondents indicated that they place offenders in HWHs and CBCFs to connect them with needed mental health or addictions programming even if the offender — because of offense severity, risk level, or other considerations— does not require a secure residential facility.<sup>19</sup>
- Seventy-four percent of judges reported that they made this decision because of a lack of available treatment in the community.
- Sixty-nine percent of judges agreed that more behavioral health services would be effective in increasing the number of probationers who successfully complete the terms of their sentence.

**CBCF and HWH programs allocate some resources for substance abuse and mental health services; research indicates, however, that providing the same services in non-residential settings could produce better outcomes at less cost.**

- Twenty-five percent of people admitted to community correction programs need mental health services, 54 percent have an indication of alcohol use, and 65 percent have an indication of drug use.<sup>20</sup>
- In FY 2010, CBCFs allocated approximately \$4 million (7 percent of their budget) to behavioral health services, which included drug testing, mental health personnel, alcohol and other drug (AOD) personnel, and counseling services.<sup>21</sup>
- In FY 2009, HWHs allocated approximately \$8.1 million (20 percent of their budget) to AOD services, which included personnel, assessments, drug testing, program supplies and outsourced service costs.<sup>22</sup>
- A meta-analysis of drug treatment programs found that drug treatment provided in jail settings had no impact on recidivism, whereas community-based drug treatment programs reduced recidivism by 8 percent.<sup>23</sup>

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19. CSG Justice Center web-based survey, March 2010.

20. CCIS database represents all admissions and terminations to CBCFs, Halfway Houses, Prison diversion, and Jail Diversion programs funded by ODRC.

21. Information received from the ODRC Bureau of Community Sanctions, who determined behavioral health funding from program budget proposals.

22. Ibid.

23. Drake, Aos, and Miller, "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders*, (2009), 4:170-196.

## V. Jail Populations

**The total number of people in adult jails in Ohio increased between 2000 and 2008, but not all county jails have experienced similar rates of growth.**

- Ohio has 349 recognized jail facilities, which come in 5 classifications: full-service, minimum security, 12-day, 12-hour, and temporary holding facilities.
- Between 2000 and 2008, the average daily population in Ohio's jails increased 20 percent, from 17,274 to 20,706.<sup>24</sup>

## VI. Prison Population

**Between 2000 and 2008, the number of people in state prison increased, as have state expenditures on corrections.**

- The prison population climbed from 46,537 to 50,921—an increase of 9 percent—between 2000 and 2008. Most of this growth occurred between 2004 and 2008, when the total number of people incarcerated in state prison grew 15 percent.<sup>25</sup>
- Annual prison admissions grew from 19,418 in 2000 to 27,315 in 2008, an increase of 41 percent.<sup>26</sup>
- Between 2000 and 2008, annual state spending on corrections climbed 21 percent, from \$1.04 to \$1.27 billion.<sup>27</sup>

### Truth in Sentencing in Ohio

Beginning in July 1, 1996, Ohio's truth in sentencing law shifted the sentencing system from a mixed determinate and indeterminate one, under which the Ohio Parole Board exercised release authority and administrative good time was provided, to one that is determinate. In passing the law, state leaders sought to ensure that judges, attorneys, victims, and defendants understood at sentencing the length of time a person convicted of a crime would serve in prison.<sup>28</sup>

Furthermore, the law provided guidance to sentencing courts on decisions regarding the placement of F-4s and F-5s on probation and/or community correction programs or in prison. Ohio Revised Code §2929.13 sets nine criteria – including whether the offender inflicted physical harm, committed a sex offense, or has a previous conviction for an offense that caused physical harm — providing guidance on the decision.

Provided none of these characteristics are found, the law presumes the defendant is amenable to community control. The presumption of community control for nonviolent F-4s and F-5s is still advisory, however, and judicial discretion exists to dispose these offenders to prison.

24. Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention, "Annual Jail Report 2001," (May 2002) and "Annual Jail Report 2008," <http://www.drc.ohio.gov/web/reports/reports5.asp>.

25. Ohio Department of Rehabilitation and Correction, personal communication to the Council of State Governments Justice Center, (June 25, 2009); Ohio Department of Rehabilitation and Correction, "Pieces of the Puzzle: 2008 Annual Report," <http://www.drc.ohio.gov/web/Reports/Annual/Annual%20Report%202008.pdf>, 24.

26. Ohio Department of Rehabilitation and Correction. "Fiscal Year Intake and Population on July 1, 1971-2008." (October 2008), [http://www.drc.state.oh.us/web/Reports/intake/Fiscal%20Year%20Intake%20and%20Population%20on%20July%201%20\(1971%20-%202008\).pdf](http://www.drc.state.oh.us/web/Reports/intake/Fiscal%20Year%20Intake%20and%20Population%20on%20July%201%20(1971%20-%202008).pdf) (accessed September 16, 2009).

27. Ohio Department of Rehabilitation and Correction, personal communication to the Council of State Governments Justice Center. (October 15, 2009). ODRC budget numbers consist of General Revenue Funds (GRF) to represent the state share of spending on corrections.

28. David Diroll, "Thoughts on Applying S.B. 2 to "Old Law" Inmates," Ohio Criminal Sentencing Commission, <http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/Publications/SB2.pdf>.

**Crowding in Ohio's prison system, which is operating at 133 percent of capacity, is expected to intensify; for the state to accommodate this growth and ease some of the crowding, it would have to spend close to a billion dollars to build and operate additional prison beds.**

- Ohio prisons are currently 33 percent above the capacity level of 38,349.<sup>29</sup> By 2018, the prison population is projected to climb from 50,921 to 53,973—a 6 percent increase, pushing crowding levels to 141 percent of the prison system's capacity.<sup>30,31</sup>
- To house the growing prison population and to ease a portion of the crowding, the state will need to spend by 2018 \$829 million, on top of what it already spends to operate the existing system, to increase the capacity of the prison system by 3,569 beds. These estimates include \$437 million in construction costs and \$391 million in annual operating costs.<sup>32</sup>
- Increases in the prison population census have immediate budget consequences associated with managing more people in prison, but additional significant expenditures still loom: wear and tear on facilities, potential litigation, and population disruptions. Overcrowding also threatens the security of Ohio's prisons and presents significant everyday management challenges for corrections officers attempting to manage inmates crammed into prisons designed to hold far fewer people.

**The growth in the prison population has been driven in part by probation revocations and an increase in the number of people sentenced to prison with a new conviction.**

- Between 2003 and 2008, the number of people admitted to prison for a new court conviction increased 30 percent.
- Over this same period, the number of people whose probation was revoked because they violated a condition of their supervision or because they were convicted of a new offense increased 13 percent.
- Admissions for parole or post-release control (PRC) re-commissioned violators decreased by two percent.

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29. Prison capacity level as of June 2010.

30. Ohio Department of Rehabilitation and Correction, "Pieces of the Puzzle: 2008 Annual Report," <http://www.drc.ohio.gov/web/Reports/Annual/Annual%20Report%202008.pdf>, p. 24. The ODRC official rated capacity is 38,665. See <http://www.drc.ohio.gov/web/Reports/Fact-Sheet/September%202009.pdf>.

31. Ohio Department of Rehabilitation and Correction and Brian Martin, "December 24, 2009 Prison Population Projections," p. 3.

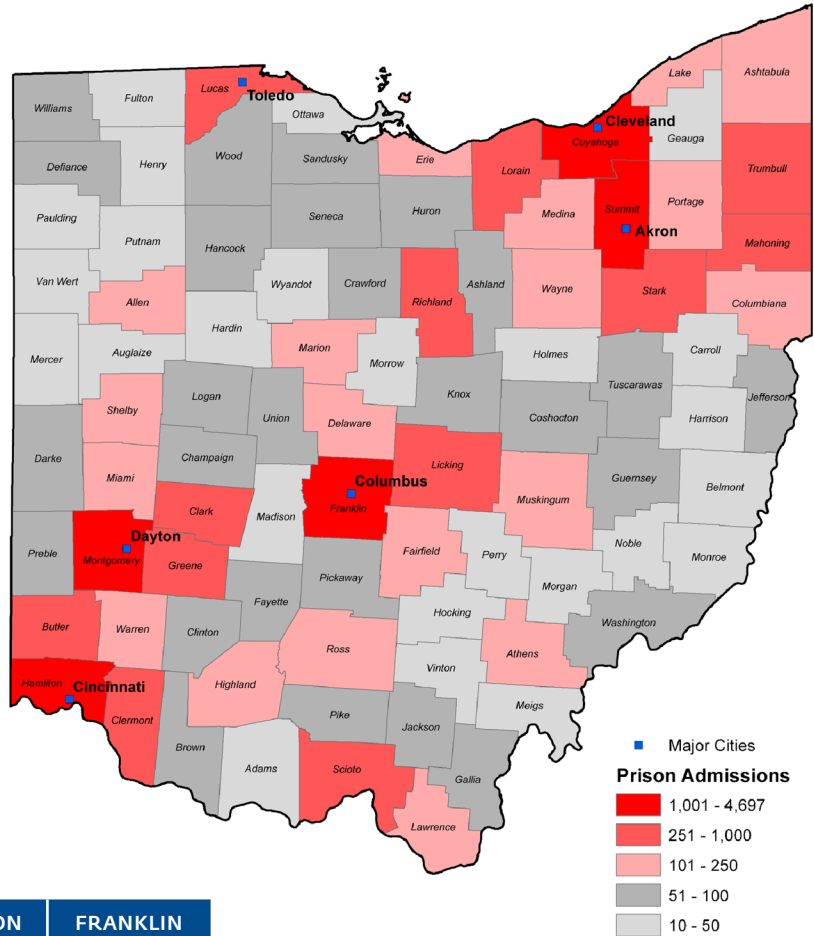
32. Ohio Department of Rehabilitation and Correction, Kevin Stockdale and Douglas Forbes, "Capital and Operating Costs of Two 2,000 Bed Prisons," personal communication to the Council of State Governments Justice Center (Information updated July 19, 2010).

# Ohio Prison Admissions By County (2008)

40% of Ohio Prison Admissions are from three counties: Cuyahoga, Hamilton, and Franklin.

Cuyahoga has 10.9% of the adult population but contributes 20% of Ohio's prison admissions.

In Cuyahoga, 53% of admissions are for lower-level felonies (F4 & F5) and 59% of sentences are for less than 1 year.



	CUYAHOGA	HAMILTON	FRANKLIN
<b>Prison Admissions</b>	4,697	2,481	2,178
Total Expenditure	\$215,697,514	\$125,501,054	\$122,536,670
Adm per 1000 Adults	6.09	4.77	2.93
% of Total Adm	19.97	10.55	9.26
% of Total Adult Pop	10.85	7.32	10.47
<b>F4 and F5 Felonies</b>	2,506	1,358	1,194
F4 F5 % of Adm	53.35	54.74	54.82
F4 F5 Expenditure	\$38,677,090	\$25,095,744	\$23,879,534
F4 F5 % total Expend	17.93	20.00	19.49
<b>Adm with &lt;1 yr LOS</b>	2,744	1,387	1,020
<1 yr % of Adm	59.06	55.90	46.83
<1 yr Expenditure	\$36,273,096	\$16,823,894	\$12,566,146
<1 yr % total Expend	16.82	13.41	10.26

## Most people admitted to prison are fourth- or fifth-degree felons, the lowest level of felony offenses.

- In 2008, people convicted of fourth (F-4) and fifth (F-5) degree offenses represented 56 percent of total prison admissions. Of these individuals, 68 percent were convicted of crimes labeled property or drug offenses. (Burglary offenses were not included as a property crime in this analysis.)
- A significant portion of F-4s and F-5s sent to prison might be more appropriately punished in the community, receiving a probation, prison diversion, CBCF, or HWH sanction.

## In 2008, almost half of the people admitted to prison were assessed as low risk and half received prison sentences of 12 months or less.

- People admitted to prison in Ohio undergo an objective ODRC risk assessment validated across the prison population, which estimates the likelihood the person, following release from prison, will reoffend and be re-incarcerated.
- Forty-four percent of admissions were assessed as low-risk, with an average recidivism rate (measured by returns to prison within three years) of 26 percent.
- Forty-nine percent of people admitted to prison receive sentences of twelve months or less.

## Whether a person who commits a certain crime is sentenced to probation or to prison varies depending on the county in which the offense was committed.

- Cuyahoga County disposed 51 percent of F-4s to probation while Franklin disposed a larger share (63 percent) to probation. The same disparity exists among F-5s: 66 percent of F-5s in Cuyahoga County were sentenced to probation, as compared to 82 percent in Franklin County.<sup>33</sup>
- If Cuyahoga County had disposed the same percentage of F-4 and F-5 cases to probation as Franklin did, 1,060 fewer people would have been sent to prison from Cuyahoga County.<sup>34</sup>

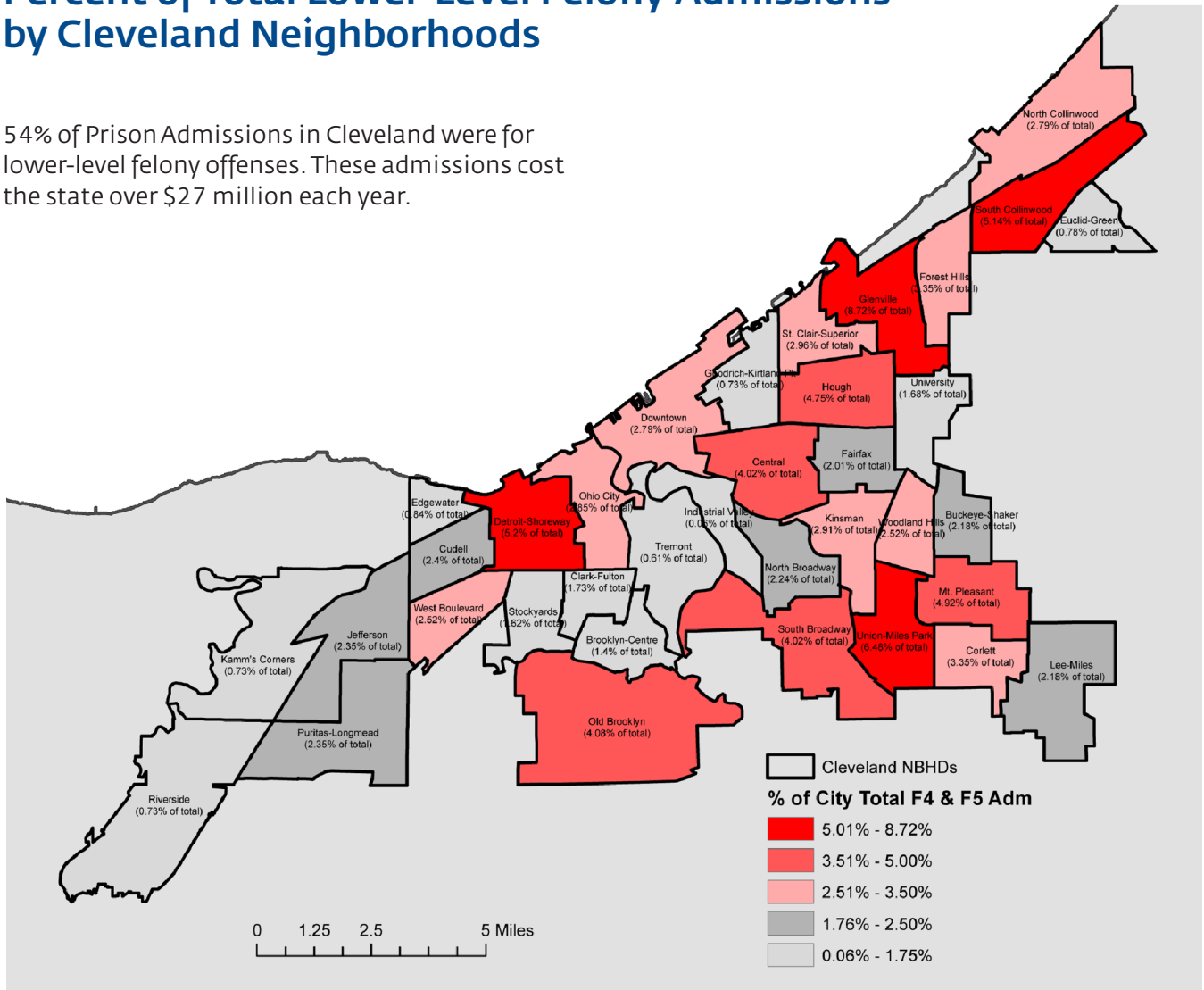
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**33.** To carry out this analysis, the CSG Justice Center reviewed 2008 Ohio Courts Network disposition data, 2008 ODRC prison admission data, and case management data provided by Cuyahoga and Franklin Courts of Common Pleas Probation Departments. These were the only counties where the CSG Justice Center could obtain case-level disposition data, county probation, and state prison data.

**34.** Construction has begun on a CBCF for Cuyahoga County, currently the only Ohio county without access to a CBCF. Adding this local sentencing option will provide judges with new opportunities for diverting certain offenders from prison.

# Percent of Total Lower-Level Felony Admissions by Cleveland Neighborhoods

54% of Prison Admissions in Cleveland were for lower-level felony offenses. These admissions cost the state over \$27 million each year.



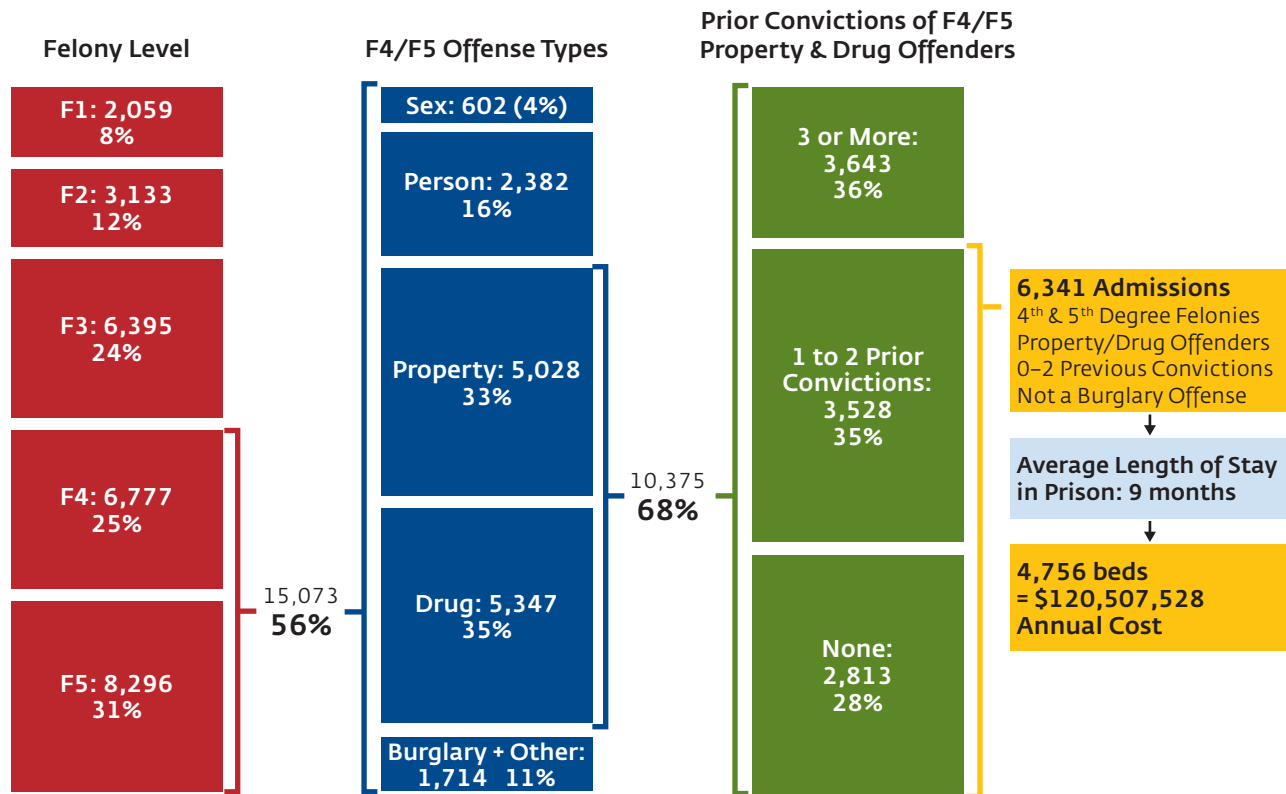
**It costs an estimated \$121 million annually to hold low-risk, fourth- and fifth-degree property and drug offenders in prison.**

- F-4 and F-5s who were convicted of property and drug offenses, excluding burglary offenses, and who have fewer than three previous convictions have an average length of stay of nine months. In 2008, people sentenced to prison for these categories of crime used a total of 4,756 beds, costing the state \$121 million in corrections expenditures.

**Between 2003 and 2008 average sentence lengths increased.**

- The average sentence for people admitted to prison increased from 26 months in 2003 to 28 months in 2008.
- Although a two-month increase in average sentence length may seem small, it translates into a significant increase in the prison population when applied across everyone admitted to prison in 2008. The additional two months of time means that the 2008 admission cohort will require 4,440 more beds than if they had served the same average sentence as those admitted in 2003.

**Analysis of 2008 Ohio Prison Admissions**



## VII. Transitional Control

### Offenders are recommended for the program by the Ohio Parole Board based on 11 criteria.

- The Transitional Control (TC) program places offenders who are within 180 days of completing their prison sentence inside a HWH, where they will be supervised and eligible for programming prior to full sentence completion.
- Eleven criteria are used to determine inmate eligibility, and, if they are met, the Ohio Parole Board, following a period allowing for victim input, may recommend the offender for the program. The sentencing judge has the option to veto a person's participation in TC.<sup>35</sup>

### Outcome evaluations demonstrate that the Transitional Control program is effective.

- UC's 2002 and 2010 evaluations found TC to be effective at reducing rates of new criminal activity (measured by any new conviction) among all participants.
- The new conviction rate for all TC participants (not just successful completers) was 35 percent—more than 10 percent lower than the new conviction rate for the comparison group (39 percent). Among high risk participants in the program, new conviction rates fell 22 percent from a new conviction rate of 57 percent for the comparison group to 45 percent for the TC participants.

### Judicial vetoes limit TC's potential to lower recidivism.

- In FY 2009, of the 4,321 people the Ohio Parole Board recommended for TC, 1,989 (46 percent) of these recommendations were later vetoed by sentencing judges.
- Analysis of TC approval rates shows wide variation in judicial approval across county. For example, Mahoning and Summit had approval rates of 89 and 77 percent, respectively, whereas TC approval rates in Montgomery and Allen were 18 and 27 percent, respectively.

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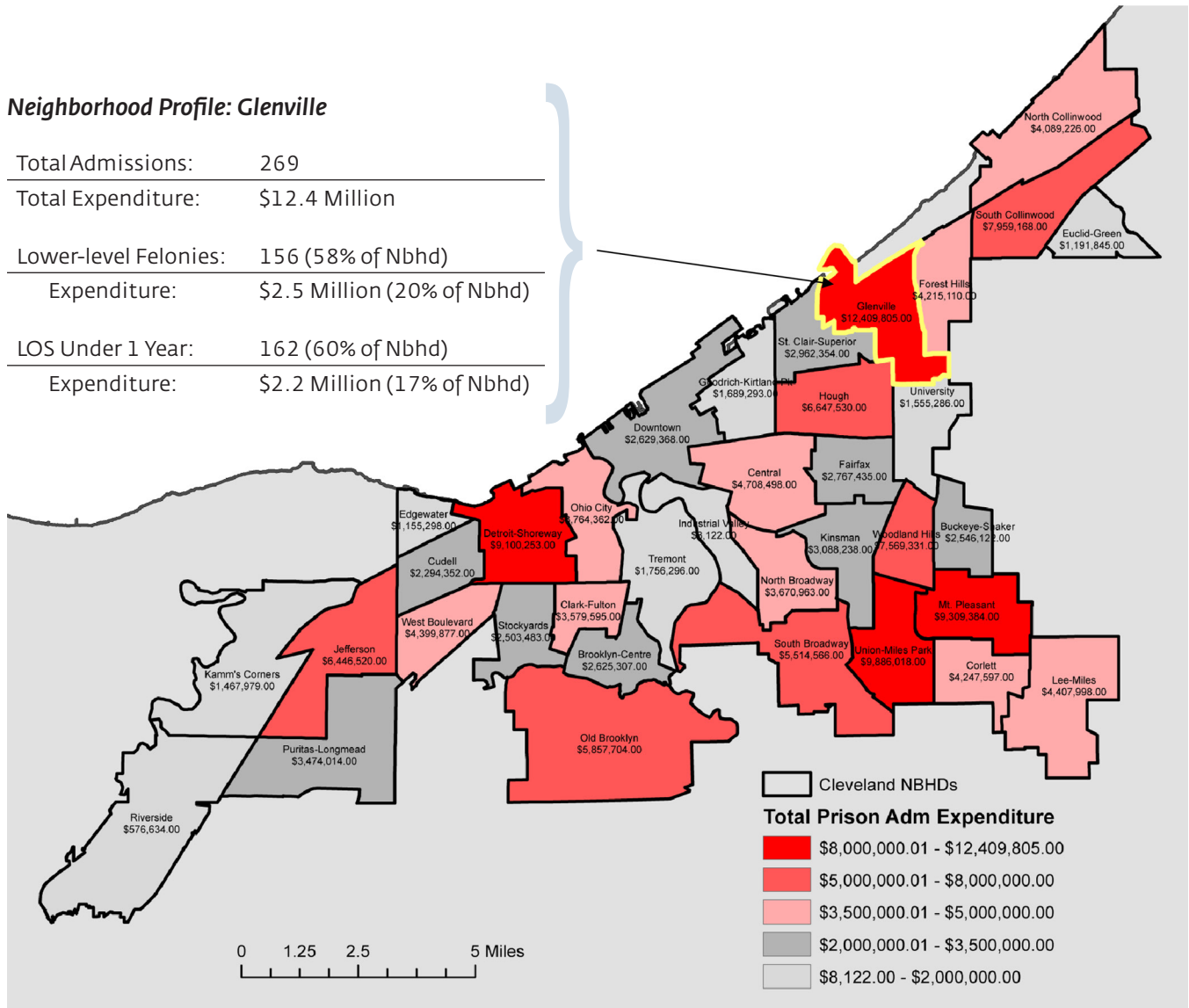
35. Criteria include that the inmate not be serving a mandatory or life sentence, not have more than one commitment for a violent offense (including the current prison commitment), and that the inmate not

be serving a sex offense, be on administrative control, or have a security level of 1 or 2.

# Prison Expenditure by Cleveland Neighborhoods

## Neighborhood Profile: Glenville

Total Admissions:	269
Total Expenditure:	\$12.4 Million
Lower-level Felonies:	156 (58% of Nbhd)
Expenditure:	\$2.5 Million (20% of Nbhd)
LOS Under 1 Year:	162 (60% of Nbhd)
Expenditure:	\$2.2 Million (17% of Nbhd)



## VIII. Post-Release Supervision

### Post-Release Control is discretionary for many offenders.

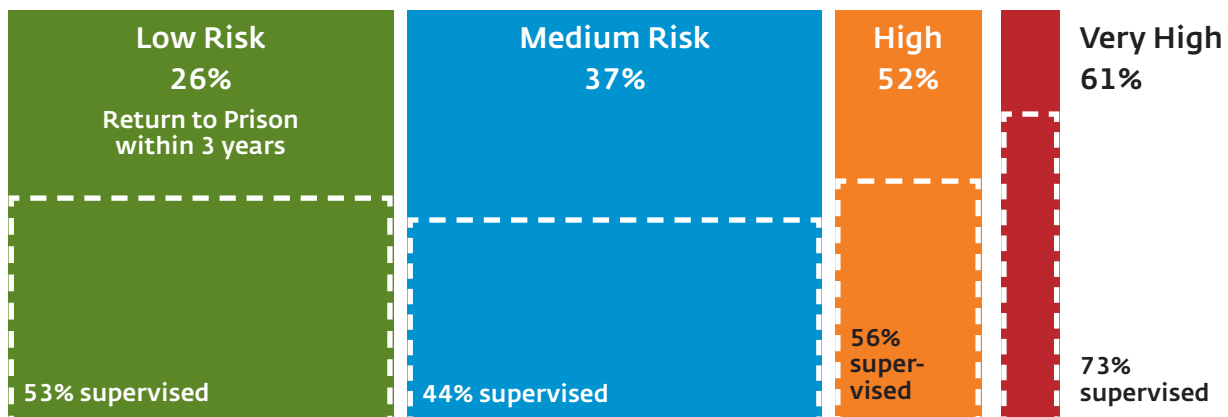
- The Ohio Revised Code § 2967.28 specifies that all F-1 and F-2 offenders, F-3 offenders sentenced for violent offenses, and all sex offenders shall receive post-release control (PRC). For F-3s convicted of a nonviolent offense and all F-4s and F-5s, however, PRC is discretionary.
- For the discretionary cases, the Ohio Parole Board considers a number of criteria, mostly offense-related.<sup>36</sup>

### Information available about an offender's risk level is not used to guide the allocation of post-release control resources.

- High risk offenders are twice as likely (52 percent) as low risk offenders (26 percent) to be re-incarcerated three years of release from prison. Very high risk offenders are almost three times as likely (61 percent) as low risk offenders to be re-incarcerated.
- Only 56 percent of high risk offenders released from prison are supervised even though data demonstrate that more than half will commit new crimes and be re-incarcerated within three years. Approximately the same percentage (53 percent) of low risk offenders are also being supervised, although they are half as likely to reoffend.
- The majority of high risk F-4 and F-5 offenders released from prison (64 percent) and almost half of the very high risk F-4 and F-5 group (47 percent) receive no PRC.

### Analysis of Prison Releases by Risk Level, Recidivism, and Supervision Status (2008)

The size of each box represents the relative number of people released from prison in 2008 by their risk level. The recidivism rate for each risk group is indicated as well as the percent of each risk group that is placed on parole/post-release control.



<sup>36</sup> Criteria the Ohio Parole Board 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>.

To learn more about the justice reinvestment strategy  
in Ohio and other states,  
[www.justicereinvestment.org](http://www.justicereinvestment.org)

## JUSTICE CENTER THE COUNCIL OF STATE GOVERNMENTS

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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