

Justice Reinvestment 2.0 in Ohio

In September 2017, Ohio state leaders established the Justice Reinvestment (JRI 2.0) Committee, a bipartisan, interbranch group of state policymakers and stakeholders, to explore the state's criminal justice system challenges. The committee worked with The Council of State Governments (CSG) Justice Center to develop research-backed policies guided by insights from in-depth data analyses of millions of individual records, hundreds of interviews with criminal justice and behavioral health system practitioners, and an extensive legal and policy review. Led by Representative Bill Seitz and Senator John Eklund, the committee developed statewide public safety strategies to improve access to effective behavioral health supports and services for people in the justice system; reduce crime; and adopt more cost-effective sentencing, corrections, and supervision policies.

Key Challenges

A. IMPACT OF SUBSTANCE ADDICTIONS AND MENTAL ILLNESSES From 2011 to 2017, drug overdose deaths, arrests for drug violations, and prison commitments for drug possession all increased significantly in Ohio. These trends have overwhelmed law enforcement, jail capacity, and the state's mental health and addiction services. The analysis found that while many agencies are working to address these challenges, there is no clear statewide strategy and system of accountability designed to achieve improved criminal justice and health care outcomes while managing costs. Ohio needs a more effective and coordinated systems responses to the pervasive, complex, and urgent challenges presented by people with addictions and serious mental illnesses who cycle through the state's criminal justice and health care systems.

B. INCREASES IN VIOLENT CRIME From 2011 to 2017, reported homicides in Ohio increased 38 percent, and aggravated assaults increased 10 percent. Every year, there are significantly more violent crimes than there are arrests for those offenses, and in 2016 Ohio had the largest gap among states between those numbers. Ohio law enforcement agencies, with state and university support and collaboration, have repeatedly demonstrated that research-based policing strategies can prevent violent crime, but only when those effective practices are sustained over time. To reduce violent crime in Ohio, research demonstrates that investments in improving effective policing will be far more cost-effective than strategies focused on increased incapacitation.

C. HIGH COST OF RECIDIVISM AND INCARCERATION CSG Justice Center original analysis of Ohio data showed that sentencing people to probation (community control) instead of prison for drug and property offenses results in lower rates of recidivism, at much lower cost. In 2017, over 5,500 people were sentenced to prison for low-level drug and property offenses at a cost of about \$80 million, and many had needs that could have been treated in the community. Recidivism by people on supervision also contributes substantially to Ohio prison commitments. In 2017, 33 percent of prison commitments (6,302) were associated with a violation of supervision, including technical violations, and cost the state approximately \$130 million.

D. INADEQUATE DATA LINKAGES AND SHARING Criminal justice data in Ohio are disconnected and spread across agencies and all levels of government, from district and municipal courts to local probation departments to state prisons. As a result, Ohio lacks the necessary information to measure outcomes and determine whether policies and programs are working. For example, locally-run probation departments supervise about a quarter of a million people, but the state lacks basic information about those people, including how many of them are on felony versus misdemeanor probation, their needs, and supervision violation information.

Recommendations

The Justice Reinvestment Committee approved the recommendations below for consideration by the General Assembly in the 2019 legislative session.

A. Provide effective supports and services for people in Ohio's criminal justice systems who have substance addictions and mental illnesses.

- Identify individuals who are repeatedly cycling through Ohio’s criminal justice and health care systems and for whom current interventions and systems of care aren’t yielding improved public safety and health outcomes.
- Maximize the strengths of Ohio’s behavioral health system and leverage federal financial participation while targeting these individuals with comprehensive supports and services using a collaborative multiagency approach.
- Measure and incentivize the improvement of both health care and criminal justice outcomes for these people while managing costs.
- Provide supportive housing, employment supports, peer specialists and other recovery services to meet the needs of this population, leveraging Ohio’s Alcohol, Drug Addiction & Mental Health Services boards, where appropriate, to strengthen that capacity.

Potential Impact: Begin reducing overdose deaths, arrests, emergency room visits, and jail and prison commitments for people with serious addictions and mental illness who are cycling through Ohio’s criminal justice and behavioral health systems. Improve recovery outcomes for this complex population while reducing the negative impacts on people, communities, and county spending, through effective, state-wide, strategies.

B. Reduce violent crime through proven, proactive law enforcement interventions.

- Establish a state grant program to fund local law enforcement efforts to reduce violent crime.
- Create a violent crime reduction advisory committee to engage in strategic planning and support local law enforcement.
- With appropriate representation from existing Ohio stakeholders, and with sustained funding, this committee will ensure the dissemination and use of data analyses, research, training opportunities, and evidence-based policing strategies.

Potential Impact: With similar state collaboration and grant support in 2017, the Cincinnati Initiative to Reduce Violence (CIRV) reduced gang member involved homicides by 42 percent and shootings by 22 percent over a 42-month period.

C. Reduce recidivism and costs to taxpayers from an overcrowded prison system.

- Establish a presumption of “recovery sentencing” for people whose crimes are related to substance addiction or mental illness. Divert some of the people committed to prison for low-level property and drug crimes and instead require them to serve time on community control and participate in treatment services, including enhanced services developed through managed care.
- Modernize and streamline sentencing laws by graduating probation maximum terms based on offense severity, setting probation conditions according to risk and needs, and defining technical violations. Eliminate sentencing laws that only apply to certain counties, and update drug offense statutes.
- Explore improving judicial release practices by simplifying release eligibility timing -- including for transitional control, expanding judicial discretion, requiring at least one hearing, defining the criteria for decisions, and enhancing opportunities for representation.
- Lower barriers to civil commitment for treatment by allowing insurance coverage in lieu of up-front treatment payments and allowing the use of certain overdose-related evidence (e.g., overdose in the presence of a minor) as sufficient proof that an individual is a danger to themselves or others for commitment purposes.

Potential Impact: Divert some people convicted of low-level drug and property offenses from prison (5,500 in 2017) to supervision and treatment, specifically focusing on those assessed with treatable behavioral health needs. Ensure that some of the people in prison for violations of supervision (6,302 in 2017) do not occupy expensive prison beds longer than necessary. **Had the proposed policies been enacted in 2017, the prison population could have been reduced by more than 900 people (266 from recovery sentencing and 677 from defining technical violations).**

D. Improve data collection, sharing, and coordination to inform policy development.

- Require the sentencing commission to lead an effort to document the flow of criminal justice cases in order to develop a statewide data system improvement strategy. Also require the commission to maintain a centralized database of sentencing and probation data and require probation departments to submit data.
- Encourage standardized data definitions, generation of consistent data summary reports, and uniform sentencing journal records.

Potential Impact: Provide General Assembly members, county officials, and criminal justice and behavioral health practitioners with valuable information about the effectiveness and cost of current public safety strategies and provide them with tools to assist them as they consider policy changes in the future.

DRAFT