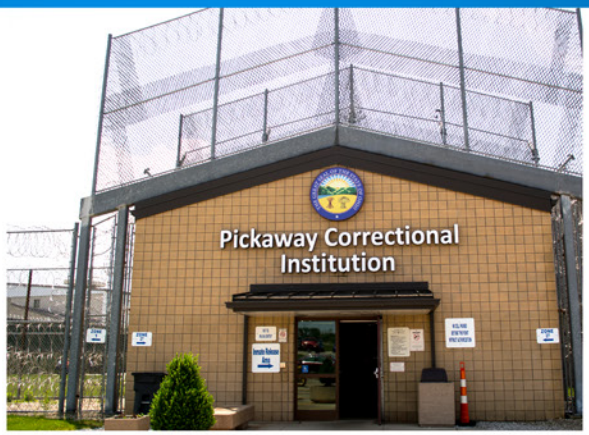
GOVERNOR'S

WORKING GROUP

ON

POST-RELEASE CONTROL

- UPDATE REPORT -



July 2022

MIKE DEWINE
GOVERNOR OF OHIO

www.Governor.Ohio.gov

Letter from the Governor

Dear Fellow Ohioans,

In October 2019, I established the Governor's Working Group on Post-Release Control after the tragic deaths of two children killed by a man who had just been released from prison after serving his mandated period of incarceration. This horrible incident raised questions about the quality of supervision of individuals who have served their sentence and are released on post-release control.

This document is the second report authored by this working group, which is made up of a diverse group of professionals working within the criminal justice system. Per my Executive Order (2019-25D), the working group was tasked with closely examining the policies and procedures surrounding post-release control supervision. I also asked them to make recommendations for transformational improvements to enhance public safety and increase success for those individuals returning to our communities from prison.

In March 2020, the group published 11 initial recommendations addressing areas such as improved GPS monitoring and data sharing, the reduction of caseloads for Ohio's parole officers, and the use of risk assessments. The progress made in response to these recommendations is included in this report.

The working group also makes six new recommendations addressing the role of halfway houses in community supervision, a continued examination of Ohio's Truth in Sentencing law, and enhanced involvement of victims and victim advocates in any future legislative changes related to Ohio's sentencing laws.

Because the working group has completed the tasks that I asked them to undertake, I am sunsetting this group unless their expertise is needed again in the future. The group's extensive work on this important issue is a solid step in the right direction to creating safer communities in Ohio, and I extend my sincere appreciation to all working group members.

Very respectfully yours,

Mike DeWine
Ohio Governor

Table of Contents

Governor's Working Group on Post-Release Control Members 4

Message from the Working Group 5

Executive Summary 6

The Role and Use of Halfway Houses 7

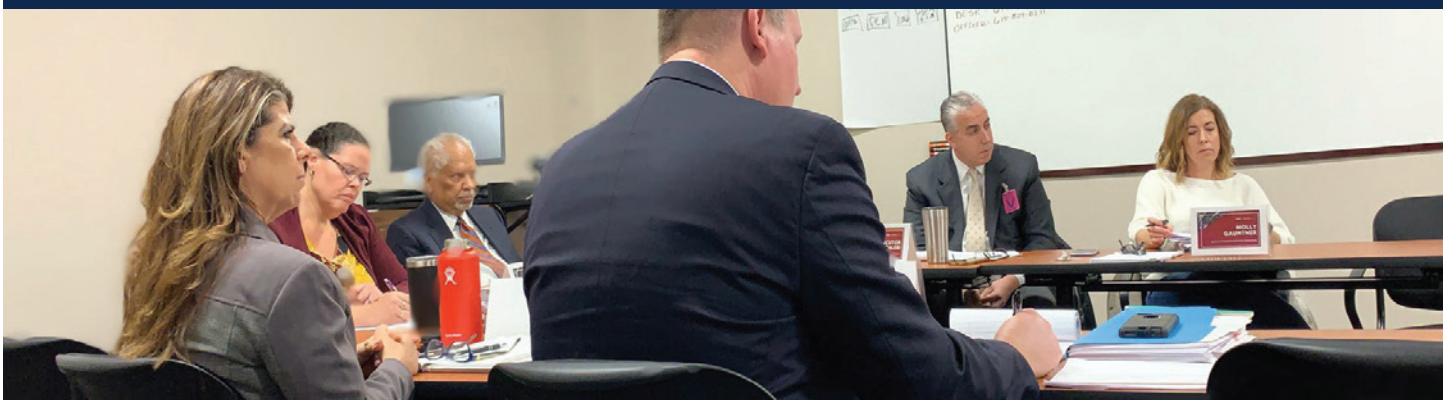
Recommendations 8

The Impact of Truth in Sentencing 9

Recommendations 10

Appendix: Status of 2020 Recommendations 11

Ohio Governor's Working Group on Post-Release Control Membership



Co-Chair, Dr. Reginald Wilkinson, president, Connecting the Dots, LLC.

Co-Chair, Annette Chambers-Smith, director, Ohio Department of Rehabilitation and Correction

Sara Andrews, executive director, Ohio Criminal Sentencing Commission

Molly Gauntner, past president, Ohio Chief Probation Officers' Association

Stuart Hudson, assistant director, Ohio Department of Rehabilitation and Correction

Dr. Edward Latessa, director and professor of the School of Criminal Justice, University of Cincinnati

Elizabeth Poprocki, former executive director, Ohio Victim Witness Association

Kevin Talebi, prosecutor, Champaign County

Special Thanks

Linda Janes, Ohio Community Corrections Association President Elect

John Eklund and the late Dr. Edward Latessa, Their participation on the working group was much appreciated and provided significant value in developing the recommendations of the group.

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A Message from the Ohio Governor's Working Group on Post-Release Control

In March 2020, the Governor's Working Group on Post-Release Control released its initial report[1] that included recommendations on four of the topics contained in Governor Mike DeWine's executive order[2]. Those topics included the use of electronic monitoring, parole officer caseload sizes, the Ohio Risk Assessment System (ORAS) and the report from the National Institute of Corrections (NIC)[3].

The release of the report with recommendations for improving Ohio's system of Post-Release Control (PRC) supervision took place just hours before a state of emergency was declared in Ohio due to the coronavirus pandemic[4]. Although the Ohio Department of Rehabilitation and Correction (ODRC) and the Adult Parole Authority (APA) had to significantly alter their respective operations to keep staff and incarcerated and supervised persons safe, much progress was still made on the recommendations contained in the initial report. Working group members met virtually to discuss the status of the recommendations and were ultimately able to begin meeting in person again in fall 2021.

The remaining topics in Governor DeWine's executive order[5] were also studied and considered by the working group members in the time since the last report was issued. These topics included the role and use of halfway houses and the impact of "Truth in Sentencing" on the state prison system and supervision. This report outlines the working group's recommendations relative to these topics. In some instances, these recommendations involve long term collaboration with various criminal justice partners.

The members of the Ohio Governor's Working Group on Post-Release Control would again like to thank Governor DeWine for appointing them to work on this important issue. The members appreciated the opportunity to collaborate and consider the many perspectives pertaining to the subjects contained in the Governor's executive order[6], as well as other issues impacting the APA and Ohio's criminal justice system. The recommendations contained in this second report reflect the consensus of our study, discussion, and debate on how to further improve Ohio's PRC supervision system.

[1]See, Governor's Working Group on Post-Release Control Initial Report, March 2020.

[2]See Executive Order 2019-25D

[3]See, National Institute of Corrections Technical Assistance Final Report, Ohio Department of Rehabilitation and Correction: Assessment of Policies and Practices for Managing Post-Release Control Cases Consistent with Evidence-Based Policy and Practice, 2020: https://drc.ohio.gov/Organization/Research/Reports/NIC-Report.

[4]See Executive Order 2020-01D

[5]See Executive Order 2019-25D

[6]Id.

Executive Summary

For this second report, the Governor's Working Group on Post-Release Control examined the topics of the role and use of halfway houses and the impact of "Truth in Sentencing" on the state prison system and supervision. Six recommendations are included in this report to improve the state's post-release control services in relation to these topics.

1. Halfway houses should serve as a resource for the Adult Parole Authority (APA) during the course of the supervision of persons under PRC.

2. The Ohio Department of Rehabilitation and Correction should prioritize the expansion of residential services for those persons on PRC who present the most significant housing challenges.

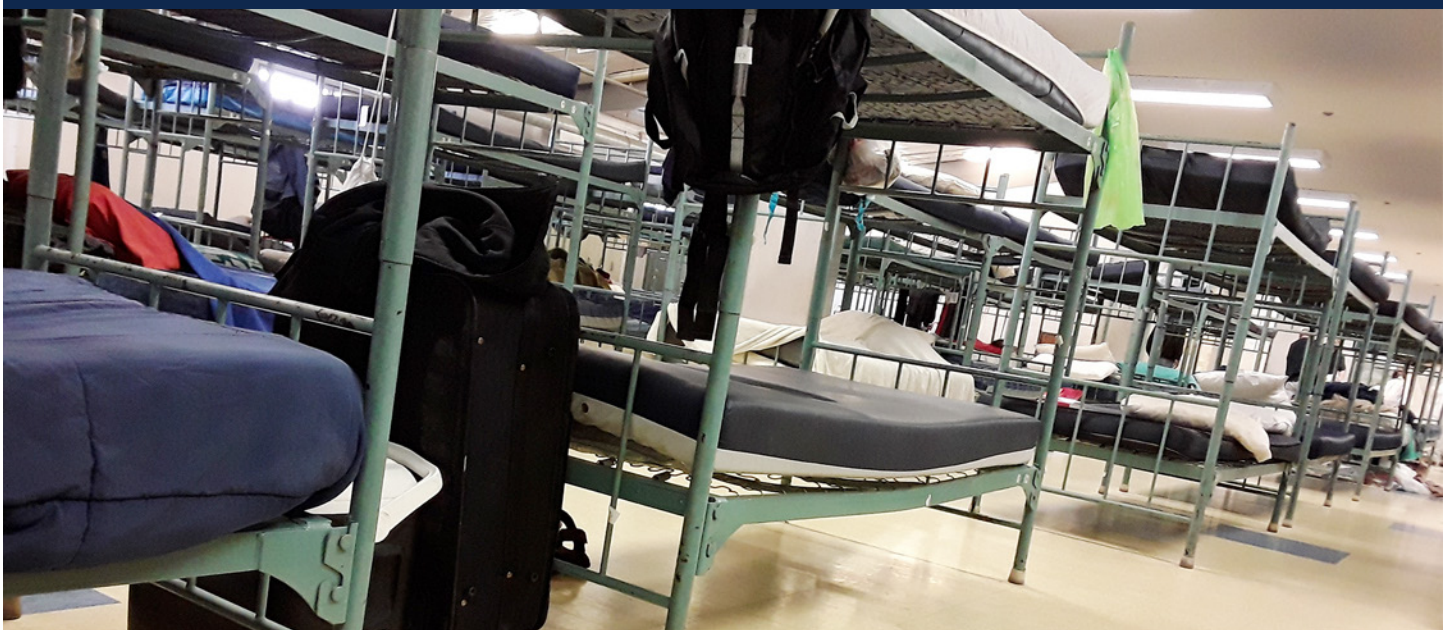
3. The Ohio Department of Rehabilitation and Correction should continue to support and promote evaluations of the community corrections programs it funds, including halfway houses.

4. Further examination of Ohio's "Truth in Sentencing" framework is best conducted by the Ohio Criminal Sentencing Commission (OCSC) given their work already underway.

5. Any future recommended changes to Ohio's felony sentencing structure by OCSC should include incentives for incarcerated people to not only conform to institutional rules but to take advantage of rehabilitative programs that will improve public safety.

6. Future legislative changes should be more responsive to victim/survivors' needs and concerns.

The Role and Use of Halfway Houses



Within ODRC's Division of Parole and Community Services (DPCS) is the Bureau of Community Sanctions (BCS). BCS is the community corrections funding arm of ODRC and is responsible for administering grants to local courts, supervision agencies, and community-based correctional facilities. BCS also contracts with agencies that provide residential services for persons involved in the criminal justice system.[7] BCS contracts with eleven (11) agencies that provide halfway house (HWH) services in thirty-eight (38) locations across the state, for a total of 2,248 beds.[8]

HWHs traditionally serve people who are referred by the courts as a condition of community control[9], those who are returning to Ohio communities from prison[10], and those who are referred as a sanction for a violation of a condition of parole or post-release control.[11] In order to enter into a contract with BCS, all HWHs must meet licensing requirements and comply with admission criteria contained within the Ohio Administrative Code (OAC)[12] They are also required to be accredited by the American Correctional Association[13].

HWHs provide services such as cognitive behavioral programming[14], drug and alcohol treatment, electronic monitoring, job placement, educational programs, and specialized programs for sex offenders and mentally ill offenders.[15] Increased referrals of those being released from high security prisons to post-release control have resulted in HWHs needing to provide more transitional and support services.[16] ODRC and the Ohio Community Corrections Association (OCCA) have previously commissioned evaluations[17] of HWHs to continually improve the services offered and are currently engaged in a third evaluation that will help shape future service delivery.

[7]Christopher Galli, Chief, Bureau of Community Sanctions. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[8]Id.

[9]OAC 5120:1-3-08

[10]OAC 5120: 12-01

[11]OAC 5120:1-1-17

[12]OAC 5120:1-3-06 and 5120:1-3-08

[13]https://www.aca.org

[14]Cognitive behavioral programming focuses on criminogenic risk factors and promotes pro-social thinking and improved life choices.

[15]Linda Janes, Chief Operating Officer, Alvis, Inc. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[16]Id.

[17]See: https://cech.uc.edu/about/centers/ccjr/reports.html.

Although HWHs accept the vast majority of referrals made, there are some types of crimes, primarily sex offenses and arson, that render a person so convicted of being unable to be placed in a HWH. This is because local zoning, insurance and residency restrictions, and community notification requirements make placement in a HWH nearly impossible.[18] In addition, a person's history of violence or instability may also require services beyond those available at a HWH and may be disruptive to the other residents and staff.[19] Although ODRC has attempted to address the issue by giving funding priority to agencies that accept referrals that traditional HWH agencies reject,[20] there are still some areas of the state that have limited appropriate housing facilities for persons under supervision who present housing challenges.

Recommendations for the role and use of halfway houses

1 Halfway houses should serve as a resource for the Adult Parole Authority (APA) during the course of the supervision of persons under post-release control.

- The Governor's Working Group on Post Release Control recommends that Ohio Community Corrections Association (OCCA), Bureau of Community Sanctions (BCS), and the Adult Parole Authority (APA) work collaboratively to refine the process of PRC placements in halfway houses. Routine and ongoing communication should occur to ensure that halfway houses are providing programmatic services that meet the needs of the current PRC population, particularly those higher-risk persons released from high-security level prisons.

2 The Ohio Department of Rehabilitation and Correction should prioritize the expansion of residential services for those persons on PRC who present the most significant housing challenges.

- The Governor's Working Group on Post Release Control recommends that ODRC and OCCA continue exploring innovative ways to serve those persons who are not appropriate for halfway house settings but who need residential services when released to PRC.

3 The Ohio Department of Rehabilitation and Correction should continue to support and promote evaluations of the community corrections programs it funds, including halfway houses.

- Given the benefits that have resulted from prior evaluations conducted on the operations of halfway houses and other community corrections programs, the Governor's Working Group on Post Release Control recommends that ODRC continue to provide its full support of the third evaluation underway and assist Ohio's community corrections programs in implementing recommendations to improve operations and outcomes.

[18]For example, R.C. 2950.034 restricts where convicted sex offenders are permitted to reside.

[19]Linda Janes, Chief Operating Officer, Alvis, Inc. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021

[20]The Community Transitional Housing Program (CTHP) involves contracts with eight (8) agencies that provide 103 beds statewide. The contract requires the acceptance of all referrals regardless of criminal history or prison adjustment and only allows rejection when a person's medical needs are beyond the capacity of the facility.

The Impact of Truth in Sentencing

On July 1, 1996, Ohio enacted its "Truth in Sentencing" legislation, Senate Bill 2 (SB2), although nowhere within that legislation is the term "Truth in Sentencing" defined.[21] SB2 replaced the indeterminate criminal sentencing scheme previously in place with a determinate sentencing scheme. This determinate sentencing scheme established ranges of sentences by felony level with discretion for judges to choose a sentence from within the applicable range. Except for those sentenced to life, persons sentenced under SB2 are released upon service of the definite sentence, irrespective of how they adjust in prison. PRC supervision is part of the sentence imposed, can be mandatory or discretionary, and begins upon release.[22]

There now appears to be consensus that "Truth in Sentencing" no longer exists in Ohio, due to the cumulative effect of changes made to SB2 over the course of the last twenty-five (25) years and that an increasingly complex felony sentencing code is the result.[23] In addition, neither SB2 nor the sentencing structure in place prior to its enactment have met the needs of victims.[24] Victims view the length of a sentence as justice and are concerned that further changes to the current system will result in shorter prison sentences for people who commit violent crimes.[25] Although victims are concerned with rehabilitation, they also want sentencing and release decisions to consider the severity of the crime and the impact on the victim(s) and the community.[26]

[21]Sara Andrews, Executive Director of the Ohio Criminal Sentencing Commission. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[22]R.C. 2967.28

[23]Sara Andrews, Executive Director of the Ohio Criminal Sentencing Commission. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[24]Liz Poprocki, former Executive Director, Ohio Victim Witness Association. Presentation to the Governor's Working Group on Post-Release Control, November 22, 2021.

[25]Id.

[26]Id.

The complexity of Ohio's current felony sentencing code was further demonstrated during projects of the Ohio Criminal Sentencing Commission (OCSC)[27] as it has worked to develop a uniform sentencing entry and a sentencing data platform.[28] To commemorate the 25-year anniversary of the enactment of SB2, OCSC has established a workgroup to develop recommendations to reduce the complexity of and achieve clarity in Ohio's felony sentencing code, as well as restore finality in sentencing and embrace incentive-based indefinite sentencing with parole.[29] The OCSC workgroup will use prior recommendations made by the Criminal Justice Recodification Committee[30] and the Ohio Justice Reinvestment 2.0 Ad Hoc committee[31] to simplify and make more readable and understandable Ohio's felony sentencing code.[32]

Recommendations for the Impact of Truth in Sentencing

4 **Given the work underway by the Ohio Criminal Sentencing Commission (OCSC) to develop recommendations that will achieve clarity and reduce the complexity of Ohio's "Truth in Sentencing" framework enacted 25 years ago, further examination of this issue is best conducted by that body.**

- There is considerable overlap in membership between the Governor's Working Group on Post-Release Control and OCSC which will allow for continued input on the topic by the working group members.

5 **The Governor's Working Group on Post-Release Control recommends that any recommendations for further changes to Ohio's felony sentencing structure made by OCSC should include incentives for incarcerated people to not only conform to institutional rules but to take advantage of rehabilitative programs that will improve public safety.**

- Although recent changes made in Ohio's felony sentencing framework provide ODRC with some discretion in the release of specified incarcerated persons based on their institutional conduct , Ohio's felony sentencing framework still largely lacks incentives for most incarcerated persons to seek rehabilitative opportunities prior to release.

6 **OCSC's recommendations for future legislative changes should be more responsive to victims/ survivors' needs and concerns.**

- Both the previous indefinite sentencing structure and Ohio's "Truth in Sentencing" framework failed to adequately address the needs of victims. Victims and their advocates should be fully engaged in OCSC's process of examining Ohio's sentencing framework.

Governor DeWine created the Governor's Working Group on Post Release Control to review and recommend improvements to the state's post-release control services. In his executive order[34] he asked the working group to study and make recommendations on specific topics including the use of GPS, caseload sizes of parole officers, the report by the National Institute of Corrections, the use of the Ohio Risk Assessment System (ORAS) and other available risk assessment tools, the impact of "Truth in Sentencing" and the role and use of Halfway Houses. The working group has addressed and made recommendations on each of these topics and appreciates the progress made by the APA to implement the recommendations thus far. The working group members again thank Governor DeWine for the opportunity to participate in this important effort and look forward to further improvements as the additional recommendations are implemented.

[27] R.C. 181.21

[28] Sara Andrews, Executive Director of the Ohio Criminal Sentencing Commission. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[29] Id.

[30] 2015 Am.Sub.H.B. 483, sec 729.10 and 729.11 established the Criminal Justice Recodification Committee that was tasked with submitting a comprehensive plan to the Ohio General Assembly to revise the state's criminal code in order to eliminate duplication in the administration of Ohio's criminal justice statutes.

[31] See www.supremecourt.ohio.gov/Boards/Sentencing/committees/justiceReinvest/default.asp.

[32] Sara Andrews, Executive Director, Ohio Criminal Sentencing Commission. Presentation to the Governor's Working Group on Post-Release Control, September 29, 2021.

[33] 2018 Am.Sub.S.B.No.201, 133rd General Assembly, incorporated a limited review by ODRC of offenders serving Felony 1 & 2 offenses of violence prior to release with the ability to extend the service of a prison term for a specified period of time under certain circumstances.

[34] Executive Order 2019-25D

Appendix

Status of 2020 Recommendations

ODRC and the APA have made significant progress on the recommendations contained in the initial report of the working group released in March 2020, as summarized on the following pages.

The use of Electronic Monitoring

Focusing Use and Promoting Consistency

- ODRC revised its policy[35] to prioritize the use of Global Positioning System (GPS) for sex offenders, persons who commit violation behaviors involving harm to a victim and high-risk persons.
- Policy changes further included parameters around the duration of GPS and an approval process for modifying or extending the initial period of GPS monitoring that includes consideration of a person's risk level.
- ODRC developed guidance on exclusion zones for specific types of persons under supervision.[36]
- Through the state's 2022-2023 biennium operating budget[37], Governor DeWine sought to make discretionary instead of mandatory statutory requirements for GPS that were not focused on persons who presented public safety concerns upon release.[38] That recommendation was accepted by the General Assembly which now allows the Adult Parole Authority (APA) to devote GPS resources to more serious individuals on PRC.[39]

Crime Scene Correlation Software

- Given the University of Cincinnati's (UC) prior work with reported crime data and Hamilton County law enforcement agencies, ODRC pursued a partnership with UC to conduct a crime scene correlation pilot. The pilot will involve the convergence of GPS data of persons under the supervision of the APA in Hamilton County with reported crime data of Hamilton County law enforcement agencies to assist the agencies in solving crime.
- This collaboration includes the halfway house agencies who provide the GPS monitoring services for the APA in Hamilton County and the GPS vendors who house the data. Data sharing agreements have been executed amongst the agencies effective October 21, 2021, and data is being shared with UC.
- A platform has been built and is being hosted by UC. Data within the platform is currently connecting whereabouts of supervisees on electronic monitoring and areas of interest to the Cincinnati Police Department. It is anticipated this tool will help with active investigations and unsolved violent crimes.

Delivery and Monitoring of Services

- ODRC and the Ohio Department of Public Safety (DPS) entered into a Memorandum of Understanding (MOU) to provide after-hours warrant entry services by the Ohio State Highway Patrol (OSHP) for the APA. This agreement has resulted in warrants being entered more immediately and during after-hours which addresses delays that were previously occurring due to the APA operating during normal business hours.

Parole Officer Caseload Sizes

Caseload goals

- Given the addition of 40 positions during the 2021-2022 biennium, average caseload sizes of the APA have reduced from 76:1 to 57:1.
- Through the state's 2022-2023 biennium operating budget[40], Governor DeWine sought $10 million in funding to add 92 additional positions to the APA. With the onboarding of these positions over the current biennium, the APA is well within reach of its caseload goal of 50:1.
- With the assistance of a subject matter expert, a time study and job analysis of parole officer duties is underway to develop a risk-based, workload-based approach to assigning cases and to establish specialized caseloads.

[35]See Ohio Department of Rehabilitation and Correction policy 108-ABC-04, *Electronic Monitoring and Global Positioning Systems.*

[36]Id.

[37]2021 Am. Sub. H.B. No. 110

[38]R.C. 2967.28(D)(1) as in effect prior to September 30, 2021.

[39]R.C. 2967.28(D)(2)

[40]2021 Am. Sub. H.B. No. 110

Sentinel events

- ODRC revised its policy[41] to establish circumstances under which automatic reviews of cases occur. Those circumstances include allegations of sexual assault or homicide.
- ODRC has adopted a peer review model[42] that provides a structured approach to organizational learning through case conferences after sentinel events.
- APA administrators and APA field staff have been trained in the model and are actively participating in conferences. Action plans are formulated and are addressing issues such as gang violence, access to information and data enhancements, training, case planning, programming, and enhanced coordination with ODRC institution staff.

The Ohio Risk Assessment System (ORAS)

Improvements

- In April 2020, a three-phase enhancement project was completed. The improvements included enhanced reports, updated case plan functionality, and a simplified search feature.
- The two-day certification training was transformed into a virtual environment to accommodate new staff hired during the pandemic.

ORAS 2.0

- In July 2020, ODRC provided relevant data to UC who is developing the tool.
- MOUs amongst the participating agencies were finalized.
- In January 2022, UC received access to data from the Ohio Attorney General's office and began revalidation of the current version with development of the second to follow.

Stacked Assessment Tools

- APA quality assurance staff conducted an inventory of assessments that could serve as potential stackers to ORAS. The tools considered assess for domestic violence, gender, trauma, treatment readiness, and potential opportunities related to machine learning.
- Many were determined to be duplicative to the information captured in ORAS.
- The APA determined that a treatment readiness tool and machine learning will best serve the needs of supervised persons and assist parole officers. Opportunities for funding and pilots of the tools are being planned.

Interim Violence Predictor

- ODRC's Bureau of Research and Evaluation developed a tool for the APA to help predict violent recidivism in the PRC population. The tool was based on the classification tool it developed for ODRC institutions.
- The tool is called the Violence Predictor Risk Assessment (VPRA) and after being piloted in the Dayton and Cleveland APA regions is now being rolled out statewide.
- Those identified as likely to violently re-offend are being supervised as targeted violent offenders (TVO) and are subject to increased monitoring, contacts, and surveillance.

Recommendations from the National Institute of Corrections (NIC)

- The APA targeted staff competencies by rolling out core correctional practices training and supporting staff to become certified master trainers. To date, these trainers have trained 194 APA staff and 555 institutional staff.

[41]See Ohio Department of Rehabilitation and Correction Policy 100-APA-03, *Administrative Review Process*.

[42]The case conference model for community supervision was developed by the University of Cincinnati Corrections Institute.

- In-person facilitator training for cognitive behavioral programs was converted to virtual training to allow delivery throughout the pandemic.
- An implementation team was developed to reform audit standards. Standards were developed that promote job duties that are more closely aligned with changing offender behavior and less transactional in nature.
- Eight (8) APA Administrators completed the virtual Implementation Leadership Academy delivered by the Alliance for Community and Justice Innovation (ACJI). The course focused on implementation science techniques.
- Through the continued support of NIC, ACJI is serving as the APA's organizational development coach. Strategic planning is underway to enhance the competencies of unit supervisors who have the most influence on parole officers. The vision is to grow supervisors from "referees" to "coaches".
- On December 17, 2021, the APA was awarded a $1 million Bureau of Justice Assistance grant. The funding will assist in converting core correctional practices tools into a mobile app that will be accessible to Parole Officers anywhere and will allow them to conveniently provide direct one-on-one evidence-based interventions.

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