



GOVERNOR'S
WORKING GROUP
ON
POST-RELEASE CONTROL

- INITIAL REPORT -



March 2020



MIKE DEWINE
GOVERNOR OF OHIO

www.Governor.Ohio.gov

Letter from the Governor



Dear Fellow Ohioans,



Last year, the deaths of two 6-year-old girls as the result of a crime spree in Dayton left me questioning the post-release control supervision of the suspect, who had recently been released from prison.

In its investigation, the Ohio Department of Rehabilitation and Correction (ODRC) found

that the supervision of the suspect followed the policies that direct the Adult Parole Authority (APA), which in turn left me questioning whether those policies are the right fit for today's post-release control population.

In October, I established the Governor's Working Group on Post-Release Control made up of former and current correction officials, a former parole officer, a victim advocate, and other interested parties. I asked the group to take an in-depth look at the policies and practices as they relate to the post-release control supervision of felons returning to society.

The working group spent several months studying the oversight of offenders and preparing this report, which includes 11 recommendations.

These suggestions are greatly appreciated and will serve as a framework for the changes we will be making to the system.

I want to express my sincere appreciation to everyone in the working group for their service to Ohio. The members devoted many volunteer hours looking into policies and creating this report.

The group's work and subsequent changes we make are just the beginning of our work to reform Ohio's post release control processes and procedures.

Very respectfully yours,

A handwritten signature of Mike DeWine in black ink.

Mike DeWine
Ohio Governor

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



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John Eklund, Ohio state senator

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

Elizabeth Poprocki, executive director, Ohio Victim Witness Association

Kevin Talebi, prosecutor, Champaign County

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

Over the past three months, members of the Governor's Working Group on Post-Release Control have studied Ohio's framework and services relative to the oversight of offenders who have been released from prison after serving their sentences and are required to be supervised by the Adult Parole Authority (APA). This form of supervision is called post-release control. Under the direction of Governor Mike DeWine, this task force examined information from sources that included state authorities charged with the administration of the duties relative to post-release control, as well as other state and local stakeholders involved in the system, and subject-matter experts familiar with the research and best practices in the field of community supervision.

It is important to note that post-release control supervision differs significantly from parole supervision. Parole supervision is in place as the release mechanism for offenders sentenced to indeterminate sentences prior to the 1996 enactment of Ohio's "truth in sentencing" legislation (Senate Bill 2) and offenders subject to life sentences, thereafter. Parole allows for the release of offenders prior to the expiration of their maximum sentences when the parole board determines they are suitable for release based on a consideration of factors. Those factors include how offenders adjust while in prison; if prison adjustment is problematic, they can be denied release. Simply put, parole is a form of supervision that offenders must earn.

Since the enactment of Senate Bill 2, offenders sentenced to prison who are not subject to life sentences are released upon service of definite sentences, regardless of their adjustment to prison, with no review by the parole board to determine suitability.¹ For all but those offenders serving life sentences, parole was replaced with post-release control, a required period of supervision for certain offenders.² Therefore, post-release control is not supervision that is earned, rather it is supervision that is required.

These foundational differences have had an impact on the attitudes and motivation of those under post-release control supervision by the APA. Offenders released to post-release control are increasingly higher risk. Few incentives exist within the determinate sentencing structure that encourage participation in rehabilitative opportunities, since they will be released at the end of their sentences regardless of their

institutional adjustments. Consequently, they often return to our communities without having completed institutional programming to abate risk. In addition, the number of offenders supervised has increased due to the length of post-release control terms and the increased number of offenses that require post-release control upon release.³ These facts have presented challenges for the APA, whose response has been to adopt risk-based supervision practices that focus on the most serious offenders. Although there are many offenders who successfully complete post-release control supervision, unfortunately, negative outcomes still occur.

The topics and recommendations contained in this report comprise the initial work completed by the Governor's Working Group on Post-Release Control and serve as a starting point to address the public safety concerns regarding post-release control supervision. The goal of the working group is to provide recommendations relative to the topics identified in Governor DeWine's executive order⁴ that are specific enough to be acted upon through the implementation of legislation or policy. The working group chose topics to address first that would have the most impact and for which recommendations for change could be implemented quickly.

The working group will continue to meet regularly to address subjects not addressed in this initial report, including the impact of "truth in sentencing" on the state prison system and supervision, the role and use of halfway houses, and the use of supervision practices, such as automated telephone reporting.

The members of the Governor's Working Group on Post-Release Control thank Governor DeWine for the opportunity to work on this important issue. The initial recommendations contained in this report reflect the consensus of our study, discussion, and debate on how to improve Ohio's post-release control supervision system.

¹ 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.

² R.C. 2967.28(B)(1)

³ R.C. 2967.28(B)(1)

⁴ See Executive Order 2019-25D



Executive Summary

For this initial report, the Governor's Working Group on Post-Release Control examined the topics of the use of Global Positioning System (GPS), caseload sizes of parole officers within the Adult Parole Authority (APA), and the use of the Ohio Risk Assessment System. Eleven recommendations are included in this report to improve the state's post-release control services in relation to these topics.

- 1** The use of GPS should be focused and not overbroad.
- 2** The Ohio Department of Rehabilitation and Correction should ensure that there are adequate GPS services available for the APA to use as a supervision tool and should collect sufficient information to further ensure its consistent statewide use, including the application of inclusion and exclusion zones in every case where GPS is used.
- 3** Ohio should continue exploring the feasibility of implementing crime scene correlation software and a centralized database of offenders on GPS for law enforcement use. The Ohio Department of Administrative Services' InnovateOhio Platform should consult on the potential development of this system to resolve data sharing and other technological issues.
- 4** The Ohio Department of Rehabilitation and Correction should examine the current method of how GPS services are delivered to the APA and how the services are monitored.
- 5** The Ohio Department of Rehabilitation and Correction should consider a risk-based, workload-based approach to establishing caseloads for its parole officers.
- 6** The APA should expand its administrative review process to include a sentinel events review in certain circumstances where individuals under post-release control supervision reoffend.
- 7** Ohio should continue to use the Ohio Risk Assessment System.
- 8** The Ohio Department of Rehabilitation and Correction and the University of Cincinnati should continue their work to improve the Ohio Risk Assessment System and create a second version that will predict for violence.
- 9** The Ohio Department of Rehabilitation and Correction should implement an interim tool to assess offenders' potential for violence while a second version of the Ohio Risk Assessment System is created.
- 10** The Ohio Department of Rehabilitation and Correction should expand its use of stacked assessment tools.
- 11** The leadership of the APA should commence strategic planning with a focus on the key areas contained in the National Institute of Corrections' report.

Introduction

On Aug. 26, 2019, Raymond Walters, an offender under post-release control supervision by the Adult Parole Authority (APA), was accused of stabbing his father, stealing a police cruiser, and leading police on a high-speed chase that ended with Walters crashing into a minivan parked in downtown Dayton, killing two 6-year-old cousins.

At the direction of Governor Mike DeWine, the Ohio Department of Rehabilitation and Correction (ODRC) charged its Chief Inspector's Office with conducting an internal investigation into Walters' supervision by his parole officer. The investigation concluded that the parole officer followed all policies in the supervision of Walters but also identified some issues for the APA to address generally in its policies and protocols. Those issues included improving communication with offenders' families on the role of the APA, clarifying after-hours protocols, implementing training on the accurate recording of offender contacts, and conducting a review of the APA drug testing policy.⁵

In response, the APA is addressing each of the recommendations.

- In collaboration with the Ohio Department of Rehabilitation and Correction's Office of Offender Reentry, a family guide is being revised and finalized and will be made available to offenders' family members. The family guide will provide a better understanding of the role of APA supervision in the criminal justice process.
- General after-hours protocols have been communicated to regional staff and are being reviewed at routine staff meetings.
- The proper and accurate recording of contacts has been incorporated into the new parole officer training curriculum and is being addressed at regional trainings and a planned statewide meeting of supervisors.
- The drug testing policy has been revised to clarify that when offenders fail to submit to testing, they will be considered as having submitted a positive sample, and sanctions will apply.⁶ Corresponding policies that address failure-to-report behaviors are also being revised to shorten time frames for issuing warrants and sanctions on higher risk offenders.

Although ODRC's internal investigation determined that protocols were followed in the supervision of Raymond Walters, Governor DeWine expressed concerns about whether the APA's protocols are strong enough to

adequately monitor offenders under post-release control supervision and protect the public.⁷ On Oct. 28, 2019, Governor DeWine signed an executive order establishing the Governor's Working Group on Post-Release Control.⁸

The working group was created to review and recommend improvements in the state's post-release control services. Specifically, the group was asked to recommend a statewide policy that applies to the use of the Global Positioning System (GPS), including aligning statutory requirements with the statewide policy; review caseload sizes; review the assessment of APA policies provided by the National Institute of Corrections (NIC); examine a variety of risk assessment tools and determine if the Ohio Risk Assessment System (ORAS) is the best tool for statewide use; review the impact of "truth in sentencing" on the state's prison and supervision systems; and review the role and use of halfway houses.

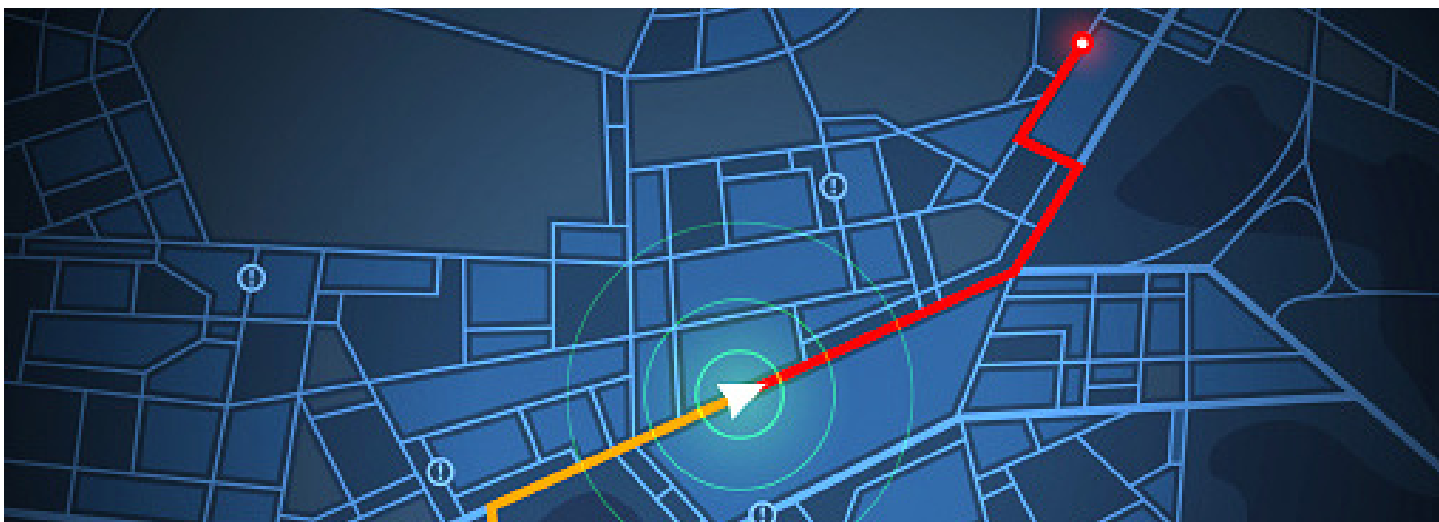
This initial report of the Governor's Working Group on Post-Release Control addresses the topics of GPS, caseload sizes, and risk assessment tools. The Governor's Working Group on Post-Release Control would like to thank everyone who made presentations to the working group, including those who attended the public comment session. The information presented was used to inform the recommendations contained within this report. Future recommendations will address the impact of "truth in sentencing," halfway houses, and phone-reporting. Thereafter, as indicated in the executive order, the working group will meet quarterly to assess, and provide guidance on carrying out, the recommendations.

⁵ See Investigative Report #CI 08-19-01, *Raymond A. Walters, C561819/737528*, Office of the Chief Inspector, Ohio Department of Rehabilitation and Correction.

⁶ See newly revised Ohio Department of Rehabilitation and Correction Policy 103-SPS-07 *Offender Substance Abuse Testing*, effective April 6, 2020.

⁷ *The Columbus Dispatch*, Randy Ludlow, Gov. Mike DeWine seeks tighter parole supervision following deaths, October 28, 2019.

⁸ See Executive Order 2019-25D.



The Use of Electronic Monitoring

The general policy and mandates on the use of GPS by the APA

GPS is a form of electronic monitoring that involves a bracelet or ankle monitor that electronically transmits a signal to a receiver or satellite, which verifies or tracks the location and movement of its wearer. GPS is used by APA during its supervision of offenders on post-release control in three situations. First, GPS monitoring is used when it is statutorily mandated.⁹ Second, it is used when it is imposed as a special condition of supervision by the parole board in circumstances such as the release of high-risk offenders or sex offenders, particularly those being released homeless. Third, GPS monitoring is imposed as a response to violation behaviors, such as domestic violence or other violations involving a victim.¹⁰

Policy gives guidance for the circumstances under which GPS is appropriate¹¹ and considers both the severity of the violation behavior and the supervision level¹² of offenders. When using GPS, the APA considers imposing inclusion zones, a geographical location where an offender is permitted to be — including treatment and programming facilities and employment locations — and exclusion zones, a geographical location where an offender is not permitted to be, such as a victim's neighborhood. Inclusion and exclusion zones are used based on the facts and circumstances of each case and when the APA can do so without identifying the location of a victim who does not want his/her whereabouts to be inadvertently revealed. Current policy allows for the imposition of GPS for up to 120 days, with extensions thereafter at the approval of an APA regional administrator.¹³



⁹ See R.C. 2967.28 (D)(1) that requires offenders released to PRC who received more than 90 days earned credit while incarcerated pursuant to 2967.191 to be placed on GPS for the first 14 days of PRC. Earned credit is time taken off a prison sentence for the completion of certain types of rehabilitative programming. R.C. 2967.28(D)(2) also requires offenders serving non-life felony indefinite prison terms who receive a reduction under R.C. 2967.271(F) and are released before the expiration of the minimum term to be placed on GPS for the first 14 days of PRC.

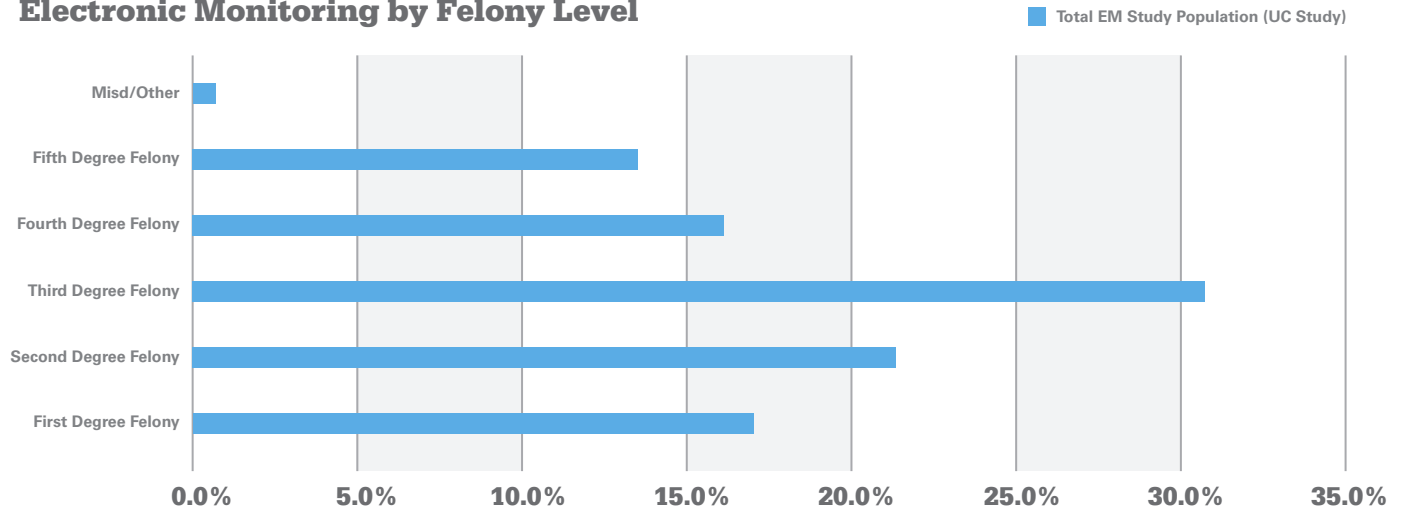
¹⁰ See Ohio Department of Rehabilitation and Correction Policy 108-ABC-04 *Electronic Monitoring and Global Positioning Systems*, page 4.

¹¹ See Ohio Department of Rehabilitation and Correction Policy 100-APA-14 *Sanctions for Violations of Conditions of Supervision*, page 3.

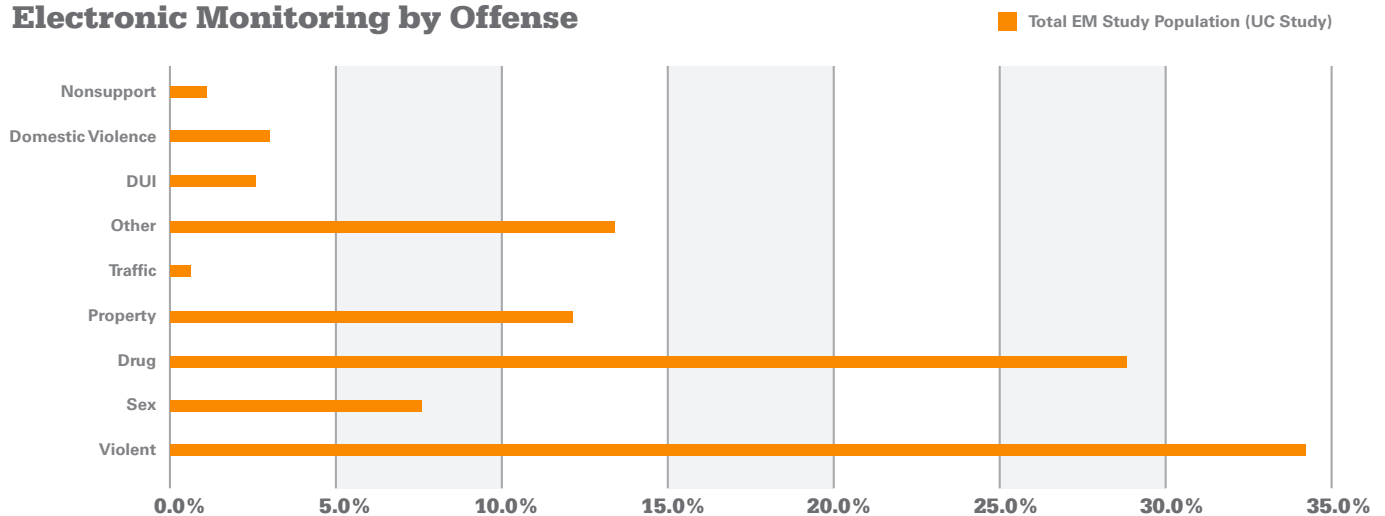
¹² The supervision level is the category to which offenders are classified based on the results of a risk assessment tool. Specific requirements apply to each supervision level that parole officers must follow. Supervision levels include very high, high, moderate, low and monitored time. See Ohio Department of Rehabilitation and Correction Policy 100-APA-13 *Supervision Reentry Planning and Offender Classification*.

¹³ See Ohio Department of Rehabilitation and Correction Policy 108-ABC-04 *Electronic Monitoring and Global Positioning Systems*, page 4

Electronic Monitoring by Felony Level



Electronic Monitoring by Offense



Since the APA operates under normal business hours, it contracts with halfway houses that operate on a 24 hours a day, 7 days a week basis for GPS services. The halfway houses, in turn, contract with vendors for the actual GPS service. The vendor provides 24-hour, real-time monitoring of the movement of offenders on GPS and immediately reports any unusual occurrences to the halfway houses. The halfway houses conduct initial inquiries into unusual occurrences, and if the unusual occurrences rise to the level of violations, they are reported to the APA. During normal business hours, the parole officer and/or unit supervisor respond to the violations, which may include an active search and arrest of the offender or the issuance of a warrant. After normal business hours, notifications of violations are made to a designated supervisory/exempt APA staff person on an on-call list provided to the halfway house. However, that staff person simply begins the process for the issuance of a warrant. Warrants cannot be entered remotely and can only be entered at certain secure terminals located at the APA's centralized office. The

warrant is ultimately not entered until the next business day. Likewise, after-hours violations are not reported to the supervising parole officer until the next business day. The use of the current notification system often results in a delay in responding to a violation or issuing a warrant.

Information on offenders under post-release control supervision who are required to wear GPS devices is not readily accessible to law enforcement agencies. Although the APA does cooperate with local law enforcement when asked to provide GPS information regarding offenders under its supervision, Ohio lacks a centralized database that is accessible to law enforcement and contains crime-scene correlation capabilities. In addition, contracts with the halfway houses for GPS services do not require that vendors' services include crime-scene correlation software. The use of crime-scene correlation software could be useful to law enforcement when analyzing GPS information of those under post-release control supervision.

Recommendations for Use of Electronic Monitoring

1 The use of GPS should be focused and not overbroad.

- The Governor's Working Group on Post Release Control recommends that the APA increase its use of GPS resources on offenders who are convicted of violent and/or sex offenses, who commit serious violation behavior, and who otherwise present a higher risk to public safety.
- Although the research is inconclusive, the working group further recommends that the APA review its policy and determine if distinctions in the duration of GPS should be made based on risk and supervision levels.
- The statutory requirement that offenders who acquire more than 90 days of earned credit while incarcerated must be on GPS for the first 14 days of post-release control¹⁴ should be rescinded. This statute is overbroad and includes offenders who have positively adjusted to prison and who are likely to be compliant with supervision conditions. Using limited GPS resources on this population should be reconsidered by the Ohio General Assembly so that those resources can be focused on offenders who present a substantial risk to public safety.

2 The Ohio Department of Rehabilitation and Correction should ensure that there are adequate GPS services available for the APA to use as a supervision tool and should collect sufficient information to further ensure its consistent statewide use, including the application of inclusion and exclusion zones in every case where GPS is used.

- Current APA policy indicates that inclusion and exclusion zones are considered when imposing GPS. The APA should continue to protect victim location information and also adopt policy changes that require inclusion zones in every case where GPS is imposed, as well as standardized exclusion zones beyond those that pertain to a particular victim. Standardized exclusion zones could be targeted to particular types of offenders, such as sex offenders.
- The APA should analyze the extent and circumstances under which GPS is used by its parole officers, unit supervisors, and parole board hearing officers. This information should be collected routinely and should be used to adjust policy and practice to ensure its consistent use statewide.

3

Ohio should continue exploring the feasibility of implementing crime scene correlation software and a centralized database of offenders on GPS for law enforcement use. The Ohio Department of Administrative Services' InnovateOhio Platform should consult on the potential development of this system to resolve data sharing and other technological issues.

- The University of Cincinnati's Corrections Institute (UCCI) presented its findings from a feasibility study it conducted,¹⁵ which included an analysis of whether a centralized GPS database with crime-scene correlation software could be developed in Ohio.¹⁶ UCCI found that many in Ohio's criminal justice system are enthusiastic about the potential benefits of such a system, and believed that it could enhance investigations for both police and probation/parole officers, and increase communications among agencies.¹⁷ However, the working group acknowledges the concern of stakeholders that the development of such a system will not necessarily prevent future crimes.¹⁸

4

The Ohio Department of Rehabilitation and Correction should examine the current method of how GPS services are delivered to the APA and how the services are monitored.

- Although the APA contracts with halfway houses for its GPS services because halfway houses have 24/7 operations, the actual response by the APA to violations of GPS are often delayed, including the arrest or issuance of warrants for violators, because the APA operates within normal business hours. The feasibility of expanding APA operations beyond regular business hours to reduce or eliminate current delays should be considered.
- The Governor's Working Group on Post-Release Control recommends that consideration should also be given to alternatives to the current delivery and monitoring of GPS services. ODRC should consider whether the delivery and monitoring of GPS could be more efficiently and effectively performed through a partnership with a fellow state agency, such as the Ohio Department of Public Safety (DPS), which operates on a 24/7 basis and also has the capability of entering warrants. Such a partnership may streamline the process and reduce or eliminate delays in responding to violations that occur in the after-hours process that the APA currently uses.
- ODRC should collaborate with the Ohio Community Corrections Association, the bargaining unit representing parole officers (SEIU/1199), and other entities involved in the delivery of GPS during its examination of GPS services.

¹⁵ ODRC contracted with the University of Cincinnati's Corrections Institute to conduct a GPS feasibility study pursuant to R.C. 5120.038(B).

¹⁶ See, *The Feasibility of Implementing Global Position System Monitoring with Crime Scene Correlation in the State of Ohio*; University of Cincinnati's Corrections Institute, December 11, 2019.

¹⁷ Id. At 39.

¹⁸ Id. At 40-42.

¹⁴ R.C. 2967.28(D)(1)



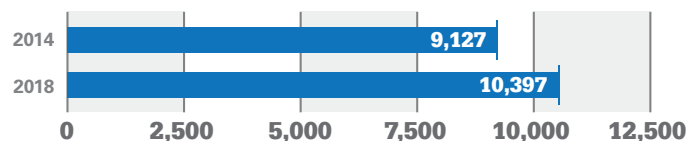
Parole Officer Caseload Sizes

A description of the population under the supervision of the Ohio APA and the impact on the caseloads of its parole officers

The APA employs over 600 field staff¹⁹ including parole officers, supervisors, parole program specialists, and support staff. The Governor's Working Group on Post-Release Control recognizes the responsibility of the APA and acknowledges the hard work and dedication of Ohio's parole officers who oftentimes must put themselves in jeopardy for the protection of the public. Their professionalism was demonstrated to the working group through a review and presentation of a sample of 12 offenders supervised on post-release control by the APA.²⁰ The cases sampled were not success stories, but represented three high-profile cases and nine additional offenders whose supervision presented challenges.²¹ Generally, these offenders all had prior criminal histories, including juvenile histories; were on supervision for high felony level, violent offenses; had mental health and substance use disorder needs; did not complete significant programming while in prison; and were supervised at the high or very high supervision level.²² Despite the significant challenges offenders of this nature present and face, only one case was found to have irregularities in the supervision provided by the parole officer assigned, such that it had a potential impact on the outcome.²³

The APA is responsible for the supervision of offenders released from ODRC's state correctional institutions to parole, post-release control, or conditional pardon.²⁴ In addition, the APA, through agreements with local common pleas courts,²⁵ has provided probation services to courts in 41 of Ohio's 88 counties for many years. The total number of offenders under the supervision of the APA is over 34,000, with about 20,000 on post-release control.²⁶ Post-release control is a form of supervision that is mandatory for offenders released from prison after serving sentences for high-level, violent, and/or sexual felony offenses.²⁷ Post-release control is discretionary for less-serious offenses. The number of offenders placed on post-release control has increased in recent years, reflecting the more serious nature of offenders sentenced to prison. For example, in 2014, a total of 9,127 people were placed on post-release control as compared with 10,397 in 2018.²⁸

People Placed on Post-Release Control in Ohio



¹⁹ Cynthia Mausser, Deputy Director, Ohio Department of Rehabilitation and Correction. Presentation to the Governor's Working Group on Post-Release Control, November 25, 2019.

²⁰ Ashley Parriman, Staff Counsel, Ohio Department of Rehabilitation and Correction, Presentation to the Governor's Working Group on Post-Release Control, December 20, 2019.

²¹ Id.

²² Id.

²³ Id.

²⁴ R.C. 5149.04

²⁵ R.C. 2301.32

²⁶ APA Regional Workforce Analysis ending October 2019: <https://www.drc.ohio.gov/Portals/0/OCTOBER%202019%20APA%20REPORT.pdf>.

²⁷ R.C. 2967.28(B)

²⁸ Cynthia Mausser, Deputy Director. Presentation to the Governor's Working Group on Post-Release Control, November 25, 2019.

The APA designates offenders into the following supervision levels: very high, high, moderate, low, and monitored time.²⁹ The supervision level is determined primarily from the results of the single, validated risk assessment tool ODRC selected in 2011,³⁰ the Ohio Risk Assessment System (ORAS). The supervision level dictates the number and frequency of contacts parole officers must have with offenders under their supervision. Generally speaking, caseloads consisting primarily of offenders on post-release control represent the more serious, violent, riskier offenders when compared with caseloads consisting primarily of probation cases.

The APA is made up of six regions that each represent a geographic area of Ohio. Each region is managed by a regional administrator. There are 455 state parole officers³¹ assigned throughout the six regions. The regional administrators are responsible for assigning the supervision of individual offenders to the parole officers headquartered in their regions. Regional administrators take into consideration a variety of factors when assigning cases. However, vacancies, leave, and the geographic area in a region can all influence the size of parole officers' caseloads,³² which can range from 75 to more than 100 cases.

When a parole officer's caseload reaches more than 100 and consists of higher risk offenders, keeping up with contact standards and delivering effective supervision services can be very challenging. Just as ODRC's prisons cannot refuse to commit inmates for capacity concerns, the APA cannot reject offenders it is charged with supervising due to caseload sizes. In addition, early termination of supervision for offenders who are compliant is not an option for many offenders under post-release control,³³ and this decision lies within the sole discretion of the courts for those under probation. Consequently, the APA has little control over the number of cases it supervises and the length of that supervision.

In response to the murder of Reagan Tokes by an offender under supervision, the Ohio General Assembly introduced legislation in 2017³⁴ that attempted to address mandatory caseload sizes for parole officers. Although the provision relative to caseload sizes was not enacted, Governor DeWine sought to address the caseload size issue through the state's 2020-2021 biennium operating budget,³⁵ and ultimately, the legislature appropriated additional funds that allowed ODRC to increase APA staff by 40 – including 38 parole officer positions. Once fully implemented by the end of the biennium, the APA expects its average caseload size to be reduced from 76:1 to 60:1.

Adult Parole Authority Regions



CASELOAD REDUCTIONS BY JUNE 2020:

76:1 TO 60:1

The ultimate goal is to reduce caseloads to a ratio of 50:1 for a general caseload, and 40:1 for a specialized caseload consisting of offenders who require unique supervision services, such as those struggling with mental illness and the developmentally disabled. The reduction in caseloads will allow the APA to provide the appropriate amount of services per supervision level,³⁶ thereby increasing public safety, and, ultimately, enhancing public confidence in the system.

²⁹ See FN 12.

³⁰ See R.C. 5120.114, which designates ODRC as the entity responsible for selecting the single validated risk assessment tool to be used by practitioners in the various stages of the criminal justice process.

³¹ See FN 26.

³² Katrina Ransom, APA Field Services Superintendent. Presentation to Governor's Working Group on Post-Release Control, December 6, 2019.

³³ R.C. 2967.28(D)(3)

³⁴ 2017 As Introduced H.B. No. 365 and 2017 As Introduced S.B. 202.

³⁵ 2019 Am.Sub.H.B. No. 166.

³⁶ Dr. Ed Latessa, Director and Professor of the School of Criminal Justice, University of Cincinnati. Presentation to the Governor's Working Group on Post-Release Control, December 6, 2019.

Recommendations for Parole Officer Caseload sizes

5 The Ohio Department of Rehabilitation and Correction should consider a risk-based and workload-based approach to establishing caseloads for its parole officers.

- There is no established national standard for parole and probation officer caseload sizes. However, caseloads can be too high. High caseloads reduce the time and quality of service parole officers can provide to those under their supervision. In addition, officers feel greater stress due to the increased work, which can result in higher turnover rates, reduced efficiency, and burnout.³⁷ The Governor's Working Group on Post-Release Control recommends that the method of assigning cases to parole officers should seek to properly balance the number of offenders supervised by each parole officer by considering not only the risk levels of the offenders under supervision, but also the duties associated with each supervision level.
- Staff resources should be focused on higher-risk cases, and higher-risk cases should be assigned to more experienced officers.
- When possible, specialized caseloads should be expanded for specific offender types such as sex offenders, offenders struggling with mental illness, offenders with developmental disabilities, and youthful offenders (age 25 and younger).
- Ongoing training by experts should be delivered to APA staff who have the responsibility for supervising these special populations. This could include training in identifying critical situations, such as the decompensation of a mentally ill offender, and any accompanying legal processes.

6 The APA should expand its administrative review process to include a sentinel events review in certain circumstances where individuals under post-release control supervision reoffend.

- The current administrative review policy³⁸ lacks guidance as to what circumstances should trigger a review and is primarily used to determine whether a case should be referred for an internal investigation. There is no routine process in place by which the APA reviews unsuccessful cases in a more collective and collaborative way to determine whether policy changes are necessary to decrease the likelihood of a similar event. A review outside of an internal investigatory process can provide great insight to an agency regarding the effectiveness of the policies and practices it has in place.

- The Governor's Working Group on Post-Release Control recommends that the APA augment its current administrative review process by implementing a routine process similar to a medical mortality and morbidity review already employed elsewhere within ODRC.³⁹ The cases and circumstances subject to the review process should be defined and the process should be designed to improve training and education of officers and to improve future outcomes. The process should be separate and apart from any internal investigation process.



³⁷ Dr. Ed Latessa, Director and Professor of the School of Criminal Justice, University of Cincinnati. Presentation to the Governor's Working Group on Post-Release Control, December 6, 2019.

³⁸ See Ohio Department of Rehabilitation and Correction policy 100-APA-03, *Administrative Review Process*.

³⁹ See Ohio Department of Rehabilitation and Correction Policy 68-Med-22, *Medical Services Continuous Quality Improvement*.



The Ohio Risk Assessment System

A comparison of risk assessment tools and a description of the use of the Ohio Risk Assessment System in post-release control supervision

Risk assessment tools are used by criminal justice agencies to aid decision-making, to classify and manage offenders, and to help in allocating resources to those most in need.⁴⁰ Relying on the informed use of risk assessments to determine levels of risk and needs is an essential element to achieving effective community supervision and foundational to evidence-based practice by community supervision agencies.⁴¹ In Ohio, ODRC is mandated by statute to select the single, validated risk assessment tool that criminal justice entities, including courts, probation and parole agencies, and correctional facilities must use for adult offenders.⁴² ODRC chose the ORAS⁴³ created by the University of Cincinnati.

Risk assessments such as ORAS are the most advanced form of tool because they combine static risk factors that do not change and dynamic risk factors that can change over time. Risk assessments such as ORAS also offer a suite of tools that each apply to a different step of the criminal justice process, such as pretrial, sentencing, probation, and admission to and release from prison. When compared to other similar tools, the accuracy of ORAS is strong.⁴⁴ ORAS has been validated and revalidated on Ohio's population,⁴⁵ and more than 50 jurisdictions have adopted ORAS as their primary assessment tool leading to its presence in 25 different states throughout the country.⁴⁶

Like other similar risk assessments, ORAS has weaknesses that include the potential manipulation of information provided by offenders during interviews and the bias of staff that conduct the assessments.

ORAS Overview

The Ohio Risk Assessment System (ORAS) consists of 6 primary instruments:

1. Pretrial Tool (ORAS-PAT)
2. Misdemeanor Assessment Tool (ORAS-MAT)
 - Misdemeanor Screening Tool (ORAS-MST)
3. Community Supervision Tool (ORAS-CST)
 - Community Supervision Screener (ORAS-CSST)
4. Prison Intake Tool (ORAS-PIT)
5. Reentry Tool (ORAS-RT)
6. Supplemental Reentry Tool (ORAS-SRT)

⁴⁰ *Myths & Facts: Using Risk and Needs Assessments to Enhance Outcomes and Reduce Disparities in the Criminal Justice System*, National Institute of Corrections, Dr. Cara Thompson, Project Number 16C5012, March 2017.

⁴¹ Dr. Ed Rhine, PhD., Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School. Presentation to the Governor's Working Group on Post-Release Control, December 20, 2019.

⁴² R.C.5120.114

⁴³ Ohio Adm.Code 5120-13-01

⁴⁴ Brian Martin, Ph.D., Chief of Research, Ohio Department of Rehabilitation and Correction. Presentation to the Governor's Working Group on Post-Release Control, December 20, 2019.

⁴⁵ *The Ohio Risk Assessment System (ORAS): A Re-Validation & Inter-Rater Reliability Study*, Latessa, Edward J. et al, 2017.

⁴⁶ Stephanie Starr, Program Administrator, Ohio Department of Rehabilitation and Correction. Presentation to the Governor's Working Group on Post-Release Control, December 6, 2019

To combat these weaknesses, ODRC established a quality assurance section whose staff are charged with ensuring fidelity during the assessment process.⁴⁷ In addition, users of ORAS are required to be certified every three years and are trained to independently verify information provided by offenders to mitigate against manipulation.⁴⁸

ORAS is a general risk-assessment system. It does not predict for behaviors such as violence, and is not specific to specialized populations, such as sex offenders or offenders with mental illness. In October 2018, the University of Cincinnati, in collaboration with ODRC, received grant funding through the Bureau of Justice Assistance (BJA) to improve ORAS. The grant was awarded to develop and validate a newly designed version of ORAS (“ORAS 2.0”), which will predict for both general and violent recidivism. In addition, a robust system of training and certification among assessors will be developed to ensure its accuracy moving forward.

Recommendations for the Ohio Risk Assessment System

7 Ohio should continue to use the Ohio Risk Assessment System.

- The working group determined that the ORAS suite of risk assessment tools performs as well as tools of a similar nature. It has the added advantage over other available tools because it has been twice validated on Ohio’s population. In addition, similar tools have the same weaknesses as ORAS.
- Significant time and effort have gone into training staff in Ohio — both inside and outside of ODRC — on its use, and in developing the system that houses the assessments that multiple agencies can access. Selecting a different tool will not eliminate the weaknesses inherent in ORAS. As such, the Governor’s Working Group on Post-Release Control cannot identify a compelling reason to cease the use of ORAS and adopt a different general risk assessment tool for use in Ohio.
- However, care should be given to prevent over-reliance on the results of ORAS or any other risk assessment. The Governor’s Working Group on Post-Release Control recommends that ORAS should be treated as a tool in the decision-making process and should not interfere with the ability of judges to reasonably exercise their discretion.

8

The Ohio Department of Rehabilitation and Correction and the University of Cincinnati should continue their work to improve ORAS and create a second version that will predict for violence.

- The Governor’s Working Group on Post-Release Control understands that full criminal history data housed within systems of the Ohio Attorney General (AG) is considered critical to developing the enhanced version of ORAS. However, the working group recommends that ODRC and the University of Cincinnati consider how violence prediction can otherwise be incorporated into ORAS should the AG’s data not be made available so that the BJA grant funds awarded are not jeopardized.

9

The Ohio Department of Rehabilitation and Correction should implement an interim tool to assess offenders’ potential for violence while the second version of ORAS is created.

- Predicting future violent behavior is critical to helping the APA understand which released offenders are likely to violently reoffend and help parole officers focus their efforts on preventing that behavior. The Governor’s Working Group on Post-Release Control recommends that ODRC, through its research staff, determine whether it can develop an interim tool for violence prediction, or if it should use a developed tool for the same.

10

The Ohio Department of Rehabilitation and Correction should expand its use of stacked assessment tools.

- Risk tools specific to particular offense behaviors and/or specialized populations should be added, in addition to the use of ORAS. Like its use of the Static 99 tool on sex offenders, which predicts for sexual reoffending,⁴⁹ the Governor’s Working Group on Post-Release Control recommends that ODRC explore the use of tools relative to gender, mental health status, domestic violence, substance use disorders, and the like.

⁴⁷ Stephanie Starr, Program Administrator, Ohio Department of Rehabilitation and Correction. Presentation to the Governor’s Working Group on Post-Release Control, December 6, 2019

⁴⁸ Id.

⁴⁹ David Berenson, Director of Sex Offender Services, Ohio Department of Rehabilitation and Correction. Presentation to the Governor’s Working Group on Post-Release Control, December 6, 2019.

National Institute of Corrections Technical Assistance



In September 2019, ODRC Director Annette Chambers-Smith requested technical assistance from the National Institute of Corrections (NIC) to conduct an independent assessment of the supervision policies and practices of the APA. The desired outcome was for NIC to identify both strengths and weaknesses in the APA's supervision policies and practices and to provide recommendations on addressing the weaknesses so that APA policies are aligned with evidence-based policies and practices. NIC granted the request and selected a two-person consultant group to conduct the assessment and provide recommendations. NIC staff accompanied the consultants in their site visits to Ohio.

The NIC team visited Ohio on two occasions. First, for an initial visit to meet key ODRC staff and better understand the landscape of post-release control supervision in Ohio. The second visit took place over the course of a week and included site visits and focus groups not only with APA field staff, but with business office, human resources, quality assurance, information technology, and training academy staff. The team was provided all relevant statutes, administrative rules, policies, manuals and curricula relating to APA supervision.

In their report,⁵⁰ the NIC team recognized that the staff of the APA genuinely care about the duties they are charged with performing and want to devote their time to meaningful activities in the supervision of offenders. The NIC team also acknowledged that ODRC has historically had a reputation as a leader in correctional practices, and the current leadership team is clearly committed to maintaining that reputation as demonstrated by their initiative to re-engage in building an evidence-informed, learning organization. Although the report concluded that many of the issues identified during the review had already been identified by ODRC as needing improvement, NIC did recommend areas of focus for the APA's strategic planning process.

Recommendations from the National Institute of Corrections Technical Assistance

11 The APA should commence strategic planning with a focus on key areas indicated in the National Institute of Corrections' report.

- The NIC team suggested that the use of evidence-based policies and practices within the APA requires a "reboot." The initial steps identified in the report to create an evidence-based organization and culture should be undertaken, including revisions to policy that result in less focus on required transactions and more focus on achieving desired outcomes. The elements of implementation science should serve as guidance to the APA leadership team when embarking on the "reboot."
- The Governor's Working Group on Post-Release Control particularly recommends that the APA progress toward the following recommendations in the NIC report:
 - Recruitment and the selection of staff should be based on competencies that align with behavioral change strategies that motivate offenders to live crime-free lives.
 - Attention should be paid to staff development and skill building so that both parole officers and their supervisors become practiced at engaging the offenders they supervise.
 - Parole officers should understand and maintain proficiency with the tools used for assessment, case planning, and case management.
 - Core correctional practices should inform referrals and use of community programs; a set of key indicators should be selected for routine collection and analysis to measure progress.
 - Teams that are inclusive of all levels of staff should be used to implement changes to current practice.

⁵⁰ 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>



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