

Ohio's prison population reached a record high of 51,273 in 2008. The rising prison population was projected to cost taxpayers \$925 million by 2018. With assistance from the Justice Reinvestment Initiative (JRI), state leaders developed and implemented reforms to reduce the prison population. JRI reforms included expanding the use of probation as an alternative to prison, adopting a validated risk assessment, and incentivizing prisoners to complete risk-reduction programming. These reforms were projected to save \$578 million over four years. In anticipation of these savings, Ohio invested \$14.5 million in a probation improvement and incentive grant program. So far, the prison population has declined two percent, which was smaller than projected.

## Impetus for Justice Reinvestment

Although Ohio had enjoyed a decline in its prison population from 1998 through 2004, the population rose by 16 percent in the following years, to a record high population of 51,273 in 2008. By December 2009, the prison population exceeded the corrections system's capacity by 30 percent. This rise in prison population increased costs: The budget of the Ohio Department of Rehabilitation and Correction (ODRC) grew by 18 percent (approximately \$239 million) between 2000 and 2008. These trends were not expected to abate: By 2018, the prison population was projected to climb 9 percent to 55,734 inmates. This would have imposed \$925 million in additional cumulative costs—\$424 million in construction costs for facilities and \$501 million in annual operating costs. And yet, Ohio's property crime rate was higher than the Midwest average and its violent crime rate had increased four percent between 2000 and 2008.<sup>1</sup>

To reduce justice spending and reinvest in programs to improve public safety, Ohio's governor, senate president, house speaker, and state supreme court chief justice requested assistance from the Council of State Governments Justice Center (CSG Justice Center) in 2008. The CSG Justice Center supported the operations of a bipartisan justice reinvestment working group that analyzed the state's criminal justice system and developed policy options.<sup>2</sup>

### HIGHLIGHTS

- Ohio's prison population reached a record high of 51,273 in 2008.
- Ohio's JRI legislation expanded the use of probation as an alternative to prison, mandated the use of a risk assessment, and incentivized prisoners to complete risk-reduction programming.
- JRI reforms were projected to reduce the prison population by 6 percent over four years and save \$578 million.
- Since July 2011, the prison population has declined almost 2 percent, a smaller reduction than was projected.
- Ohio reinvested \$14.5 million over two years in recidivism reduction grants to improve local probation practices.

## Establish an Interbranch Bipartisan Working Group

Ohio established an interbranch, bipartisan justice reinvestment working group to guide the CSG Justice Center's analysis of the state justice system and the development of policy options. The group included members of both parties and all three branches of government, as well as both chambers of the General Assembly. State leaders appointed members to this working group in January 2010.<sup>3</sup>

## Engage Stakeholders

Engagement continued during the analysis and policy development process through focus groups and interviews with hundreds of practitioners and stakeholders. During the policy development process, a conference was convened at which the CSG Justice Center presented findings to cabinet officials, state lawmakers, state Supreme Court justices, service providers, public defenders, prosecutors, victims' advocates, and local government representatives. These groups provided feedback, comments, and ideas on how to address the drivers identified in data analysis.<sup>4</sup>

## Analyze Data and Identify Drivers

Data analysis took place between January and July of 2010. The analysis used information from ODRC, the Ohio Department of Mental Health, the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Supreme Court, County Probation Departments, and the FBI Uniform Crime Reports. This quantitative review was supported by focus groups and interviews with hundreds of practitioners and stakeholders from across Ohio, including prosecutors, public defenders, service providers, victims' advocates, judges, local government officials, community corrections officials, and law enforcement executives.<sup>5</sup>

Three key drivers of Ohio's prison population were identified. First, property and drug offenders in Ohio constituted a costly revolving door: Offenders were sentenced to state prison for short periods and then released to the community without supervision. In 2008, more than 10,000 low-level offenders were sentenced to state prison for an average of nine months, costing the state \$189 million and offering few improvements in public safety. Second, community corrections programs were not targeted to ensure that the right populations received services, meaning that Ohio was not obtaining as strong a benefit as possible from the \$130 million invested annually in diversion programs. Third, the policies of Ohio's probation system were inconsistent, and no statewide standards governed the use of evidence-based practices such as graduated response grids or risk and needs assessments.<sup>6</sup>

## Develop Policy Options

To transform findings from the data analysis into actionable policy, cabinet officials, state lawmakers, state

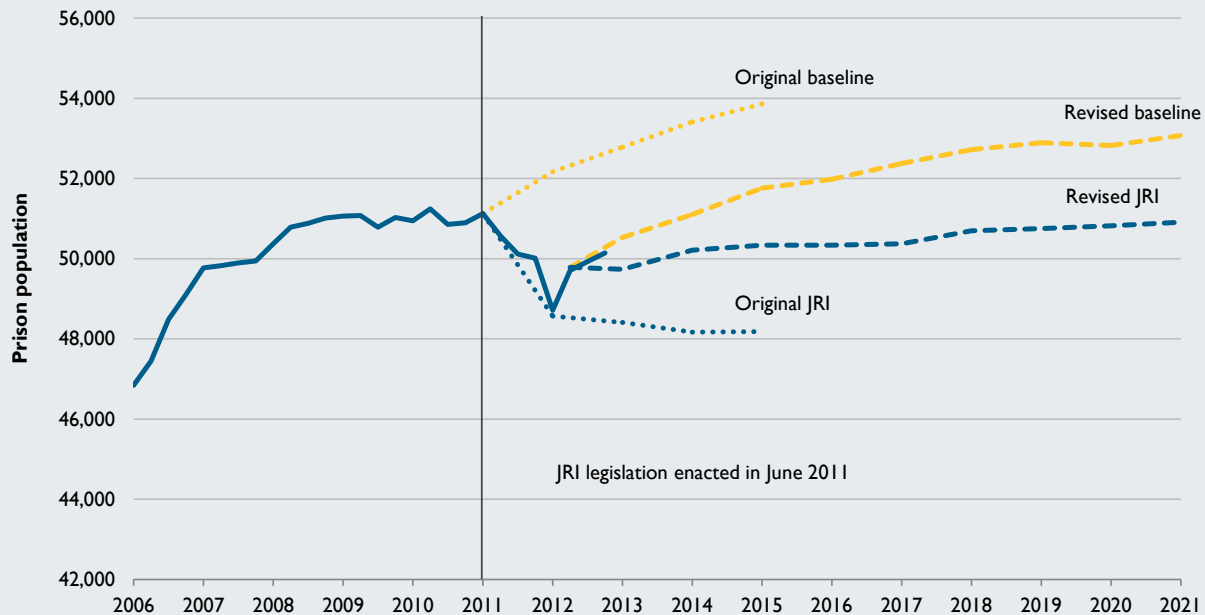
supreme court justices, community-based providers, and local government representatives reviewed the CSG Justice Center's policy analysis at a July 2010 conference, providing feedback and comments. Conference participants offered recommendations on managing the growth of prison population and costs, improving cost-effectiveness, and reinvesting in strategies to improve public safety. These recommendations were translated into three policy objectives: holding offenders accountable in meaningful ways, using community corrections programs more effectively, and strengthening probation supervision. Guided by the Justice Reinvestment Working Group and additional feedback from interviews and meetings with stakeholders and practitioners, the CSG Justice Center helped develop a policy framework that addressed these goals and had the support of the working group.<sup>7</sup>

## Codify and Document Changes

Ohio codified its JRI policies with the passage of House Bill (HB) 86, which took effect in September 2011. HB 86 built on previous legislative efforts to reform the justice system. It realigned the priorities of the system to hold offenders accountable in meaningful ways, make more effective use of community corrections programs, and strengthen probation supervision. It holds offenders accountable by allowing for risk-reduction sentencing, which provides the option of releasing low-risk offenders who serve 75 percent of their sentence and allowing judicial release of inmates who have served 80 percent of sentences longer than a year. Community corrections are used more effectively through codification of the ODRC reentry planning process, which requires ODRC to adopt a validated risk assessment tool and train staff in its use, and establishes community alternative sentencing centers. HB 86 also strengthens probation supervision by requiring GPS monitoring for offenders released with the accumulation of more than 60 days of credit, establishing statewide standards for probation, and increasing the options available to probation to deal with offenders who abscond.<sup>8</sup> The CSG Justice Center projected that HB 86 would reduce Ohio's prison population by six percent over four years, saving taxpayers \$78 million in operating costs and \$500 million in averted construction costs.<sup>9</sup>

HB 86 also supported reinvestment through two grant programs that strengthen probation—an improvement grant program to support the adoption of best practice policies and an incentive grant program to departments that successfully reduce the number of revocations to prison.<sup>10</sup>

**FIGURE I**  
**Ohio Prison Population**



Sources: Actual prison population data are from Ohio Department of Rehabilitation and Correction (2013). Original baseline and JRI projection data are from Council of State Governments Justice Center (2011c). Revised baseline and JRI projection data are from Martin, Brian and Steve Van Dine (2012).  
Note: Dotted lines represent projections.

## Implement Policy Changes

Since the passage of HB 86, Ohio has made strong progress in establishing probation training standards and training probation officers using modules developed by the University of Cincinnati. The state is also in the process of completing a train-the-trainer process and plans to complete these trainings in 2013.<sup>11</sup>

Ohio has also adopted a new risk assessment tool, the Ohio Risk Assessment System (ORAS), to facilitate placing people into community-based corrections facilities. Current implementation efforts focus on encouraging the use of the 80 percent judicial release option and the use of presumptive probation for certain classes of low-level felony charges. To facilitate the use of policies that require judicial discretion, Ohio is developing trainings to educate judges and other decisionmakers about sentencing options.<sup>12</sup> State stakeholders hope that the coming years will see full implementation of all provisions of HB 86.<sup>13</sup>

In Ohio, BJA subaward funding supported database upgrades, course development and training in evidence-based practices for probation officers and supervisors, and travel and rental costs to support JRI activities.<sup>14</sup>

## Reinvest Savings

In the first two years of implementation, Ohio invested \$14.5 million in strengthening probation: \$8 million in probation improvement grants to municipal and county probation departments to reduce recidivism, \$4 million to the departments that were most successful in the first year, and \$2.5 million in incentive grants to reward high-performing departments that achieve recidivism-reduction goals and seek further reductions.<sup>15</sup> By 2015, Ohio expects to reinvest a total of \$20 million into improved felony probation supervision.<sup>16</sup>

## Measure Outcomes

Ohio is working with the CSG Justice Center to develop a dashboard, or set of performance measures, to ascertain the impact of HB 86. Drawing from ODRC statistics and information from ORAS, the dashboard will provide information on the following:

- Admissions to prison, including direct sentences to prison, and community corrections violators.

- Use of HB 86 sentencing options, including
  - Risk reduction sentence admissions and releases;
  - Number of offenders with earned credits and days saved with earned credits; and
  - 80 percent judicial release sentences.
- Probation and community correction populations.<sup>17</sup>

In early 2013, with implementation ongoing, Ohio’s prison population has decreased since its JRI legislation went into effect in September 1, 2011; these declines are consistent with forecasted reductions through September of 2012 (see figure 1). In October 2012, however, Ohio’s prison population began to increase and by April 2013, the prison population count rose but remained below the original baseline projection.<sup>18</sup> ODRC is determining the causes of the increase, though some stakeholders speculated that implementation challenges were greater than anticipated, especially with regard to educating judges on the JRI reforms.<sup>19</sup>

In November 2012, ODRC revised the baseline and JRI projections to reflect a more modest estimate of the impact of JRI. The revised baseline projection is lower than the original baseline projection, and the revised JRI projection indicates a smaller impact on the prison population than the original JRI projection.<sup>20</sup>

With a system for measuring the full impacts of HB 86 in place and a full implementation of the law’s provisions continuing, Ohio expects to develop a more accurate understanding of the impact of JRI in the next year, though it will take several more years to determine the impact of certain policies such as the discretionary 80 percent judicial release.<sup>21</sup>

## Notes

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