The Ohio Risk Assessment System
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University of Cincinnati
What Are the Goals of the System?

- Punishment
- Rehabilitation
- Retribution
- Community Safety
- Deterrence
- Victim Restitution
Complicated?
Multiple Assessments = No Common Language
No Common Language = No Common Purpose

- Information Silos
- Duplicate Services
- Duplicate Costs
- Inefficient Processing
One Common Language = One Common Purpose

- Share Information
- Streamline Services
- Share Costs
- Ensures Community Safety
A Large Body of Research Has Indicated....

....that correctional services and interventions can be effective in reducing recidivism for offenders, however, not all programs are equally effective

- The most effective programs are based on some principles of effective interventions
  - Risk (Who)
  - Need (What)
  - Treatment (How)
  - Program Integrity (How Well)
Let’s Start with the Risk Principle

Risk refers to risk of reoffending and not the seriousness of the offense.

You can be a low risk felon or a high risk felon, a low risk misdemeanor or a high risk misdemeanor.
How to Measure Risk?

![Bar chart showing the comparison between Professional Judgement and Structured Assessment]
Risk Factors

Primary Risk Factors
- Criminal (Antisocial) Attitudes
- Criminal Peers
- Antisocial Personality Characteristics
- Criminal History

Secondary Risk Factors
- Family
- Substance Abuse
- Employment
- Education
Who Is More Likely to Reoffend?

1st time DUI
- Drinking at a bar with friends
- Crossed the double yellow line
- .12 BA
- Employed
- Has a driver’s license
- States “The cop was just doing their job”
- “It is not ok to drink and drive”
- Family that supports sober lifestyle

1st time DUI
- Drinking at a bar with friends
- Crossed the double yellow line
- .12 BA
- Unemployed
- Driving w/o a license
- States “The cop was out to get me”
- Everyone gets one DUI
- Family who engages in alcohol use on a regular basis
Treatment Effects for Low Risk Offenders
Treatment Effects for High Risk Offenders

[Bar chart showing treatment effects with various bars representing different categories and numerical values indicating the effect sizes.]
There are Three Elements to the Risk Principle

1. Target those with higher probability of recidivism

2. Provide most intensive treatment to higher risk

3. Intensive treatment for lower risk can increase recidivism
Targeting Higher Risk

- Let’s assume that treatment costs $5,000 per person.

- To treat 100 people it would cost $500,000.

- Low Risk: 10 out of 100 reoffend, you will need to serve 100 people to have a chance to reduce recidivism for 10 ($50,000 per person).
  - In other words, you will be spending $450,000 on people who would not return to crime in 3 years

- If 60 out of 100 reoffend, you will need to serve 100 to have a chance to reduce recidivism for 60 ($8,333 per person).
  - In other words, you will be spending $200,000 on those who would not return to crime in 3 years

- It is important to understand that even with using EBP there will be failures.

- But, at what cost?
Low Risk v High Risk

Low Risk got worse
High Risk got better

100% increase in recidivism
33% reduction in recidivism
The Risk Principle & Correctional Intervention Results from Meta Analysis

Dowden & Andrews, 1999

Reduced Recidivism

Increased Recidivism

Change In Recidivism Rates

High Risk

Low Risk

19

-4
Benefits to the ORAS

1. Expand as needed depending on the setting
2. Includes major risk & criminogenic need domains, as well as major responsivity factors
3. Includes indicators of change in a residential or institutional setting
4. Designed to measure change over time
5. Provides a common definition of risk across settings
6. Public domain
7. Fully automated
8. Dramatically improves our research and evaluation capabilities
Domains Examined

1. Pro-criminal views/criminal thinking
2. Friends and criminal acquaintances
3. Education
4. Family and social relationships
5. Residence stability and safety
6. Alcohol abuse/use
7. Drug abuse/use
8. Mental and physical health
9. Employment (status and values)
10. Criminal history
Domains Examined

11. Financial stress
12. Involvement in pro-social activities
13. Physical and sexual abuse
14. Problem recognition
15. Treatment motivation, needs, expectations
16. Anxiety/negative emotionality
17. Empathy/perspective taking
18. Coping skills/values
19. Anger/frustration
ORAS Overview

- Pre-trial Tool
- Community Supervision Tool
  - Community Supervision Screening Tool
- Prison Intake Tool
  - Prison Intake Screening Tool
- Supplemental Reentry Tool
- Reentry Tool
Males: Risk Level by Recidivism for the Community Supervision Sample

ORAS-CST Risk Level Correlation with Recidivism: $r = .373$
Females: Risk Level by Recidivism for the Community Supervision Sample

ORAS-CST Risk Level Correlation with Recidivism: r = .300
Criminal History

Percent Arrested by Priority Level
- Low (0-3)
- Med (4-6)
- High (7-8)

Education and Finances

Percent Arrested by Priority Level
- Low (0-1)
- Med (2-4)
- High (5-6)
Priorities in Case Management

Family and Social Support

Percent Arrested by Priority Level
- Low (0-1): 32%
- Med (2-3): 41%
- High (4-5): 48%

Neighborhood Problems

Percent Arrested by Priority Level
- Low (0): 17%
- Med (1): 35%
- High (2-3): 45%
Priorities in Case Management

**Substance Abuse**

Percent Arrested by Priority Level
- Low (0-2)
- Med (3-4)
- High (5-6)

**Peers**

Percent Arrested by Priority Level
- Low (0-1)
- Med (2-4)
- High (5-8)
Priorities in Case Management

Criminal Attitudes and Behavior Patterns

Percent Arrested by Priority Level
Low (0-3)
Med (4-8)
High (9-13)
Females: Risk Level by Recidivism in the Prison Intake Sample

ORAS-PIT Risk Level Correlation with Recidivism: $r = .353$
Females: Risk Level by Recidivism in the Prison Intake Sample

ORAS-PIT Risk Level Correlation with Recidivism: $r = .353$
Males: Risk Level by Recidivism for the Prison Release Sample

ORAS-RT Risk Level Correlation with Recidivism: $r = .295$
Females: Risk Level by Recidivism for the Prison Release Sample

ORAS-RT Risk Level Correlation with Recidivism: r = .442
Case Planning

- The following instruments are designed to drive case planning:
  - The Community Supervision
  - The Prison Intake
  - Prison Reentry
- Domains & responsivity factors automatically populate the case plan
  - Domains are prioritized by level/type
The Best Endorsement

Parole officers are not social workers; ORAS assumes the PD is invested in cares about the offender on our caseload.

Optional:
ORAS Assessment Tools (N=87,281), by Risk Level and Gender (end of April 2012)
CST Assessments, by Domain Level and Gender (end of April 2012)

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<tr>
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<th>Females</th>
<th>Males</th>
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0.0% 20.0% 40.0% 60.0% 80.0% 100.0%

Females
Males
PIT Assessments, by Domain Level and Gender (end of April 2012)

- **Criminal History**
  - HIGH
  - MED
  - LOW

- **Substance Use/MH**
  - HIGH
  - MED
  - LOW

- **Family/Social Support**
  - HIGH
  - MED
  - LOW

- **Educ, Emp, Financial**
  - HIGH
  - MED
  - LOW

- **Criminal Attitudes**
  - HIGH
  - MED
  - LOW

- **Gender Distribution**
  - Female
  - Male

- **Percentage Distribution**
  - 0.0% 10.0% 20.0% 30.0% 40.0% 50.0% 60.0% 70.0% 80.0%
RT Assessments, by Domain Level and Gender (end of April 2012)

- **Criminal History**
  - Females: HIGH = 1.0%, MED = 20.0%, LOW = 40.0%, MED = 60.0%, LOW = 80.0%
  - Males: HIGH = 20.0%, MED = 40.0%, LOW = 60.0%, MED = 80.0%, LOW = 100.0%

- **Educ, Emp, Finan**
  - Females: HIGH = 10.0%, MED = 20.0%, LOW = 30.0%, MED = 40.0%, LOW = 50.0%
  - Males: HIGH = 20.0%, MED = 40.0%, LOW = 60.0%, MED = 80.0%, LOW = 100.0%

- **Criminal Attitudes**
  - Females: HIGH = 20.0%, MED = 40.0%, LOW = 60.0%, MED = 80.0%, LOW = 100.0%
  - Males: HIGH = 40.0%, MED = 60.0%, LOW = 80.0%, MED = 100.0%

- **Criminal Desires**
  - Females: HIGH = 1.0%, MED = 20.0%, LOW = 40.0%, MED = 60.0%, LOW = 80.0%
  - Males: HIGH = 20.0%, MED = 40.0%, LOW = 60.0%, MED = 80.0%, LOW = 100.0%
### ORAS Risk Level Overrides, by Selected Assessment Tool and Direction of Override (end of April 2012)

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<th>Change (-1)</th>
<th>Change (+1)</th>
<th>Change (+2)</th>
<th>Change (+3)</th>
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## ORAS Assessments Completed, by Organizational Entity Type and Assessment Tool (end of April 2012)

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House Bill 86: Sentencing Impact

Department of Rehabilitation and Correction
Topics
- *State v. Foster*—Consecutive Sentences
- Crack/Powder Cocaine Penalty Equalization
- Sentencing Guidance on Drug Offenses
- Theft Thresholds
- Non-support Penalties
- Intervention in Lieu
- Probation Improvement and Incentive Grants
- Admissions to residential community sanctions
- Concurrent Supervision
- Probation and Training Standards
- Justice Reinvestment
- Risk Reduction Sentencing
- Felony 4 and Felony 5 Sentencing
- Felony 1 and Felony 3 Sentencing Ranges
- Traditional Judicial Release (R.C. 2929.20)
- New 80% Judicial Release (R.C. 2967.19)
- Earned Credit
- Collateral Consequences
- Certificate of Achievement and Employability
- Reentry Program Repository
State v. Foster

Consecutive Sentences

State v. Foster, 109 Ohio St.3d 1 (2006)

Relying upon a line of United States Supreme Court cases, the Ohio Supreme Court severed from Ohio’s sentencing laws several provisions that addressed prison sentence lengths.
State v. Foster
Consecutive Sentences

Sentencing provisions severed by Foster:

1. **Minimum sentence on first commitment to prison.** The law encouraged the court to impose the minimum in the range for an offender who has not previously been to prison.

2. **Maximum sentences.** Courts were instructed to impose the maximum term in the range only for the worst offenses and offenders.

3. **Consecutive sentences.** Courts were encouraged to give reasons for imposing consecutive sentences.

4. **RVO and MDO.** Findings were required before imposing penalty enhancements on the basis of the offender being a repeat violent offender or major drug offender.
*State v. Foster*

Consecutive Sentences

Before *Foster*, to depart from the sentencing guidelines, a judge had to make findings on the record subject to appellate review.

The sentencing guidelines that were severed from the law by the *Foster* decision operated to keep the prison population relatively static.

Since *Foster*, prison terms have increased by approximately five months, on average.

The cumulative impact of this subtle increase in prison length exceeds 8,000 prison beds.
State v. Foster
Consecutive Sentences

- Post-Foster court decisions opened the door to once again requiring findings for consecutive sentences.

The U.S. Supreme Court upholds an Oregon consecutive sentencing statute that requires judicial findings before imposing consecutive sentences.

State v. Hodge, 128 Ohio St.3d 1 (2010)
The Ohio Supreme Court holds that the Ice decision does not automatically revive Ohio’s findings requirement for consecutive sentences, but that the General Assembly must affirmatively reenact that requirement.
State v. Foster
Consecutive Sentences

After Hodge, the General Assembly, in House Bill 86, revived verbatim the findings requirement for consecutive sentencing that existed before Foster:

Court must find that consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(1) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a community control sanction or was under post-release control for the offense.

(2) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses was so great or unusual that no single prison term for any of the offenses adequately reflects the seriousness of the conduct.

(3) The offender’s criminal history demonstrates that consecutive sentences are necessary to protect the public from future crime.
Impact of New Foster Language?

Still not lots of cases; cases are early, easy?

-- One presumption re-established; other guidance added similar to others
-- Difficult to analyze; aggregate and single
-- Many other changes can affect patterns
-- Early results encouraging; see handout
Crack/Powder Cocaine Penalty Equalization

House Bill 86 eliminates the distinction that the Revised Code drew between crack and powder cocaine. Both forms of cocaine are now referred to in the Revised Code collectively as “cocaine.”

The changes affect three drug offenses:

1. Trafficking—R.C. 2925.03(C)(4)(c)-(g)
2. Providing Money—R.C. 2925.05(A)(3)
3. Possession—R.C. 2925.11(C)(4)(b)-(e)
Crack/Powder Cocaine Penalty Equalization

- Trafficking and possession
House Bill 86 essentially splits the difference between powder and crack in determining the amounts needed for each level of violation.
  - At the lower offense levels, the amounts needed for crack penalties were increased to powder levels.
  - At the upper offense levels, the amounts needed for powder penalties were lowered to crack levels.
Crack/Powder Cocaine Penalty Equalization

- Providing money to another person for the purpose of selling or offering to sell cocaine

The amount of cocaine needed for the offense is five grams. House Bill 86 eliminates the one gram crack level.
Sentencing Guidance on Drug Offenses

Generally, for most types of offenses, R.C. 2929.13 creates a rebuttable presumption in favor of prison for F1’s and F2’s, no particular guidance one way or the other for F3’s, and guidance against prison for many F4’s and F5’s. Drug offenses have been an exception in that the Revised Code has encouraged prison sanctions and imposed mandatory penalties at lower offense levels than other types of offenses.
House Bill 86 amends the law to treat some drug offenders more like non-drug offenders at the same level of offense, as follows:

- Guidance against prison instead of in favor of prison:
  - F4 trafficking in Sch. III, IV, or V drugs
  - F4 cocaine trafficking
  - F4 LSD trafficking
  - F4 heroin trafficking
  - F4 cocaine possession
Sentencing Guidance on Drug Offenses

- Guidance against prison instead of no preference for or against prison:
  - F5 marijuana and hashish trafficking, even if near a school or juvenile.
  - F4 marijuana and hashish trafficking, unless near a school or juvenile.
Sentencing Guidance on Drug Offenses

- Presumption in favor of prison instead of a mandatory prison term
  - F3 trafficking in Sch. I or II drugs
  - F3 cocaine trafficking
  - F3 LSD trafficking
  - F3 possessing drug manufacturing chemicals
  - F3 funding of marijuana trafficking
  - F3 cocaine possession
Sentencing Guidance on Drug Offenses

Major Drug Offenders (MDO)

Persons defined as MDOs faced the maximum F1 penalty (10 years), plus an additional 1, 2, 3, 4, 5, 6, 7, 8, 9, or 10 years at the judge’s discretion.

House Bill 86 eliminates the additional sentence enhancement, thereby capping the MDO penalty at the F1 maximum.
Sentencing Guidance on Drug Offenses

Major Drug Offenders (MDO)—Cont’d

Under Senate Bill 2 (1996), an offender could be sentenced to the maximum F1 penalty and the enhancement only if also convicted of the MDO specification (R.C. 2941.1410). House Bill 86 does not amend or repeal the specification.
Before House Bill 86, trafficking in or possession of more than 20 kilos of marijuana, 1 kilo of solid hashish, or 200 grams of liquid hashish carried a mandatory term of 8 years.

After House Bill 86, trafficking in, or possession of, 20 to less than 40 kilos of marijuana, 1 to less than 2 kilos of solid hashish, or 200 to less than 400 grams of hashish in liquid form carry a mandatory prison term of 5, 6, 7, or 8 years. Only amounts exceeding the new increased upper limits carry a mandatory 8 years.
Theft Thresholds

House Bill 86 increases the thresholds in the theft statute, R.C. 2913.02, and elsewhere, as follows:

**Basic Theft Statute (R.C. 2913.02(B)(2))**

<table>
<thead>
<tr>
<th>OLD LAW</th>
<th>NEW LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>F5 $500 to $5,000</td>
<td>$1,000 to $7,500</td>
</tr>
<tr>
<td>F4 $5,000 to $100,000</td>
<td>$7,500 to $150,000</td>
</tr>
<tr>
<td>F3 $100,000 to $500,000</td>
<td>$150,000 to $750,000</td>
</tr>
<tr>
<td>F2 $500,000 to $1 million</td>
<td>$750,000 to $1.5 million</td>
</tr>
<tr>
<td>F1 $1 million or more</td>
<td>$1.5 million or more</td>
</tr>
</tbody>
</table>
# Theft Thresholds

**Thresholds for Disabled Victims and Victims 65 or older**

(R.C. 2913.02(B)(3))

<table>
<thead>
<tr>
<th>OLD LAW</th>
<th>NEW LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>F5</td>
<td>$500</td>
</tr>
<tr>
<td>F4</td>
<td>$500 to $5,000</td>
</tr>
<tr>
<td>F3</td>
<td>$5,000 to $25,000</td>
</tr>
<tr>
<td>F2</td>
<td>$25,000 to $100,000</td>
</tr>
<tr>
<td>F1</td>
<td>$100,000 or more</td>
</tr>
</tbody>
</table>
Theft Thresholds

House Bill 86 changes every “theft” offense and other crimes in which penalties turn on valuation. Examples include, but are not limited to, securities violations (R.C. 1707.99), vandalism (R.C. 2905.05 and 2909.11), passing bad checks (R.C. 2913.11), forgery (2913.13), insurance fraud (R.C. 2913.47), receiving stolen property (R.C. 2913.51), and Medicaid fraud (R.C. 2913.40 and 2913.401).
Non-Support Penalties

Under R.C. 2919.21, non-support of dependents is an M1, unless the offender has a prior non-support conviction or fails to provide support for 26 weeks over two years, in which case the offense is an F5. The offense is an F4 if the offender has a prior felony non-support conviction. House Bill 86 does not change these offense levels.
Non-Support Penalties

House Bill 86 does create a preference in favor of community control for felony non-support violations. House Bill 86 requires the court, in felony cases, to “first consider placing the offender on one or more community sanctions . . . with an emphasis . . . on intervention for nonsupport, obtaining or maintaining employment, or another related condition.”
Non-Support Penalties

Exceptions—the preference in favor of community control that House Bill 86 creates for felony non-support violations does not apply if:

(1) The court determines that a prison term is consistent with the purposes and principles of sentencing.

(2) The offender previously has been sentenced to prison for felony non-support.

(3) The offender previously has been sentenced to community control for felony non-support and failed to comply with the conditions of that community control.
Intervention in Lieu of Conviction

- The Revised Code (R.C. 2951.041) authorizes a court to accept an offender’s request for programming prior to a guilty plea. If the programming is successfully completed, the prosecution ends without a conviction.
- House Bill 86 expands eligibility for intervention in lieu of conviction.
Intervention in Lieu of Conviction

House Bill 86—

- Expands intervention in lieu of conviction to offenders suffering from mental illness and “intellectual disabilities” if the condition led to the offense.
- If the offender’s problems are related to drugs or alcohol, requires a court-ordered assessment by an ODADAS-certified program.
Intervention in Lieu of Conviction

House Bill 86—

• Expands eligibility to certain repeat felony offenders upon the prosecutor’s recommendation.

• Expands eligibility to F5 drug trafficking offenses.

• Expands eligibility to F4 drug possession offenses without the need for prosecutor approval.
Intervention in Lieu of Conviction

House Bill 86—

- Requires that the offender’s request for intervention in lieu state whether IIL is being sought for drug usage, alcohol usage, a mental illness, or intellectual disability.

- For offenders alleging MI or ID, requires an assessment by a psychiatrist, psychologist, social worker, or clinical counselor for the purpose of determining eligibility and recommending an intervention plan.
Intervention in Lieu of Conviction

House Bill 86 leaves ineligible:
- Offenses of violence.
- F1’s; F2’s; and F3’s.
- OVI’s.
- Certain vehicular homicides and assaults.
- Offenses carrying mandatory sentences.
## Drug Possession Sentencing

<table>
<thead>
<tr>
<th>Percentages--Group 1</th>
<th>Drug Possession--Pure HB 86</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>N= 743</strong></td>
<td><strong>N= 109</strong></td>
</tr>
<tr>
<td><strong>F1</strong></td>
<td>3.0%</td>
</tr>
<tr>
<td></td>
<td>1.8%</td>
</tr>
<tr>
<td><strong>F2</strong></td>
<td>7.0%</td>
</tr>
<tr>
<td></td>
<td>8.3%</td>
</tr>
<tr>
<td><strong>F3</strong></td>
<td>14.7%</td>
</tr>
<tr>
<td></td>
<td>11.0%</td>
</tr>
<tr>
<td><strong>F4</strong></td>
<td>14.3%</td>
</tr>
<tr>
<td></td>
<td>11.0%</td>
</tr>
<tr>
<td><strong>F5</strong></td>
<td>61.1%</td>
</tr>
<tr>
<td></td>
<td>67.9%</td>
</tr>
<tr>
<td><strong>100.1%</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Drug Possession Sentencing- 2

Possession as a proportion of total cases in:

- Group 1 10.6%
- Group 2 11.1%
- Pure 7.0%
## Drug Trafficking Sentencing

<table>
<thead>
<tr>
<th>Percentages--Group 1</th>
<th>Drug Trafficking Pure HB 86</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>N= 803</strong></td>
<td><strong>N= 99</strong></td>
</tr>
<tr>
<td><strong>F1</strong></td>
<td><strong>16.2%</strong></td>
</tr>
<tr>
<td>6.6%</td>
<td>16.2%</td>
</tr>
<tr>
<td><strong>F2</strong></td>
<td><strong>7.1%</strong></td>
</tr>
<tr>
<td>13.4%</td>
<td>7.1%</td>
</tr>
<tr>
<td><strong>F3</strong></td>
<td><strong>18.2%</strong></td>
</tr>
<tr>
<td>24.0%</td>
<td>18.2%</td>
</tr>
<tr>
<td><strong>F4</strong></td>
<td><strong>24.2%</strong></td>
</tr>
<tr>
<td>33.1%</td>
<td>24.2%</td>
</tr>
<tr>
<td><strong>F5</strong></td>
<td><strong>34.3%</strong></td>
</tr>
<tr>
<td>22.8%</td>
<td>34.3%</td>
</tr>
<tr>
<td><strong>99.9%</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Drug Trafficking Sentencing - 2

Trafficking as a proportion of total cases in:

- Group 1: 11.4%
- Group 2: 9.3%
- Pure: 6.4%
## Property Crimes Sentencing

### Percentages -- Property Crimes

**Group 1**  
**Pure HB 86**  

<table>
<thead>
<tr>
<th></th>
<th>Group 1</th>
<th>Pure HB 86</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>1018</td>
<td>167</td>
</tr>
<tr>
<td>F1</td>
<td>0.6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>F2</td>
<td>0.2%</td>
<td>0.0%</td>
</tr>
<tr>
<td>F3</td>
<td>7.7%</td>
<td>5.4%</td>
</tr>
<tr>
<td>F4</td>
<td>30.9%</td>
<td>43.1%</td>
</tr>
<tr>
<td>F5</td>
<td>60.5%</td>
<td>51.5%</td>
</tr>
<tr>
<td></td>
<td>99.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Property Crimes Sentencing- 2

Property crimes as a proportion of total cases in:

<table>
<thead>
<tr>
<th>Group</th>
<th>Percentage</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>14.5%</td>
<td>(1018/ 7022)</td>
</tr>
<tr>
<td>Group 2</td>
<td>13.5%</td>
<td>(886/ 6585)</td>
</tr>
<tr>
<td>Pure</td>
<td>10.7%</td>
<td>(167/ 1559)</td>
</tr>
</tbody>
</table>
## Non-Support of Dependents

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>166 Commitments</td>
<td></td>
<td>122 Commitments</td>
</tr>
<tr>
<td><strong>DECREASE- 26.5%</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
New Escape Definition

- **Group 1** (2011)
  - 66 commitments
  - Increase 15.2%

- **Group 2** (2012)
  - 76 commitments
Intervention in Lieu

- APA supervision numbers only:
  3/12—619
  9/11—595
  3/11—523
  9/10—457

- More growth before HB 86 than since then
Probation Improvement and Incentive Grants

- New grants available to court of common pleas probation departments that supervise felony offenders—
  
  - Probation “Improvement” Grant
  
  - Probation “Incentive” Grant
Probation Improvement and Incentive Grants—Continued

Provides funding for county probation departments to “adopt policies and practices based on the latest research on how to reduce the number of felony offenders on probation supervision who violate the conditions of their supervision”
Probation Improvement and Incentive Grants—Continued

Provides a “performance-based” level of funding to probation departments “that are successful in reducing the number of felony offenders on probation supervision whose terms of supervision are revoked”
Probation Improvement and Incentive Grants—Continued

- Administrative Rule 5120:1-5-10
- Threshold eligibility requirements (per R.C. 5149.311)—
  - Applicant complies with all statutory requirements for probation departments, including requirements relative to the hiring of chief probation officers, probation officer training, and the establishment of policies and procedures for supervising offenders
Probation Improvement and Incentive Grants—Continued

- Threshold eligibility requirements—Continued—
  - Applicant must utilize the Ohio Risk Assessment System
  - Each program, policy, or project funded must be aimed at facilitating a reduction in the number of felony offenders who violate the conditions of their supervision and are admitted to prison
  - Priority was given to proposals that will have the greatest potential impact on violations and subsequent prison commitments
Probation Improvement and Incentive Grants—Continued

- In determining the potential impact on prison population, ODRC considered the following—
  - The number of offenders that the county has under supervision each year relative to other counties
  - The number of F4 and F5 offenders that the county commits to DRC each year relative to other counties
  - The number of offenders that the county commits to DRC each year for violating the conditions of their supervision relative to other counties
Probation Improvement and Incentive Grants—Continued

- Per R.C. 5149.311, grants are currently available only to county probation departments; however, per administrative rule, proposals that include cooperation between the applicant county and municipal courts were encouraged.
- Grants are memorialized in written agreements that include terms of the grant, including performance measures.
Thirty-six probation improvement and incentive grants awarded to date

- $6.5 million awarded to 25 courts as probation improvement grants containing specific performance measures, the achievement of which could entitle the recipients to a subsequent round of additional incentive funding totaling $2.1 million
- $1.4 million awarded to 11 courts as one-time training and technology grants aimed at improving the overall performance of county probation departments
## Probation Improvement and Incentive Grants—Continued

### Probation Improvement Grants by County

<table>
<thead>
<tr>
<th>T&amp;T</th>
<th>PI</th>
<th>PI-Cont’d</th>
<th>T&amp;T/PI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery</td>
<td>Allen</td>
<td>Jefferson</td>
<td>Adams</td>
</tr>
<tr>
<td>Richland</td>
<td>Champaign</td>
<td>Licking</td>
<td>Butler</td>
</tr>
<tr>
<td>Summit</td>
<td>Clark</td>
<td>Lucas</td>
<td>Cuyahoga</td>
</tr>
<tr>
<td>Wayne</td>
<td>Clermont</td>
<td>Medina</td>
<td>Franklin</td>
</tr>
<tr>
<td></td>
<td>Columbiana</td>
<td>Morrow</td>
<td>Hancock</td>
</tr>
<tr>
<td></td>
<td>Darke</td>
<td>Portage</td>
<td>Sandusky</td>
</tr>
<tr>
<td></td>
<td>Erie</td>
<td>Trumbull</td>
<td>Scioto</td>
</tr>
<tr>
<td></td>
<td>Greene</td>
<td>Williams</td>
<td></td>
</tr>
<tr>
<td>Hamilton</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Admissions to Residential Community Sanctions and ISP

- House Bill 86 requires that ODRC adopt rules specifying the class of offender whose degree of felony, community control revocation history, or risk level make the offender suitable for admission to residential community sanctions and for participation in community corrections programs.
- House Bill 86 requires that ODRC tie its level of funding of these sanctions to the degree of compliance with the ODRC admission standards.
Risk-Based Admissions to Residential Community Sanctions and ISP

- Per House Bill 86, several administrative rules currently in development would establish admission criteria for halfway houses, CBCFs, and intensive supervision probation (ISP) and tie ODRC funding of these sanctions to compliance with these criteria

  Rule 5120:1-3-08: Halfway Houses

  Rule 5120:1-5-06: ISP

  Rule 5120:1-14-09: CBCFs
Risk-Based Admissions to Residential Community Sanctions and ISP

- Halfway Houses
  
  **Allowable Admissions**
  
  High risk offenders
  F1 and F2 offenders regardless of risk level
  F3 offenders if not lower than moderate risk
  F4 and F5 offenders if not lower than moderate and are being
  sentenced to the halfway house for violating a condition of
  supervision OR have a journalized community control revocation
  at any time within the preceding five years
Risk-Based Admissions to Residential Community Sanctions and ISP

- Halfway Houses—Continued

Each contract for funding may authorize the funded halfway house to deviate from the admission criteria by a specified percentage of admissions each quarter. This percentage will be known as the “halfway house deviation cap.” It will be specified in the contract but will not in any case exceed 20% of admissions each quarter. Four consecutive quarters of exceeding the deviation cap will result in funding being reduced as prescribed in the contract.
Risk-Based Admissions to Residential Community Sanctions and ISP

Halfway Houses—Continued

The following types of offenders do not count against the deviation cap—i.e., are not subject to the admission criteria:

- Offenders receiving nonresidential services from the halfway house
- Offenders assessed as moderate risk who are directly referred to the halfway house for programming targeted at specific populations—e.g., DUI, domestic violence, sex offenses, nonsupport
- Judicially released offenders
Risk-Based Admissions to Residential Community Sanctions and ISP

- CBCFs

**Allowable Admissions**

High risk offenders
F1 and F2 offenders regardless of risk level
F3 offenders if not lower than moderate risk
F4 and F5 offenders if not lower than moderate and are being sentenced to the CBCF for violating a condition of supervision OR have a journalized community control revocation at any time within the preceding five years
Risk-Based Admissions to Residential Community Sanctions and ISP

• CBCFs—Continued

Each agreement for funding may authorize the funded CBCF to deviate from the admission criteria by a specified percentage of admissions each quarter. This percentage will be known as the “CBCF deviation cap.” It will be specified in the agreement but will not in any case exceed 10% of admissions each quarter. Four consecutive quarters of exceeding the deviation cap will result in funding being reduced as prescribed in the agreement.
The following types of offenders do not count against the deviation cap—i.e., are not subject to the admission criteria:

- Offenders receiving nonresidential services from the CBCF
- Offenders assessed as moderate risk who are directly referred to the CBCF for programming targeted at specific populations—e.g., DUI, domestic violence, sex offenses, nonsupport
- Judicially released offenders
Risk-Based Admissions to Residential Community Sanctions and ISP

- ISP
  Allowable Referrals
  High risk offenders

  F1, F2, and F3 offenders regardless of risk level

  F4 and F5 offenders if not lower than moderate risk
Risk-Based Admissions to Residential Community Sanctions and ISP

- ISP—Continued

Each agreement for funding may authorize the funded ISP program to deviate from the referral criteria by a specified percentage each quarter. This percentage will be known as the “ISP deviation cap.” It will be specified in the agreement but will not in any case exceed 10% of referrals each quarter. Four consecutive quarters of exceeding the deviation cap will result in funding being reduced as prescribed in the agreement.
ISP—Continued

The following types of offenders do not count against the deviation cap—i.e., are not subject to the admission criteria:

- Offenders who are directly referred for programming targeted at specific populations—e.g., DUI, domestic violence, sex offenses, nonsupport
- Judicially released offenders
Concurrent Supervision

- An offender shall be supervised by the court that imposed the longest sentence unless:
  - The offender resides in the other jurisdiction, then the resident jurisdiction shall supervise
  - Prior mutual agreement of the courts involved designates which will supervise
  - That court transfers supervision to the other court
  - If no agreement can be reached, then there may be concurrent supervision
Concurrent Supervision

- Factors to consider when maintaining concurrent supervision or transferring supervision
  - Community safety
  - Risk to reoffend
  - Nature of offense
  - Likelihood offender will remain in jurisdiction
  - Ability of offender to travel for supervision purposes
  - Available resources for additional sanctions
  - Other factors consistent with purposes of sentencing
Concurrent Supervision

- Supervising courts shall enforce financial obligations on behalf of other courts

- Offender will complete any residential sanction before supervision goes into effect

- The APA and courts may enter into similar arrangements relative to parole/PRC offenders
Probation Training and Standards

The committee who developed the standards met from September 2011 through February 2012.

It was made up of members from:
- Ohio Department of Rehabilitation and Correction
- Adult Parole Authority
- The Supreme Court of Ohio
- The Ohio Judicial College
- The Ohio Chief Probation Officers Association
- The Council of State Governments
- The Criminal Sentencing Commission
Probation Training and Standards

What are they?

1. Minimum training standards for all adult PO’s
2. Intended to complement other existing standards
3. Divided into 2 parts:
   a. Continuing education for existing officers
   b. Requirements for newly hired probation officers
Probation Training and Standards

Beginning January 1, 2013 all probation officers shall annually obtain a minimum of 20 hours of continuing education. The continuing education topics shall be relevant to the specific duties of the probation officer.

a. Range of duties among the PO’s in Ohio
b. Supervisors can determine if training is relevant
Probation Training and Standards

Education topics may include, but are not limited to, the following:

- The criminal justice system and courts
- Functions/operations/practices of probation officers
- Evidence-based practices for risk reduction

Continuing education activities may consist of but are not limited to structured programs, classroom based training/conferences, or computer-based instruction, audio-visual, and/or multimedia aid.
Probation Training and Standards

- Adult probation officers hired on or after January 1, 2014, shall, within 12 months of their hire date, complete all courses in the new probation officer training catalog, as developed by the Department of Rehabilitation and Correction’s Adult Parole Authority in consultation with the Supreme Court of Ohio.

- New Hire Catalog - 3 main areas:
  - Criminal Justice System and the Court
  - Fundamentals of the Probation Profession
  - Evidence Based Practices
Probation Training and Standards

Currently the committee is seeking to deliver *most* of the material in an on-line format.

1. This will save costs to the local courts on travel and time.
2. On-demand access for all courts to this information
3. Format is limited- can only impart *information* and not *skills*
4. Students will be encouraged to get additional skill based training to supplement the information based modules.
Probation Training and Standards

- The Future
  - Oversight and Sustainability—a standing committee
  - An annual training/curriculum review
Justice Reinvestment Officers

- Parole Officer Thomas Warmouth will serve the Akron/Youngstown area
- Parole Officer Suzanne Brooks will serve the Cleveland area
- Senior Parole Officer Clayton Foor will serve the Lima/Toledo area
- Parole Officer John Sumner will serve the Cincinnati/Dayton area
- Parole Officer (to be determined) will serve the Cols/Mansfield area
- Parole Officer Dave Porter will serve the Chillicothe area
- Parole Officer Katie Nixon will serve West Central Ohio
- Senior Parole Officer Karl Blissenbach will serve East Central Ohio
Justice Reinvestment Initiative Phase II

- Funding to support these 5 symposia
- Funding to develop pre-service and in-service probation training in accordance with newly developed standards
- Funding to provide training in EPICS and do Train the Trainer to create a sustainable system
- Funding to support publishing a bench book
Risk Reduction Sentencing
R.C. 2929.143 and 5120.036

- A type of sentence recommended by the sentencing court at time of sentencing.
- Offender must agree to participate in a DRC assessment of the offender’s needs and risk of reoffending and to complete all programming and/or treatment recommended by DRC.
Risk Reduction Sentencing

- If an offender completes all programming and treatment ordered by the DRC, the inmate may be released at any time after the offender has served all mandatory time, if any, and at least 80% of the remaining (nonmandatory) time.
Risk Reduction Sentencing

- Two dates calculated for inmate: 80% date (risk reduction release date) and 100% date.
- Inmate’s needs and risk of reoffending assessed and documented in ORAS.
- Unit management and program staff create and monitor a case plan for the inmate.
Risk Reduction Sentencing

- Inmate’s programming and treatment progress assessed 60 days prior to the risk reduction release date.
- Once programming and treatment is complete and 80% of required sentence served, inmate is released to PRC.
- Risk reduction inmates are ineligible for earned credit.
- Court notified at least 30 days prior to release.
Risk Reduction Sentencing

- An offender is not eligible if the offender is being sentenced for aggravated murder; murder; complicity in committing aggravated murder or murder; an F1 or F2 offense of violence; a sexually oriented offense; or an attempt or conspiracy to commit or complicity in committing any of those offenses if the attempt, conspiracy, or complicity is an F1 or F2.
Limits on Prison for Certain Felony 4’s and Felony 5’s

- Prohibits direct prison sentences for certain F4’s and F5’s.
- Mandatory community control of one year applies if—
  - The most serious charge at the time of sentencing is the F4 or F5.
  - The current offense is not an offense of violence.
Limits on Prison for Felony 4’s and Felony 5’s

• Mandatory community control—Continued
• The offender has not previously been convicted of a felony.
• The offender has not previously been convicted of a misdemeanor offense of violence committed within two years prior to the offense for which sentence is being imposed.
Limits on Prison for Felony 4’s and Felony 5’s

• Exceptions: Court may impose a prison term if—
  • The offender had a firearm during the offense.
  • The offender caused physical harm.
  • The offender violated conditions of bond.
Limits on Prison for Felony 4’s and Felony 5’s

- Exceptions—Continued—Court may impose prison if—
  - The offender violates the conditions of community control, commits a new crime, or leaves the state without permission.
  - DRC did not provide information on available community sanctions within 45 days after being requested to do so.
Limits on Prison for Felony 4’s and Felony 5’s

• If the court believes that no appropriate community sanction is available, it must defer sentencing and contact the DRC.
• DRC has 45 days to give the court the names of one or more available community control sanctions of one year or more in duration.
• If DRC provides the names of one or more sanctions, the court “shall” impose the sanction or sanctions.
Limits on Prison for Felony 4’s and Felony 5’s

- Requests for the names of available community control sanctions are made on DRC Form 2599, which is available at:
  www.drc.ohio.gov/web/apa.htm
- Completed Form 2599 is emailed to:
  DRC.JudicialRequest@odrc.state.oh.us
- One-year duration requirement interpreted as any combination of sanctions totaling one year or more in duration
Limits on Prison for Felony 4’s and Felony 5’s
Limits on Prison for Felony 4’s and Felony 5’s
F1 and F3 Sentencing Ranges

- The maximum term in the F1 range is increased from 10 years to 11 years.
- For most F3’s—
  - The minimum sentence is lowered from 1 year to 9 months and the maximum sentence is lowered to three years.
  - Penalties stated in monthly increments (9, 12, 18, 24, 30, or 36 months).
F1 and F3 Sentencing Ranges

- The preexisting F3 range of 1 to 5 years remains in place for—
  - Agg. vehicular homicide, agg. vehicular assault, sexual battery, unlawful sexual conduct with a minor, and GSI.
  - Robbery or burglary if the offender has two or more prior aggravated or regular robberies or burglaries.
F1 and F3 Sentencing Ranges

- Preexisting F3 range of 1 to 5 years is now stated in monthly increments (12, 18, 24, 30, 36, 42, 48, 54, or 60 months).

- No changes to the F2, F4, or F5 ranges.
Judicial Release—R.C. 2929.20

- 10-year cap on release eligibility removed.
- Disqualifying offenses remain the same.
- Offenders remain ineligible during mandatory time.
- Filing timeframes generally remain the same, but judicial release eligibility restored for offenders with 5-year sentences.
Offenders serving longer than 10 years are eligible after serving one-half of stated prison term or 5 years after serving all mandatory sentences, whichever is later.

The bill’s revisions apply to any judicial release decision made on or after House Bill 86’s effective date, September 30, 2011.
Judicial Release
New R.C. 2967.19

• Director of the Department of Rehabilitation and Correction recommends that the sentencing court consider releasing eligible inmates.
• Generally, an eligible inmate must complete at least 80% of the sentence before the inmate is eligible.
• Inmates with “disqualifying offenses” are ineligible.
Judicial Release
New R.C. 2967.19

<table>
<thead>
<tr>
<th>Disqualifying Offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggravated Murder</td>
</tr>
<tr>
<td>Involuntary Manslaughter</td>
</tr>
<tr>
<td>Felonious Assault</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Complicity/Attempt/Conspiracy to commit any of the above offenses</td>
</tr>
<tr>
<td>Life Imprisonment Imposed</td>
</tr>
<tr>
<td>A felony, other than carrying a concealed weapon, an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance (generally, R.C. Chapter 2923 offenses)</td>
</tr>
<tr>
<td>F1 or F2 Drug Trafficking (R.C. 2925.03)</td>
</tr>
<tr>
<td>Engaging in a Pattern of Corrupt Activity</td>
</tr>
<tr>
<td>Any Sexually Oriented Offense</td>
</tr>
<tr>
<td>Offense sentenced under Sexually Violent Predator Law</td>
</tr>
</tbody>
</table>
Judicial Release
New R.C. 2967.19

- Inmates are not eligible while serving “restricting offenses”—gun specifications, RVO specification, human trafficking specification, underlying felony that is the basis for the specification, trafficking in persons, offense that qualifies the offender as a repeat violent offender.

- After every restricting offense is fully served, the offender must serve 80% of the remaining time.
Judicial Release
New R.C. 2967.19

- Offenders not necessarily ineligible during mandatory time.
- Procedure after the Director recommends release mirrors procedure under the preexisting R.C. 2929.20 judicial release process.
- Offenders granted early release are subject to supervision by the releasining court for up to five years.
Judicial Release
New R.C. 2967.19

- ODRC is required to adopt rules necessary to implement the new R.C. 2967.19 judicial release process.

- ODRC will be working to have the R.C. 2967.19 judicial release process implemented before the end of 2012.
Earned Credit—R.C. 2967.193

- A deduction from an inmate’s sentence for each full month the inmate productively participates in academic, vocational, substance abuse, sex offender, or mental health programs while incarcerated.
- Types of programs eligible for earned credit are identified in DRC rule and policy.
Earned Credit

• Before House Bill 86, inmates could earn two days of credit per month per program if convicted for an offense committed before July 1, 1996 (maximum four days per month for two programs) or one day per month if convicted on or after July 1, 1996.
Earned Credit

- House Bill 86 increases the number of days that an offender may potentially earn each month, but only with respect to sentences imposed for offenses committed on or after September 30, 2011.
Earned Credit

- Under House Bill 86, inmates convicted for an offense committed on or after September 30, 2011 may earn one day of credit per month or five days of credit per month, depending upon the most serious offense for which the offender is incarcerated.
Earned Credit

- An inmate sentenced for a sexually oriented offense committed on or after 9-30-11 is not eligible for earned credit.
- An inmate sentenced for an offense committed on or after 9-30-11 may earn a one-time credit equal to five days for completing two programs.
- An inmate sentenced for an offense committed on or after 9-30-11 is limited to earned credit totaling no more than 8% of sentence.
Earned Credit

• If an offender placed on post-release control has earned 60 or more days of earned credit, the offender must be supervised by a GPS device for the first fourteen days after the offender’s release from prison.

• DRC must annually seek and consider the written feedback of the Ohio Prosecuting Attorneys Association, the Ohio Judicial Conference, the Ohio Public Defender, the Ohio Association of Criminal Defense Lawyers, and other organizations and associations that have an interest in the operation of the earned credit program.
Earned Credit

- Court notification about earned credit (R.C. 2929.14(D)(3))
- Court sentencing an offender for a felony on or after 9-30-11 must include in the sentence a statement notifying the offender that the offender may be eligible to earn days of credit under the circumstances described in the earned credit statute, R.C. 2967.193.
Earned Credit

- Court notification about earned credit—cont’d
- Failure to notify does not affect earned credit eligibility or constitute grounds for setting aside the conviction or for granting post-conviction relief.
Risk Reduction Sentence Patterns-1

- Through 4/29/12- 141 Risk Reduction (RR) Sentences; this is far less than the 35% estimated to be given a RR sentence.

- 1 release so far

- Only 27 are pure HB86 Sentences- 19%
## Risk Reduction Sentence Patterns-2

<table>
<thead>
<tr>
<th>Crimes</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal</td>
<td>20</td>
<td>19%</td>
</tr>
<tr>
<td>Burglary/B&amp;E</td>
<td>29</td>
<td>21%</td>
</tr>
<tr>
<td>Drugs/Alcohol</td>
<td>37</td>
<td>26%</td>
</tr>
<tr>
<td>Other</td>
<td>55</td>
<td>39%</td>
</tr>
</tbody>
</table>
## Risk Reduction Sentence Patterns-3

<table>
<thead>
<tr>
<th>Counties</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery</td>
<td>52</td>
<td>37%</td>
</tr>
<tr>
<td>Delaware</td>
<td>18</td>
<td>13%</td>
</tr>
<tr>
<td>Butler</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Summit</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Clermont</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>Others</td>
<td>28</td>
<td>20%</td>
</tr>
</tbody>
</table>
## Risk Reduction Sentence Patterns-4

### Aggregate Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Months</td>
<td>14</td>
<td>10%</td>
</tr>
<tr>
<td>12 Months or less</td>
<td>65</td>
<td>46%</td>
</tr>
<tr>
<td>18 Months or less</td>
<td>85</td>
<td>60%</td>
</tr>
<tr>
<td>24 Months or less</td>
<td>100</td>
<td>70%</td>
</tr>
<tr>
<td>36+ Months</td>
<td>27</td>
<td>19%</td>
</tr>
</tbody>
</table>
## Risk Reduction Sentence Patterns-5

### Degree

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>F2</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>F3</td>
<td>52</td>
<td>37%</td>
</tr>
<tr>
<td>F4</td>
<td>33</td>
<td>23%</td>
</tr>
<tr>
<td>F5</td>
<td>42</td>
<td>30%</td>
</tr>
</tbody>
</table>
Consequences of diversion of certain 1st felony F4/F5’s

<table>
<thead>
<tr>
<th>Category</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Pure 86</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>1018</td>
<td>886</td>
<td>167</td>
</tr>
<tr>
<td>Possession</td>
<td>743</td>
<td>732</td>
<td>109</td>
</tr>
<tr>
<td>Trafficking</td>
<td>803</td>
<td>613</td>
<td>99</td>
</tr>
</tbody>
</table>

Subtotal       | 2564    | 2231    | 375     |

Total Intake    | 7022    | 6585    | 1559    |

Percentage      | 36.5%   | 33.9%   | 24.1%   |
## F1 Sentencing Patterns

<table>
<thead>
<tr>
<th>Number cases</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Pure</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 yrs. or less</td>
<td>37.9%</td>
<td>39.0%</td>
<td>51.3%</td>
</tr>
<tr>
<td>4.1 to 9 yrs.</td>
<td>38.2%</td>
<td>35.5%</td>
<td>39.0%</td>
</tr>
<tr>
<td>9.1 to 10 yrs.</td>
<td>6.8%</td>
<td>5.5%</td>
<td>1.3%</td>
</tr>
<tr>
<td>10.1 to 11 yrs.</td>
<td>1.0%</td>
<td>2.2%</td>
<td>3.9%</td>
</tr>
<tr>
<td>11 yr. or more</td>
<td>16.0%</td>
<td>17.7%</td>
<td>4.5%</td>
</tr>
</tbody>
</table>
## F3 Sentence Patterns

<table>
<thead>
<tr>
<th></th>
<th>Group 1</th>
<th>Group 2</th>
<th>Pure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number cases</td>
<td>1934</td>
<td>1833</td>
<td>494</td>
</tr>
<tr>
<td>LE 12 m.</td>
<td>27.6 %</td>
<td>29.0 %</td>
<td>38.3 %</td>
</tr>
<tr>
<td>LE 24 m.</td>
<td>54.3 %</td>
<td>62.2 %</td>
<td>71.3 %</td>
</tr>
<tr>
<td>Mean</td>
<td>32.5 m.</td>
<td>28.1 m.</td>
<td>23.8 m.</td>
</tr>
<tr>
<td>Median</td>
<td>24.0 m.</td>
<td>24.0 m.</td>
<td>18.0 m.</td>
</tr>
</tbody>
</table>
# Felony Proportions

<table>
<thead>
<tr>
<th>Change*</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Pure</th>
</tr>
</thead>
<tbody>
<tr>
<td># cases</td>
<td>7022</td>
<td>6585</td>
<td>1559</td>
</tr>
<tr>
<td>F1</td>
<td>+1.5</td>
<td>8.4%</td>
<td>8.9%</td>
</tr>
<tr>
<td>F2</td>
<td>+2.1</td>
<td>14.4%</td>
<td>15.6%</td>
</tr>
<tr>
<td>F3</td>
<td>+4.1</td>
<td>27.5%</td>
<td>27.8%</td>
</tr>
<tr>
<td>F4</td>
<td>-1.3</td>
<td>22.3%</td>
<td>21.2%</td>
</tr>
<tr>
<td>F5</td>
<td>-5.6</td>
<td>26.1%</td>
<td>25.1%</td>
</tr>
</tbody>
</table>

* from Group 1 to Pure
80% Judicial Release

The provision is not in use yet.
Earned Credit (EC)

- Number of Persons eligible for new EC—?
- Number of Persons receiving EC at new rate—33
- Estimated Number of Days Granted—185

- No estimate of persons moving to lower rate
Certificate of Achievement and Employability

- Eligible offenders may apply to the DRC for a certificate that relieves the prisoner from one or more “mandatory civil impacts”—Any section of the Revised Code or Administrative Code that creates a penalty, disability, or disadvantage that is imposed by a licensing agency or employer and which precludes a person with a criminal record from obtaining licensure or employment
Certificate of Achievement and Employability—Continued

• If a person who has been issued a certificate applies to a licensing agency for a license or certificate and the person has a conviction that otherwise would bar licensure or certification, the licensing agency must give the person individualized consideration.

• Certificate creates a rebuttable presumption that the criminal conviction is insufficient evidence that the person is unfit.
Certificate of Achievement and Employability—Continued

- Notwithstanding the presumption created by the certificate, a licensing agency may still deny the license or certification for the certificate holder if it determines that the person is unfit
- Same rules, above, apply for employers who are seeking a license or certification and who have hired a certificate holder.
Certificate of Achievement and Employability—Continued

- Employer immunity—
  - If an employer hires a certificate holder, if a subsequent action is filed against the employer for negligent hiring based on the employer’s actual or constructive knowledge of the certificate holder’s incompetence or dangerousness, the certificate is an absolute defense to the element of the employer’s actual or constructive knowledge.
Certificate of Achievement and Employability—Continued

- Employer immunity—Continued
  - If the certificate holder, after being hired, subsequently demonstrates dangerousness and if the employer nevertheless retains the employee, the employer may be held liable in a civil action that relates to the retention only if it is proven that the employer had actual knowledge of the employee’s dangerousness and willfully retained the employee after the employee demonstrated the employee’s dangerousness.
Certificate of Achievement and Employability—Continued

- Eligibility for a certificate—
  - Applicant is currently incarcerated with an expected release date that is one year or less from the date of the application or the applicant is currently on parole or post-release control
  - The applicant satisfactorily completed one or more in-prison vocational programs approved by department rule
Certificate of Achievement and Employability—Continued

- Eligibility for a certificate—Continued
  - The applicant completed one or more cognitive or behavioral improvement programs while incarcerated, while under supervision, or both
  - The applicant has completed community service hours
  - The applicant has shown other evidence of achievement and rehabilitation
Certificate of Achievement and Employability—Continued

- “Evidence of achievement and rehabilitation”—Examples
  - Completing adult basic education
  - Obtaining a GED
  - Completing a pre-GED program
  - Obtaining a high school diploma
  - Completing anger management
  - Completing victim awareness
Certificate of Achievement and Employability—Continued

- Revocation of certificate
- An issued certificate must be revoked if the certificate holder is subsequently convicted of any offense other than a minor misdemeanor or traffic offense
- Certificate cannot be revoked for violation of a condition of release unless the violation is also a criminal offense
OHIO EX-OFFENDER REENTRY COALITION

REENTRY PROGRAM REPOSITORY
In accordance with House Bill 86, OERC is statutorily required to gather information about reentry programs in a repository maintained and made accessible by the coalition.
What is a Reentry Program?

“Reentry” is not a specific program, but rather a research-driven process that starts when an offender is initially incarcerated and ends when the offender has been successfully reintegrated in his or her community as a law-abiding citizen. The reentry process includes the delivery of a variety of research- and evidence-based program services in both pre- and post-release settings, designed to ensure that the transition from prison or jail to the community is safe and successful.
Core content of a reentry program information:

- Name of Reentry Program
- County or Location of Reentry Program
- Composition of Program
  - Program goals
  - Methods for measuring success
  - Number of program participants
  - Program success rate
  - Type of post program tracking utilized
  - Amount of funding received and source
Protocol for Reentry Program Submissions

- Application
- Initial Application Reviews
- Annual Reviews / Updates
Education and Marketing

- Why should providers list their programs in this repository?
- By listing, is a contributor’s visibility/credibility enhanced?

- Potential Contributors/Constituents
- Education/Marketing Strategies
- Tools/Tactics
The Reentry Program Repository will be an effective tool to highlight available reentry programs for offenders, service and treatment providers and Ohio citizens. The fundamental goal is to provide information on programs that will ultimately aid offenders in their successful transition back to their home communities.
Collateral Consequences
HB 524
SB 337

Linda S. Janes, Chief of Staff
Ohio Department of Rehabilitation and Correction
MISSION

“Reduce Recidivism”
Why is this Important?

- Over 1.9 million Ohio residents have a misdemeanor or felony conviction.
Collateral Consequences Forums

- “Clearing the Road” to gainful employment by addressing collateral consequences for those individuals with felony or misdemeanor convictions.

- Four Collateral Consequences forums in Columbus (2), Cleveland and Cincinnati.

- Formulation of consensus-based policy proposals to present to the legislature.
Collateral Consequences

Forums

Workgroup Topics:

- Collateral Consequences
- Driving Suspensions
- Order of Limited Relief/Certificate of Qualification for Employment
- Fair Hiring Practices and Expungement
- Child Support Practices
- Juvenile Justice
The Collateral Consequences workgroup focused on research done by the University of Cincinnati (UC).

The UC study found over 800 places in the Ohio Revised Code and/or the Ohio Administrative Code that listed sanctions related to employment, housing, and other barriers for persons who have misdemeanor or felony convictions in their backgrounds.
Workgroup: Collateral Consequences

- This workgroup proposed the following recommendations that will remove barriers to employment for the following:
  - Construction trades: HVAC, electrical, plumbing, refrigeration, and hydronics;
  - Optical dispensing;
  - Cosmetology;
  - Unarmed Security guards/services;
Workgroup: Collateral Consequences: Continued

- Hearing aid dealers/fitters;
- Licensed salvage yard dealer (junk yards);
- Elevator repair person;
- Underground storage tank inspector;
- Motor Vehicle Salesperson.
Workgroup: Driver’s License Suspension

- This workgroup found that in Ohio there are 17 ways to lose a driver’s license that are NOT driving related.
- Reclassify Driving Under Suspension (DUS) offenses into moving and non-moving violations.
- Arresting and jailing someone for minor offenses creates collateral consequences without any real increase in public safety.
Workgroup: Child Support Practices

- Modification of child support orders of those incarcerated or convicted of a felony.
- Make orders realistic and responsible w/o eliminating accountability.
- Make first time non-support offenses “expungable” if all payments are caught up.
Workgroup: Order of Limited Relief - Certificate of Qualification for Employment

- Filing a Petition – Individuals Subject to Collateral Sanction(s) Who Have Served Period of Incarceration/Supervision or Spent Time in DRC Funded Program, or Individuals Subject to Collateral Sanction(s) Convicted of Criminal Offense Not Included Above.

- Justice Reinvestment Officers → Courts in county of residence or an individual may file petition directly to Court
Workgroup: Certificate of Q for E: Continued

- Recognizes those individuals that comply with the law while in the community.
- Allows an individual to apply based on a showing that relief would facilitate opportunities to the job market.
- Timeframe to Apply for a Felony – 1 Year
- Timeframe to Apply for a Misdemeanor - 6 months
Workgroup: Certificate of Q for E: Continued

- Through the legislative process, some Licensing Boards requested additional discretion:
  - 1 year for misdemeanor conviction
  - 3 years for felony conviction, with consideration of a Conditional license at the 1 year mark
Workgroup: Certificate of Q for E: Continued

- Courts in county of residence review and may issue if certain conditions are established by preponderance of evidence.
- Provides employers immunity from negligent hiring/retention claims.
- Some exclusionary criteria apply. No Order will be granted that would violate state constitution or federal regulations for employment in certain professions.
Workgroup: Fair Hiring Practices

- Moving the box on state applications – A collaboration between DRC and DAS
QUESTIONS

?