



Department of
Rehabilitation & Correction

Indeterminate Sentencing

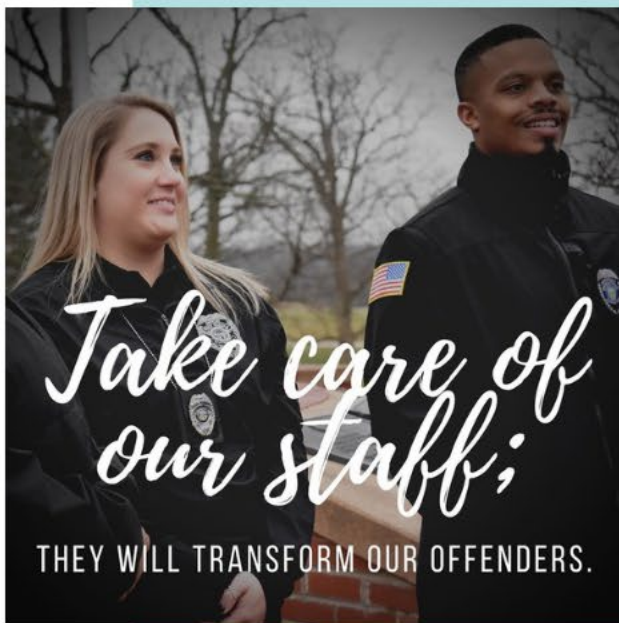
Annette Chambers-Smith, Director



DRC Mission, Vision and Values

Mission: To reduce recidivism among those we touch.

Vision: To reduce crime in Ohio.



Population Overview



Average Age: **39.8**

92.3% **7.7%**
Male Female

Low Security
Population: **73.8%**

High Security
Population: **26.2%**

28 PRISONS

Total Population

43,488

Annual Intake

16,550

Annual Releases

17,942

71.2% **28.8%**
Violent Non-Violent

23.1%

Mental Health
Caseload

20%

Security Threat
Group



28,752 Individuals Supervision Population

Top 10 Counties

1. Cuyahoga 15.3%
2. Franklin 9.6%
3. Hamilton 6.9%
4. Montgomery 4.5%
5. Summit 4.3%
6. Lucas 4.0%
7. Stark 3.0%
8. Butler 2.6%
9. Muskingum 2.2%
10. Mahoning 2.1%

Population Overview

Impact of Current Sentencing Laws

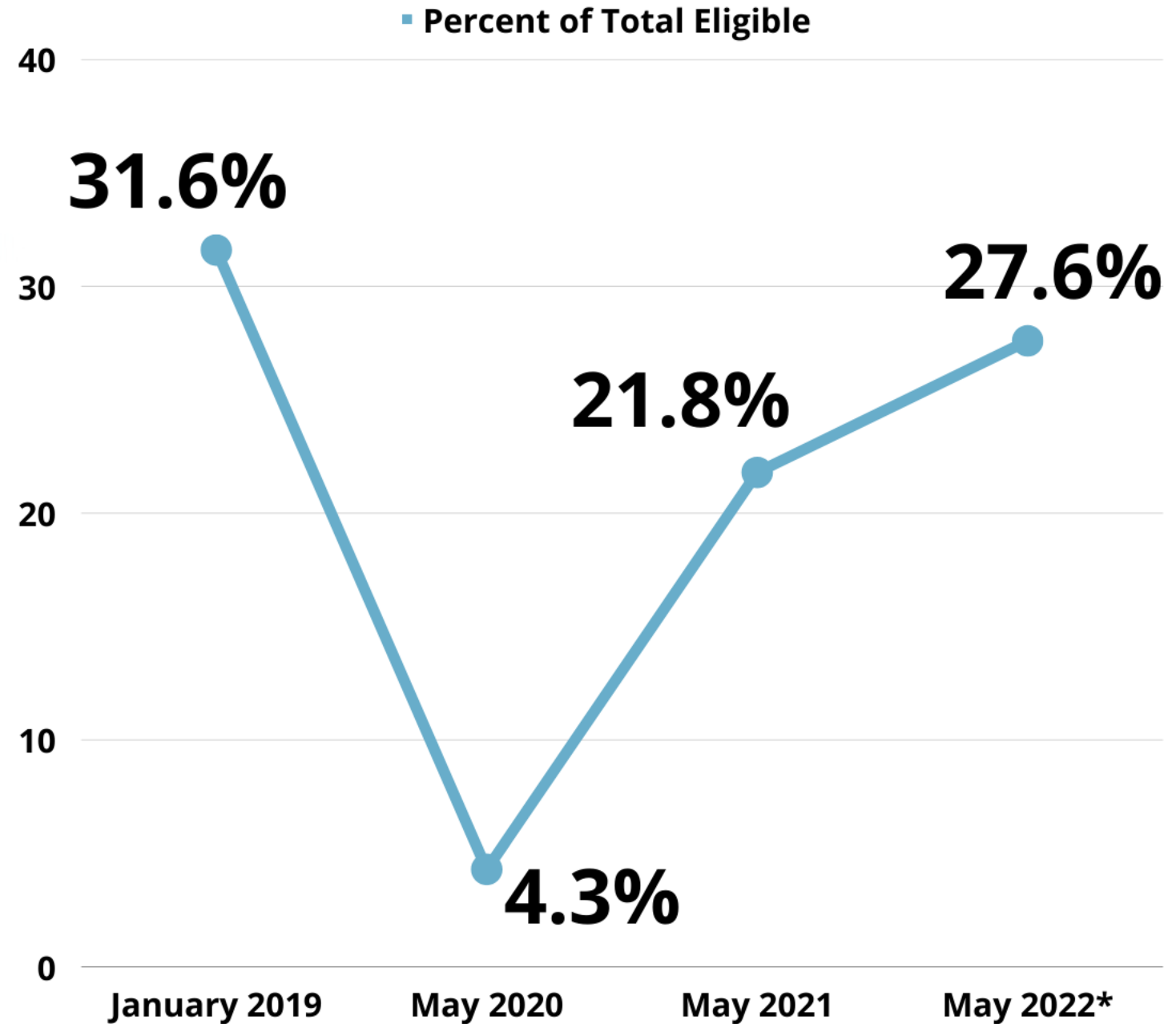


- **Senate Bill 2, Truth and Sentencing and Changes Over Time**
 - **Reactive**
- **Difficulty in Sentencing Calculation:**
There are so many nuances, we have to do everything by hand and check it numerous times.
- **Old Law - New Law Controversy, which is even more complicated now**
 - Different statuses for earned credit, two people in same class get different amounts
 - SB201 vs. Not SB201

ADMINISTRATIVELY

Participation in Earned Credit

- DRC created a strategic plan to increase earned credit that was put on hold during the COVID-19 pandemic, but has since started again.
- Strategic plan includes:
 - Continuation Credit
 - Sinclair Program
 - Blanket Approval for Programs



**Figures are preliminary*

Impact of Current Sentencing Laws



- No proactive motivation for good behavior
- More drugs, more violence, more serious misbehavior than when we had indeterminate sentencing
- SB201 effects too few, and too small of a percentage to overcome this, and as stated before, it is only reactive
 - 14% of the population is SB201

PRISON MANAGEMENT

Impact of Current Sentencing Laws

SENATE BILL 201

6,485

SB201 INDIVIDUALS

Significant number of people do not have a maximum in their journal entry and are not eligible for reduction

14%

OF DRC POPULATION

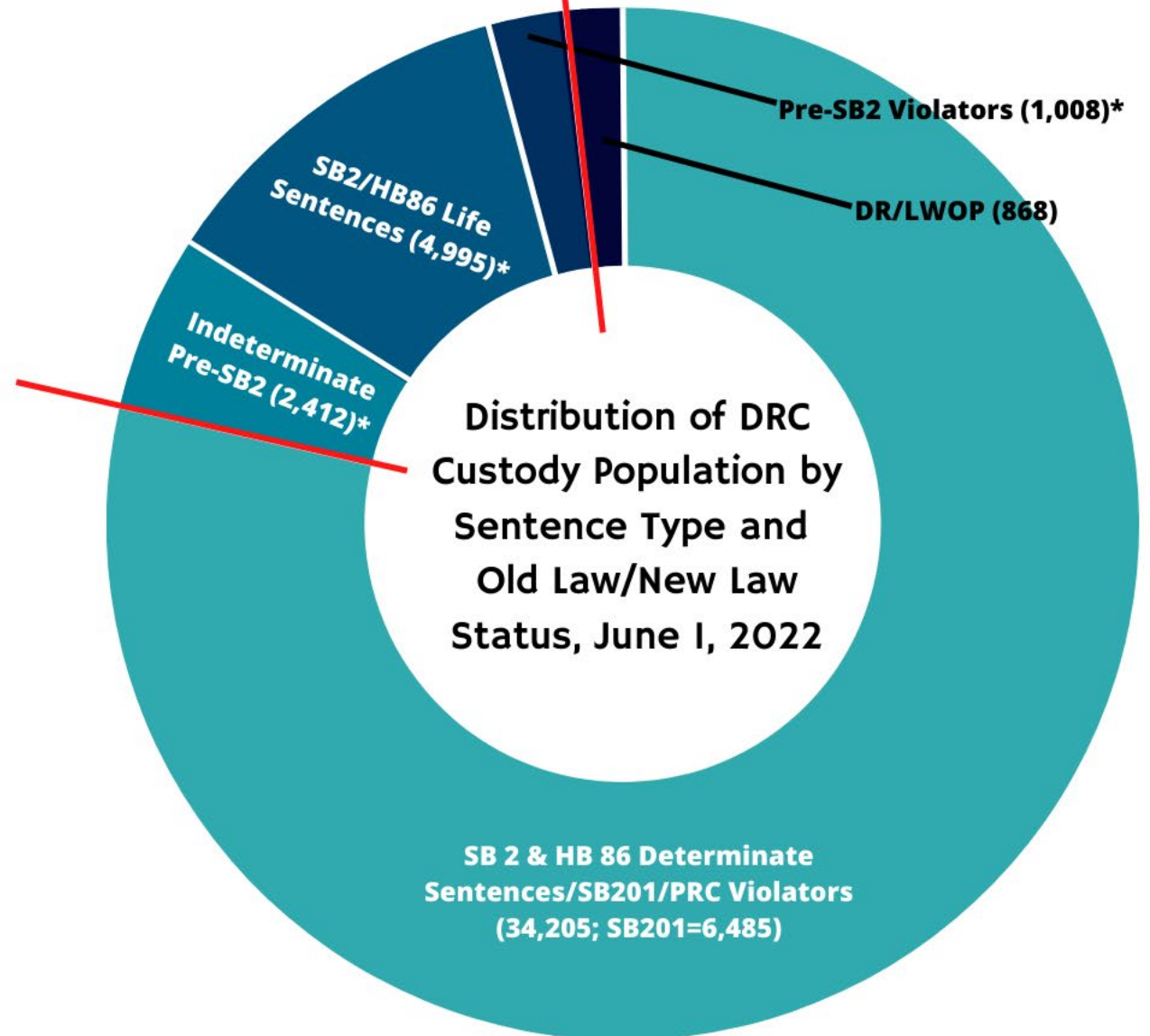
47 have received more time. The average time is 335 days with a range of 90 to 730.

Impact of Current Sentencing Laws



PRISON MANAGEMENT

***Total Subject to Discretionary Parole Release - 8,415 (excludes SB201)**





Considerations

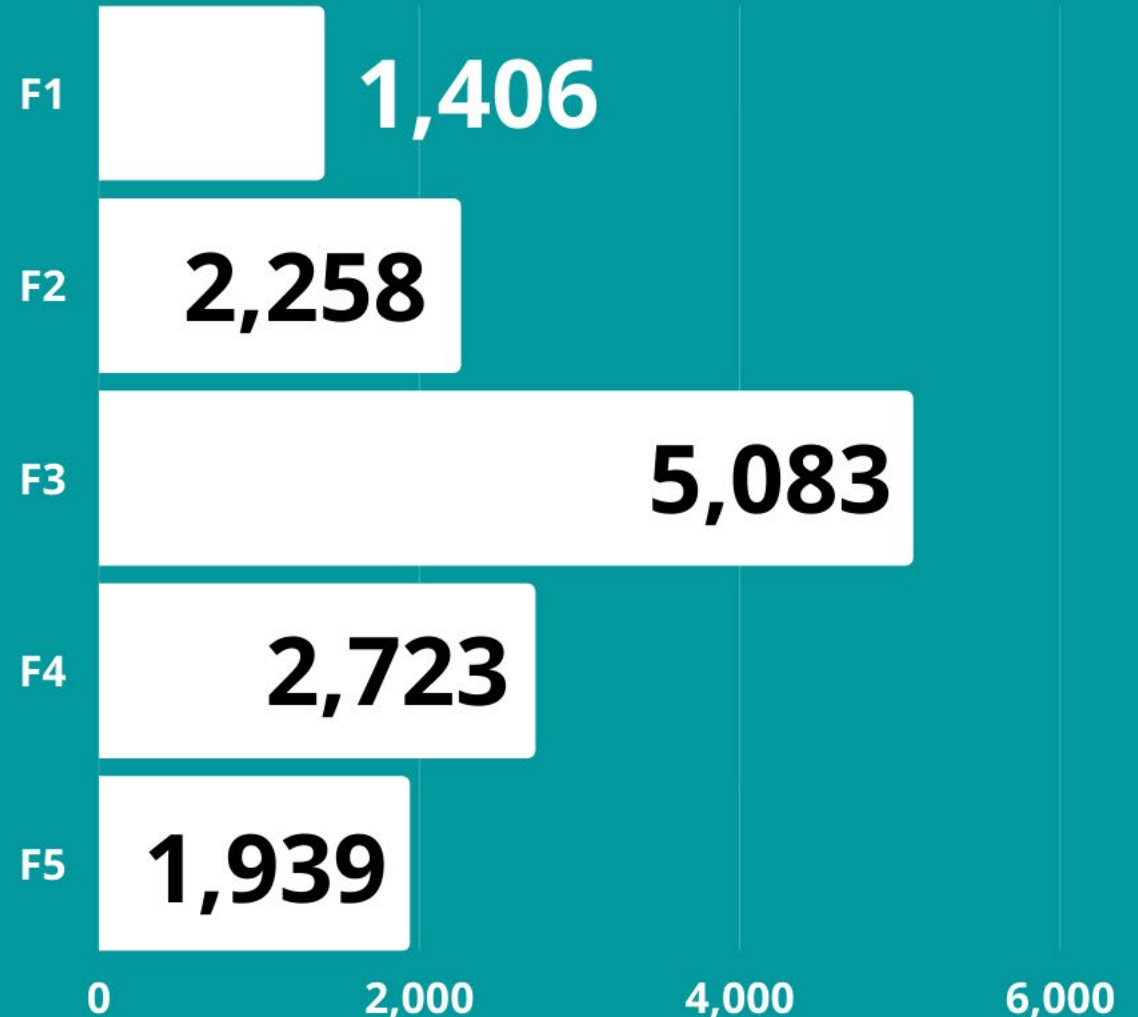
- Proactive motivation for change: we want to be in the business of getting people in a situation where they are motivated for change.
- Current system, even SB201, is reactive
- Indefinite sentencing systems prepare incarcerated persons to enter prison looking to change and do good so they can earn a release.
- Impact would be safer prisons with more motivation for engaging in programming.

Hybrid System

Not all or nothing:

- F1, F2, F3 indeterminate, F4, F5 determinate w/EC system
- The largest portion of intake is F3
- Minimums are minimums. Honor the need to have truth in sentencing so there is certainty for victims and the community.
- Motivation to change. Create a situation where incarcerated people enter into prison with the desire to behave and engage in programming.

CY 2021 Intake by Felony Level





- ODRC has already engaged in extensive parole reform
- DeWine Administration Prioritized Parole Board Reform. Engaged numerous stakeholders to begin.
- Phase 1 was comprised of
 - Major Changes to Full Board Hearings (reduce backlog, livestream, increased participation)
 - Incarcerated Persons Provided Aggregate Vote of PBM
 - Staff Conference Days
 - The composition of the parole board was diversified to include four appointments from outside of DRC to include members with backgrounds in prosecution, criminal defense, mental health and the state general assembly. A new victim representative was also appointed.

Parole Board Reform: Phase I



- Included Rule Infraction Response Guide Into Decision Making
- Creation and Distribution of Working File to Incarcerated Persons
- Structured Decision Making
- Parity Review
- Half Time reviews
- Parole Process Navigators
- Administrative Rule Revisions 5120-1-1-07
- Reconsideration Policy Revisions
- Extensive Training
 - NIC New Board Member
 - Legal Framework for PB Decision-Making
 - EBP and Core Correctional practices
 - Domestic Violence
 - Motivational interviewing

Parole Board Reform: Phase 2



- **Underway**
 - Institutional Summary Report Changes
 - Prosecutor's to Request a Full Board
 - Additional Training
- **Under Consideration**
 - Live-streaming Clemency Hearings
 - Changes to Documents to be Considered by board
 - Attorney Attendance at Institutional hearings

Parole Board Reform: Phase 3

- Guided by ORC 2967.03 and 5120:1-1-07
- Through the legislative process, the AR changed in October 2020 for the first time since 2003.
- These direct us to not release individuals if there is substantial reason to believe that:
 - the inmate will engage in further criminal conduct, or that the inmate will not conform to such conditions of release
 - the unique factors of the offense of conviction significantly outweigh the inmate's rehabilitative efforts,
 - the release of the inmate into society would create undue risk to public safety and/or would not further the interest of justice nor be consistent with the welfare and security of society;
 - due to serious infractions of rule 5120-9-06 of the Administrative Code, the release of the inmate would not act as a deterrent to the inmate or to other institutionalized inmates from violating institutional rules and regulations;
 - there is need for additional information upon which to make a release decision.

Parole Board Decision Making

1. Risk to re-offend
2. Criminal and supervision history
3. Individual ability to control their behavior and impulsivity (e.g. substance abuse)
4. Programming while incarcerated
5. Institutional behavior
6. Any recommendations from judges or prosecuting attorneys
7. Any communication from victims or victim's representative
8. Community support or opposition
9. Recommendation of defense counsel
10. Written and oral statements of incarcerated person
11. Readiness, ability, and motivation for reentry (e.g. education, employment, family support)
12. Age of the person when they committed the offenses
13. Family and home situation at time of offense
14. Incarcerated persons demonstration of change

Parole Board Decision Making- Factors to Consider



INDEFINITE SENTENCES AND PRISON POPULATION

The ability for the ODRC to control the prison population is predicated on how the law is structured by the legislature. But, what we do know is that when given this type of discretion we apply it in a judicious manner

1. HB110 created individual periods of supervision based on institutional conduct on the front end and supervision conduct ongoing.
2. Currently PB recidivism is about 1/2 of a recidivism rate as for those on PRC.
3. Parole Board Reform
4. Legislative minimum sentences will have the greatest impact on the population.

Legislative Needs

- There are two legislative fixes needed:
 - Ability for prosecutors to ask for a full board hearing.
 - Under SB256, the defense attorney can attend the hearing, but the prosecutor cannot.

Annette Chambers-Smith, Director

Ohio

Department of
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MIKE DEWINE
GOVERNOR OF OHIO