

**Testimony before the Senate Finance and Financial Institutions Committee
Amended Substitute House Bill 1 (Sykes) – Biennial Operating Budget
Presented by: Terry J. Collins, Director
April 29, 2009**

Good afternoon, Chairman Carey, Ranking Minority Member Dale Miller, and members of the Senate Finance and Financial Institutions Committee. I appreciate the opportunity to speak to you today in support of the Department of Rehabilitation and Correction's Fiscal Years 2010-2011 biennial operating budget request. I have provided each committee member with a copy of my testimony.

Introduction

The Department of Rehabilitation and Correction (DRC) has 32 prisons that today house 51,032 adult felony offenders. We are operating at 132% capacity (38,665 beds). In fact, just since my testimony before the House Finance and Appropriations Committee on February 12th, the Department's population has increased by over 300 inmates. DRC is more than just prisons. Our Adult Parole Authority (APA) supervises 37,000 people on post release control, parole, interstate compact, transitional and community control; we fund 18 Community Based Correctional Facilities (CBCFs); contract with 24 halfway houses; fund local Community Correction Act (CCA) programs for jail and prison diversions; provide community control supervision and write Pre-Sentence Investigation reports in 54 of Ohio's 88 counties; fund independent and supportive housing options for returning citizens; have a Victim Services Office that provides notification to 49,775 registered victims; we have a 10,000 acre farm operation spread over 10 prisons; we operate a beverage processing center (milk and juice); a meat processing plant; we manage water/sewage treatment plants; we produce numerous products through our Ohio Penal Industry shops; we awarded 14,433 certificates in Fiscal Year 2008 to inmates for program completion through our Ohio Central School System, and nurses administered over 9 million medications at pill call lines in FY 2008. Today, we will serve 153,096 meals. As you can see, we have multiple components to our operations that impact thousands of people across this great State, in every city and county.

We know that there are many challenges facing us in this next biennium. Let me take the next few minutes to specifically address some of them in more detail.

Prison Population

Ohio's prison population reached a record level of 51,273 inmates in November 2008. While we saw a drop in the state's prison population between 1998 and 2005, we have been experiencing accelerated growth in recent years, with the population rising by over 7,000 offenders since February 2005. Record setting intake each fiscal year from 2002 through 2007 has been a primary factor in this population increase. Although intake slowed in Fiscal Year 2008, the average length of sentence continues to increase at all felony levels.

Not only has our population increased in significant numbers; it is also "graying", with roughly 6,700 of our inmates who are age 50 and over. We have more than 700 offenders age 65 and over, with the oldest being 88 years old. The increasing numbers of inmates, coupled with a "graying" population, leads to escalating healthcare costs. The price of healthcare in prison is no

different from free society, it's expensive. We have over half of our inmate population (27,483 offenders) enrolled in chronic care clinics.

More importantly, the Executive Budget introduced some common sense sentencing reforms that together we can use to help stabilize and eventually reduce the prison population, while saving valuable state funds. I want to thank Senator Seitz for his insight in introducing Senate Bill 22, which parallels the sentencing reforms that were proposed in the Governor's budget.

Common Sense Sentencing Reform

We are at a critical and urgent stage. If current trends continue, our research indicates the population will reach nearly 60,000 inmates by 2018. I can tell you today, just to build beds to get us to 100% capacity would cost us roughly \$1 billion dollars, and that does not include the operational funding. Common sense sentencing reform says we must change and understand that some people can be punished and held accountable for their actions without being placed behind prison fences. Ohio has an impressive range of community alternative punishments such as halfway houses, CBCFs, diversion programs, electronic monitoring/GPS, alcohol/drug programming, and intensive supervision options, that could and should well serve many of the low level (4th and 5th degree) offenders we receive today.

Currently, 57% of the inmates we receive serve less than 12 months. We believe that many of these persons could be more appropriately punished and held accountable for their actions in community correction alternatives. These punishments have proven valuable in reducing recidivism. Community Corrections Act grant dollars allow local jurisdictions to fund and structure a wide array of programs for jail and prison diversions. These programs include electronic monitoring/GPS, day reporting, work release, substance abuse, mental health programming, and community service. Such programs allow for offenders to be punished in their local community while ensuring that he or she is held accountable for continuing and/or seeking employment, paying taxes and child support, and maintaining family ties and responsibilities. As introduced, this budget increases the current allocation by \$4.3 million dollars annually, for these critical prison and jail diversion programs. Furthermore, the budget allocates an increase of \$3.7 million annually to fund an additional 220 Community Based Correctional Facility beds. We believe the infusion of these dollars will save a total of 2,674 prison beds.

The introduced version of House Bill 1 assumed other sentencing reforms that are critical to slowing and eventually reducing the growth of the state's burgeoning prison population. I will just briefly mention them.

- **Non Payment of Support**
- **Increase from 1 to 7 days Earned Credit each month for active participation in approved Earned Credit programs**
- **Redefine Statute Regarding Parole Violators who Abscond Parole Supervision**
- **Raise Theft Threshold from \$500 to \$750**

I believe these common sense sentencing proposals will give more alternatives to judges resulting in a reduction of low level offenders entering prison. At the same time, they will hold people accountable for their actions, while meeting our goal of stabilization and eventually reducing the prison population and saving the state dollars.

In addition, we are having discussions with the Council of State Governments (CSG)–Justice Reinvestment Project to come to Ohio and review our practices and procedures in the criminal justice continuum. I welcome their review to not only highlight our successful operations, but to also look at areas where we can make improvements. The ultimate goal is to help Ohio save valuable State dollars.

House Substitute Bill Changes

I would like to address a few of the key changes made in the Substitute version of House Bill 1. While I appreciate and fully support the House’s addition of \$100,000 to fund the CSG study, I do not agree with their decision to pull out the “common sense sentencing” reforms while we wait on CSG’s findings. As I have indicated in my testimony, we are at a point where failure to act is not an option. We must begin now to stabilize the growth in our prison population in order to avoid the enormous cost increases I have articulated. Therefore, I would request the Senate’s support for reinclusion of these critical reforms in House Bill 1. We are also working closely with Senator Seitz on additional population and cost saving reforms for potential inclusion in Senate Bill 22.

Furthermore, Substitute House Bill 1 includes an additional \$1.7 million in FY 10 and 11 to fill all authorized unit management staff positions at the Mansfield Correctional Institution and the Southern Ohio Correctional Facility. While we appreciate the additional dollars provided by the House, I am concerned with the earmarking of these dollars for specific positions at particular institutions. This limits the agency’s management discretion and ability to prioritize positions and institutions that have the greatest staffing needs.

Conclusion

I do not envy the decisions that you will have to make due to the declining economy. I am very sympathetic to your plight. I believe the Executive Budget recognizes the need for change and investing in programs and services that have proven results. It is my hope that my testimony helps you to understand, “I am the Captain of a ship, that I have no control over the cargo.” DRC can not put up a “no vacancy” sign. I have to accept everyone who arrives at our 3 reception centers.

Chairman Carey, and members of the Senate Finance and Financial Institutions Committee, I urge your support of the Executive’s proposed budget. I would now be pleased to answer any questions you might have.