The JFA Institute
Denver, CO / Camden, SC / Washington, D.C.

Estimating the Impact of the 2018 Ohio Issue 1
The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment

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Introduction

This document summarizes the methods by the JFA Institute to estimate the impact of the Ohio ballot initiative known as Issue One. The basic objectives of the Ohio initiative are as follows:

1. Declassifying drug possession/use from felonies to misdemeanor level crimes thereby eliminating their admission to the prison system;

2. Diverting technical CC violators thereby eliminating their admission to prison;

3. Granting sentence credits of 1/2 day for every day participating in designated program up to 25% of sentence; and,

4. Granting a one time 30-day credit for people completing designated risk reduction programs prior to release.

Research Methods

In order to assess the possible impact of these four reforms, JFA received a detailed data set that that had been prepared by the Ohio Department of Corrections and Rehabilitation (ODRC) which consisted of all people who were released from prison in CY2016. This data file had been used by the ORDC and JFA to estimate the likely impact of diverting was has been referred to as the TCAP prisoners. Legislation was passed in 2017 to allow for such diversions to occur. Because the CY2016 release data file identifies those TCAP releases, it was possible to eliminate them from the analysis governing the impact od the proposed 2018 ballot initiative.

Diversion Drug Possession Offenders

For reform #1, all admission where the most serious offense was a drug possession case and was not a CC violator or a TCAP divertee were identified. By knowing the average length of stay (LOS) for these drug possession releases, one can calculate the expected average daily population (ADP) that they represent. As shown in Table 1, the raw estimated impact is a 2,607 population reduction. This number is then reduced by 20% to take into account resistance to the reform by the local courts and other charges associated with the prisoner that may disqualify them. The overall impact is then set at 2,086.

Diversion CC Technical Violators

For reform #2, the ORDC data file identifies people being released in 2016 for a technical violation. By knowing the average LOS, we can calculate the size of the technical violation population as of 2016 which is set at 3,749. However, the ORDC informed JFA that this number, while accurate for 2016 is not accurate for 2018 as the CC violation population has been declining due to other reforms enacted by the state. For these reasons, we set the current CC violation population at 3,200. We then discount this number again by 20% for the same reasons set forth

above. The net impact is then set at 2,560. For the first two reforms are expected to lower the current prison population by 4,646 or from 49,339 to 44,693. These are very strong projections and should occur over a two-year period.

Awarding of Program and Work Credits

The next set of reforms are far more speculative for two reasons. First, the data needed to make the calculation are lacking. The ORDC does not systemically and accurately calculate the number and type of programs inmates are participating or the work assignments they are engaged in. Second, the ORDC will have to articulate the number and type of programs/work assignments that prisoners can receive credits for.

Given these restrictions, the following methodology was employed. The ORDC did forward to JFA the following information about the current prison population which was 49,339 as of March 2018:

1. 5,526 or 11.2% of the current prison population of 49,339 are in a confirmed idle status (local segregation, extended restrictive housing, death row, or an idle job status);

2. 9,280 or 18.8% of the current prison population are in a confirmed meaningful activity status (OPI job, recovery services program participation, or earned credit-related program participation);

3. 34,533 or 70.0% of the current prison population are in an "unknown" status. All of these people have a job assignment but one cannot tell much they are actually working or the quality of that institutional job. Similarly, the ORDC cannot track the program participation by type of programs.

The CY 2016 data file did list the prevalence of participation in education, vocational training or substance abuse programs. That data showed that 60% of the prison releases participated in at least one structured program prior to release. This number does not include meaningful work assignments. This cohort has an average sentence of 34 months and an average LOS of 39 months. The most that these people can received in terms if program and/or work credits is 25% of their sentence or 6 months.

There are a number of reasons to lower the estimates of credits being awarded. First some of the inmates in the 2016 are already receiving credits so one cannot assume they would get an additional six months. Second, we do not know how many of the inmates could receive the full six months some will not be incarcerated long enough to participate in meaningful work or more likely programs. For example, 9% of the CY 2016 cohort spent less than six months in the ORDC prior to being released.

For these reasons, we have assumed that 20% of the releases will receive no credits due to a) idleness and b) a short LOS. The remaining 80% would be eligible for some combination of the

program/work credits. We then used the CY2016 release cohort to calculate the average sentence for the expected eligible population which is 33 months. The median is set at 24 months which is useful to use as it reduces the effect of a few prisoners with very long sentences. Inmates with life sentences are removed from the calculations. The average LOS is 2.5 years or 913 days.

Based on these average and median sentences lengths one can estimate the maximum credits an inmate can receive over the course if their incarceration at the 25% mark using different assumptions about how many days they can earn based on sentence length and the 25% cap. These are summarized in the table below. We also added an assumption that about 1/3rd of these inmates would receive the 30-day bonus for completion of a designated risk reduction program. Finally, we applied the 20% discount to each scenario.

Given all of these scenarios, the total impact of all Reforms (# 1, #2, #3, and #4) the total impact would range from 9,754 to 11,431. It is noteworthy that this estimate is somewhat similar to the one prepared by Policy Matters Ohio.[1] There are some important differences with the most single one being the credits earned for participation in rehabilitative and work assignments. As suggested earlier, a major unknown is what will be defined as "work" under this initiative. If it is limited to only people in prison industries the impact will be reduced. However, if it is extended to any structured work assignment then it will be in the range listed in this analysis.

Impact on Costs, Prison Violence, Crime and Recidivism Rates

In terms of cost savings, given the magnitude of these reductions allows us to use the fully loaded daily rate of $72.23 per inmate as provided by the ODRC. It is expected that prison facilities would close thus allowing the ODRC to reduce its personnel and associated costs strictly through attrition. We this given that the reforms are not retroactive and will take 3-4 years to be fully implemented. Based on these assumptions the averted costs to the state will range from $257-$301 million per year. In our opinion, the more conservative $257 million figure should be used.

Based on JFA's research in other states, and in particular Maryland, one can also expect to see lower recidivism rates, lower inmate violence against staff and other inmates, and no impact on crime rates.[2] If properly implemented, inmates will be motivated to participate in risk reducing programs and structured work programs knowing that it will reduce their prison terms by as much as 25%.

Public safety, in terms of exposure to recidivism activity by released inmates, will be enhanced as their recidivism rates will moderately decline. We also know that given the amount of time being awarded to these compliant prisoners, there will be no impact on Ohio's existing low crime

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[1] https://www.policymattersohio.org/research-policy/quality-ohio/corrections/issue-1-reducing-incarceration-improving-communities

[2] Austin, James. 2018. A Common-Sense Approach for Simultaneously Reducing Prisoner Risk and Prison Populations: The Maryland Story. Denver, CO: The JFA Institute.

rate which is now a 2,878 per 100,000 population.[3] This rate is below was it was in 1969 (3,134 per 100,000) and the Ohio prison population was 9,567 – or about 1/5th of its current size).[4] There is no question that Ohio's prison population can be reduced at the levels estimated here without impacting its current crime rate as was the case for prior decades.

In sum, this initiative, if implemented as described above and absent any other countervailing initiatives, will serve to reduce Ohio's prison population, reduce recidivism rates, reduce prison costs, enhanced prison staff and inmate safety, and have no impact on Ohio's existing low crime rate.
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[3] http://www.disastercenter.com/crime/ohcrime.htm
[4] https://www.ncjrs.gov/pdffiles1/digitization/111098ncjrs.pdf

Estimated Impact of Proposed Ohio Ballot Initiative Issue One on Current Prison Population

	49,339	20% Discount	Retro Active
Starting Prison Population	49,339	20% Discount	Retro Active
Annual Releases	18,258		
Current LOS	2.5 yrs.		
#1. Declass Drug Crimes	(2,607)	(2,086)	Yes
#2. Divert Tech CCC	(3,200)	(2,560)	No
Total	(5,807)	(4,646)	
New Prison Population	43,532	44,693	
#3. Earned Credit Factors and #4. 30-day Bonus			No
% Idle @ 11% No Credits	5,438		
% Short sentences – LT 6 mos. to serve @9 %	4,047		
Population eligible for earning credits	35,487		
Key Factors for Eligible Inmates			
Ave. Sentence	33 mos.		
Median Sentence	24 mos.		
Ave. Maximum Credits - 25%	8 mos.		
Median Maximum Credits - 25%	6mos.		
Number of Eligible Prison Releases Per Year	12,218		
Minimal Impact – eligibles getting 4 mos.	(6,019)	(4,815)	
With 33% getting another 30-day bonus	(6,385)	(5,108)	
Maximum Impact – eligibles getting 8 mos.	(8,146)	(6,517)	
With 33% getting 30-day bonus	(8,482)	(6,786)	
Total Impact – all reforms 1, 2, 3 and 4		Pop Reduction	Annual Savings
Minimum Impact – with 30 day Bonus		(9,754)	$257 million
Maximum Impact – with 30 day Bonus		(11,432)	$301 million