



Ohio Justice Alliance for Community Corrections

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## Ohio Justice Alliance for Community Corrections (OJACC)

### POLICY PLATFORM

(Rev. 12/6/2024)

### OJACC Mission

*To bring together stakeholders to promote and support effective community corrections that enhance public safety.*

### About OJACC

In the mid-1980s, a group of community corrections practitioners and interested parties came together with state agencies to address the rising prison population. This group of dedicated professionals saw real value in coordinating all aspects of community corrections to work toward common goals and formed The Ohio Community Corrections Organization (OCCO) in 1986. In 2005, the non-profit organization changed its name to The Ohio Justice Alliance for Community Corrections (OJACC).

OJACC serves as an umbrella organization representing Ohio's criminal justice stakeholders to include judges, defense attorneys, prosecutors, pre-trial and probation officers, law enforcement officials, corrections officials from adult and juvenile systems, treatment providers, reentry practitioners, and victims' representatives.

OJACC focuses on collaborating with all stakeholders to educate policy makers and legislators on issues affecting community corrections. OJACC also provides education to community corrections practitioners to enhance services throughout the state.

**Adult Community Corrections in Ohio:**

Since the passage of the Community Corrections Act in 1979, Ohio has been committed to creating the most comprehensively funded community corrections system in the nation.

The Ohio Department of Rehabilitation and Correction (ODRC), through the Bureau of Community Sanctions, funds Community Based Corrections Facilities (CBCF), Halfway House Programs (HWH), and Jail and Prison Diversion programs for Ohio's Courts. In Fiscal Year 2023, these programs served 47,192 individuals at a substantial cost savings (see <http://drc.ohio.gov/community>).

Diverting appropriate individuals from prison to a residential or non-residential community corrections program often translates to cost savings for Ohio's taxpayer. CBCFs and halfway houses also provide intensive programming designed to change offending behavior and improve public safety.

The costs savings are even greater for individuals supervised on community control sanctions (probation) in a non-residential placement, rather than incarceration. Research demonstrates that programs designed to change offending behavior are most effective when supervised in the community.

Additionally, these programs can serve as step-down release mechanism for Ohio's prison system to provide effective reentry services that help individuals convicted of criminal offenses become law-abiding citizens. The University of Cincinnati has conducted extensive studies of Ohio's community corrections programs. These studies demonstrate that, when used appropriately, community corrections programs can be highly effective in reducing recidivism and promoting public safety.

**Juvenile Community Corrections in Ohio:**

The juvenile system in Ohio has greatly reduced the number of youth in custody in Ohio's Department of Youth Services, (ODYS). In 1992, ODYS had nearly 2,600 youth in its facilities. In fiscal year 2023, there were an average of 497 youth in these facilities. As of February 1, 2024, there were 523 youth in an ODYS facility – a sign of the increased need for community programming.

Funding for alternatives to youth incarceration is provided by ODYS through several programs, including the Youth Services Grant, RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors), Targeted RECLAIM, Competitive RECLAIM, and Behavioral Health and Juvenile Justice (BHJJ). Each of these programs encourage juvenile courts to develop or invest in a range of community-based options to meet the needs of youth who are at-risk of or involved in the juvenile court system. These funds aim at preventing first contact or subsequent contact with the juvenile justice system in Ohio. ODYS funded programs offer services to four categories of young people: felony adjudicated youth, misdemeanor adjudicated youth, status-offending youth, and youth with no court history. By diverting felon adjudicated youth, that jurists deem safe and appropriate, from commitment to ODYS and into meaningful community programming, courts have greater subsidy dollars to allocate as jurists see fit to prevent future justice system involvement.

These alternatives to incarceration provide a more successful, and cost-effective solution than youth prisons. The children in these facilities often have significant mental health needs and special education needs. RECLAIM, Targeted RECLAIM, and BHJJ prove effective while saving Ohio taxpayers millions of dollars.

### **What are community corrections?**

Community corrections include a full range of local sanctions imposed by the courts. These may include a local jail sentence, supervision by a probation officer, drug or mental health treatment, required programming, curfew, electronic home monitoring, community service, drug testing, as well as many other sanctions designed to help change offender behavior. The sanctions are individualized based on the seriousness of the crime committed, the risks posed by the offender, and the specific needs to be addressed.

Prison sentences protect the community from dangerous and violent offenders while the offender is in prison, but do little to prevent offenders from committing crimes after they release from prison. Moreover, 95% of offenders sent to prison are eventually released, and nearly half are released after serving less than one year.

Effective community corrections address the underlying issues that lead to criminal behavior. This may include drug or mental health treatment, addressing criminal thinking, as well as educational and vocational needs. Effective community corrections also provide opportunities to hold offenders accountable, tailoring sanctions to the individual offender. For some, this includes a locked-down residential sanction, such as a CBCF. For others, it may include a HWH program and, for many, it may include outpatient programming and supervision by a probation officer.

### **OJACC Policy Positions:**

- **OJACC supports appropriate funding for local adult and juvenile community corrections.** Community corrections save state tax dollars by helping reduce the state prison population and preventing the need to build additional prisons. Further investment and funding are necessary so that local communities have adequate options to avoid sending low-level felony offenders to the state prison system. As Ohio focuses on sentencing reform and justice reinvestment, further monetary investment is needed in community corrections to assist in a safe prison reduction strategy.
  - A. OJACC supports the continuation of the Affordable Care Act.**
  - B. OJACC encourages Ohio jails, prisons, CBCFs and Department of Youth Services (DYS) to follow established protocol to enroll those eligible for Medicaid 30 days before release.**
  - C. OJACC urges Ohio Medicaid to apply for an 1115 Waiver for inmates leaving prison, allowing for Medicaid paid services 90 days prior to release, inclusive of community corrections. Additionally this waiver request should also include other correctional settings such as DHS and county jails in Ohio.**

As most are aware, because Ohio is an expansion state, Ohio pays 10% of Medicaid cost and the federal government pays 90% of the cost. Therefore, Ohio institutions who bear 100%

cost for inmates, would only be required to pay 10% of the Medicaid match for the last 90 days stay in prisons, jails and juvenile detention facilities. This will result in significant general revenue savings for the state of Ohio and local governments.

**D. As Ohio looks toward the next biennium budget, further investment is needed to raise salaries to a competitive level, promote innovation and sustain quality programming and services to Ohio citizens needing community correctional services.**

- **OJACC supports the careful consideration of the 2017 recommendations of the Ohio Criminal Justice Recodification Committee and particularly the following concepts in their report:**
  - A. Include reducing recidivism and rehabilitating the offender in the purpose of criminal sentencing. [substantially accomplished by S.B. 66, effective 10/28/18]
  - B. Require indeterminate sentences for offenders sent to prison.
  - C. Encourage treatment, rather than incarceration, for low-level drug offenders.
  - D. Eliminate residency restrictions for sex offenders that do not enhance public safety and give judges some discretion to remove registration requirements.
  
- **OJACC supports legislation to encourage the uniform collection and sharing of meaningful data across the criminal justice system.**

Adopting data standards and building a strong data infrastructure is vital for criminal justice practitioners in Ohio. This is one of the most impactful change that can shape and guide the field. Improving data collection in the criminal justice system is crucial for enhancing quality of life and services.

A statewide, standardized criminal justice database can provide Ohio with the following:

  - A. Greater efficiency in the delivery of services, through the decrease in redundancy and greater targeting of effective interventions.
  - B. Improved recidivism rates and increased public safety through data driven interventions and the improvement of outcomes because of the comprehensive evaluation and improvement of existing programs.
  - C. Increased trust and confidence in the criminal justice system through improved transparency and accountability including identification of program effectiveness and areas of improvement through data evaluation.
  - D. Enhanced resource allocation and cost-effectiveness through data analysis.
  - E. Reduction in racial and socioeconomic disparities using data to inform decision-making.
  
- **OJACC supports the use of school safety funding in ways that do not lead to increasing student involvement in the court system.** This includes the use of threat assessment protocols as recommended by the FBI, use of school climate grants as approved in HB 318, and improving student access to staff trained to work with students, such as counselors, nurses, psychologists, and social workers. The National Council of Juvenile and Family Court Judges have recognized that students who become court involved through a school referral are less likely to remain engaged in school or become productive citizens as adults.
- **OJACC Supports Findings of the Ohio Juvenile Justice Working Group (JJWG), to include:**

- A. The Department of Youth Services (DYS) should engage in a “system transformation” with respect to the design and size of its correctional institutions by replacing its current three large facilities with numerous smaller facilities.
  - B. In addition to the 11 existing CCFs in Ohio, DHS should establish CCFs in the three counties that commit the highest number of youths to DHS, specifically Cuyahoga, Franklin, and Hamilton counties.
  - C. The state should hire outside consultants to review operations in the three DHS facilities and a sampling of local juvenile detention centers and community correctional facilities.
  - D. Relevant state agencies should develop a coordinated master plan to enhance efficiency and enable better outcomes for youth.
  - E. The Ohio General Assembly should enact legislation to increase the minimum age for youth commitments to DHS from 10 to 14.
  - F. The Ohio General Assembly enact legislation to allow juvenile judges to use their discretion when sentencing youth adjudicated of gun specifications.
  - G. The Ohio General Assembly enact legislation similar to the adult system, prohibiting first-time non-violent fifth-degree and fourth-degree felony offenses from being adjudicated to DHS state facilities.
    - 1. Recommends avoiding out-of-home placement for low-level offenses whenever possible
    - 2. Provide juvenile judges the discretionary power to place youth in alternative facilities if out-of-home placement is necessary, such as CCF.
  - H. The Juvenile Justice Committee of the Ohio Sentencing Commission evaluate Ohio’s statute on bindover, specifically to evaluate and determine the appropriateness of eliminating Ohio’s current mandatory bindover provisions.
  - I. Juvenile judges commit youth with special needs, such as total blindness, profound deafness, wheelchair confinement, and other similar disabilities and/or factors to alternate placement facilities.
  - J. DHS and CCF governing boards, or their representatives, should establish uniform and consistent criteria for CCF admissions. Once established, DHS should formally memorialize established uniform standards, criteria, and rules, which will promote uniform practices across CCF environments and ensure optimum utilization of CCFs across the state.
  - K. The Ohio Association of Juvenile Court Judges (OAJCJ) and the Ohio Juvenile Detention Director’s Association (OJDDA) should be prepared to implement the JCD and CCF training recommendations to be made by the juvenile justice consultant pursuant to JJWG Interim Proposal #2.
  - L. DHS should implement a reentry continuum that improves linkage to local resources, such as OhioRISE which can address wraparound, home, and community services. Linking to local resources better equips youths with the knowledge, skills, and abilities necessary to successfully reintegrate back into their communities.
- **OJACC Supports Criminal Justice Drug Reform, which includes the following principles.**
    - A. Recognizing that drug addiction is a disease.
    - B. Ensuring that treatment, instead of incarceration, is the primary purpose around any sentencing considerations for personal drug abuse.

- C. Differentiate between petty trafficking and aggravated trafficking to clarify treatment needs.
- D. Set presumptive sanctions, rather than mandatory terms, to support judicial discretion.
- E. Reduce the life-long collateral sanctions that resulting from a drug abuse conviction.
- F. Support earned credit for positive program participation while incarcerated.

- **OJACC stands with local and national experts in supporting the utilization of validated risk and needs assessment at all levels of the criminal justice system, including pretrial, and the continual validation and updating of the tools.** Despite our diverse representation, OJACC shares many common beliefs. At the forefront of these is our strong support of evidence-based practices throughout the criminal justice system. Evidence based practices have routinely proven effective in promoting public safety and reducing recidivism. At the foundation of evidence-based practices is the utilization of actuarial risk assessments to help inform bail, sentencing, and supervision decisions. This includes consideration of the length of supervision based on the risk level.

Assessments are a tool utilized at all levels of the criminal justice system to enhance the goal of reliable, objective decision-making. While risk and needs assessments do not predict with perfect accuracy, they provide guidance toward the most accurate and equitable decisions available for safely managing justice-involved individuals.

- **OJACC supports avoiding altogether or stringently limiting collateral sanctions to lessen barriers for reintegration.** This includes the reform and repeal of laws and regulations that impose restrictions or limitations on rights, services, benefits, or opportunities beyond those imposed by the courts unless necessary for public safety. Specifically, OJACC encourage the immediate review and reform or repeal of collateral sanctions impact a justice-involved person’s ability to obtain housing, employment, professional licensure, business licensure, voting, education, loans, and public assistance of any kind.
- **OJACC supports intentional anti-racist interventions, remediations, and policies focused on the elimination of racism and racial inequity across Ohio’s criminal justice system.** OJACC specifically acknowledge that racism is a root cause of poverty, chronic illness, fractured families, and damaged communities. Furthermore, racism is a public health crisis that causes people to be over incarcerated and underserved. OJACC further support the systemic study of and commitment to the elimination of racial disparities, the prioritization of racial equity, and the acknowledgement that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies practices and investments which have caused deep disparities, harm, and mistrust. OJACC encourage executive, legislative, and judicial leaders across Ohio to commit to the uncomfortable and often painful process of dismantling systemic injustice across the justice continuum.
- **OJACC supports continued Bail Reform that focuses on providing equal access to pre-trial non-detention alternatives for qualifying offenses, while ensuring the protection of individuals and the community.**

Research has shown that individuals incarcerated at pretrial are more likely to plead guilty, be convicted of a felony, receive longer sentences, get less attractive plea bargain offers, and become “reentry” clients because of their pretrial detention, regardless of charge or criminal history.<sup>1</sup>

**OJACC supports a daring imagination of prison and jail bed utilization in the future.**

This includes:

- A. Working in earnest, via policy and legislation, to reduce jail and prison populations with changes to cite-and-release rather than arrest
  - B. Reform of the money bail system and an increased reliance on recognizance bonds and pre-trial supervision;
  - C. Rethinking non-violent failure to appear warrants;
  - D. Implementation of innovative alternatives to incarceration for technical and minor violations of probation and parole;
  - E. Reimagining accelerated time credit or “good time” for participation in programming and maintaining proper behavior;
  - F. Reevaluation of compassionate release and the effectiveness of incarcerating individuals over the age of 65 or with severe and debilitating health conditions.
- **OJACC supports the enhanced use of technology to increase efficiency and effectiveness of supervision to reduce cost and increase the success of those on supervision thus improving public safety.**
  - **OJACC encourages legislation that requires the complete and accurate accounting of jail time credit before a person is accepted to DRC confinement and the enforcement of current legislation requiring the calculation of jail time credit prior to commitment to DYS. The exact amount of jail time should be determined before commitment.**
  - **OJACC supports HUD’s proposed regulations that will ensure that criminal records are not automatic disqualifiers to HUD housing and programs for people with conviction histories.** An individualized review process will give people a fair chance at housing, a human right that should not be denied only as a result of a past criminal record. Barriers to housing increase housing insecurity and homelessness, which lead to an increase in recidivism. As a result, excluding people with a conviction history makes our communities less safe.

<sup>1</sup> Bureau of Justice Statistics, Jail Inmates at Midyear 2014 (June 2015). <https://www.bjs.gov/content/pub/pdf/jim14.pdf> ; Stevenson, Megan and Mayson, Sandra G., *Bail Reform: New Directions for Pretrial Detention and Release* (2017). *Faculty Scholarship*. 1745. [http://scholarship.law.upenn.edu/faculty\\_scholarship/1745](http://scholarship.law.upenn.edu/faculty_scholarship/1745) (Last visited September 5, 2018).

<sup>1</sup> Reaves, Brian A., U.S. Dep’t of Justice, *Felony Defendants in Large Urban Counties*, 2009, at 15 (2013).

<sup>1</sup> Lowenkamp, Christopher T., et al., *Investigating the Impact of Pretrial Detention on Sentencing Outcomes* (2013); Phillips, Mary T., N.Y. City Criminal Justice Agency, *A Decade of Bail Research in New York City*, 115-17 (2012).