

Corrections

OBM ANALYSIS OF ISSUE 1 IS DEEPLY FLAWED

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Issue 1 will reduce incarceration and redirect resources from Ohio's \$1.8 billion prison system to Ohio's underfunded network of addiction treatment and crime prevention. This simultaneously addresses Ohio's related crises of overincarceration and addiction.

The initiative contains explicit language requiring that two categories of Ohioans now sometimes sent to prison instead be directed to community sanctions and addiction treatment. Issue 1 also allows Ohioans to earn earlier release from prison by participating in behavioral programming, work and education – this will make these people better prepared for life outside of prison.

For each person redirected from prison to probation or treatment, Issue 1 requires that either \$30 or \$40 be reallocated from the prison system to the community sanction or treatment. The actual per-prisoner per-day cost faced by the prison system is \$73.76, but Issue 1 redirects less than half of this amount on average, recognizing that some costs are fixed, especially in a system as overcrowded as Ohio's.

For weeks, defenders of Ohio's justice system have argued that Issue 1 will result in overwhelming costs to local courts and localities because so many people will be diverted from prison. On October 11, arguing the precise opposite, Ohio's Republican-controlled Office of Budget and Management issued a deeply flawed self-contradictory report that argues Issue 1 will in fact result in higher state costs and no meaningful incarceration reduction.

Problems with their analysis include:

1. OBM argues that prosecutors and judges will change behavior to maintain high levels of incarceration, thereby not achieving the intended reduction. We anticipated this concern and addressed it on [page 3 of our analysis](#). OBM claims that more people will be convicted of higher levels of felonies and incarcerated under those, actually increasing prison population or resulting in only 301 people being reassigned from prison to community sanctions.
2. Simultaneously, OBM argues there will be modest reductions which might lead ODRC to close a small facility, exacerbating overcrowding. Which is it? Higher levels or lower? And how can they conclude that both higher and lower levels of incarceration both have only negative consequences?
3. OBM argues that ODRC costs decline by only \$11.73 per inmate per day if inmates are not assigned to prison. This is preposterous on its face. Mere food, water, medication and space are at least this costly, staffing per inmate and any programming obviously add to this.

It in fact costs Ohio \$73.76 per inmate per day for prison, of which \$59.95 are marginal costs including security, physical health services, mental health services, support services, education and unit management. Of this \$59.95, only \$30 or \$40 (depending on type of community treatment required) is reassigned to community sanctions or treatment under Issue 1. This realistic cost is well below the marginal costs per inmate per day. OBM was quoted in Cleveland.com as claiming that Policy Matters included fixed costs in our estimates. We did not. See page 4 of our [report](#).

4. In contradiction of #2 above, ODRC complains that the only way to realize savings is to close a facility (p.7). Yet they also complain that if a small facility is closed, there will be worse overcrowding. Both, they argue, are bad.
5. ODRC then claims (p.8 and p.13) that communities won't be able to shoulder the costs of people reassigned to community treatment and community courts because the reassigned funds, which are written into the amendment, won't materialize. This contradicts their claim under #1 above that there will actually be no meaningful decrease in inmates, because of prosecutorial overreach.

Hilariously, OBM warns on page 14 that "there will be potentially thousands of people who were once charged with felony drug crime.... Who will now be charged with a misdemeanor... This shift will certainly add cost to operating the municipal courts." How does this square with the claim on page 12 that at most just 301 people would be reassigned to community treatment because of prosecutorial overreach that would reassign Felony 4 or 5 possession as Felony 1, 2 or 3 possession (the claim on which they base their preposterous projection of increased costs)?

6. A long section admits that anyone able to earn earlier release under the improved behavioral programming incentives is already eligible for early release. But OBM claims (p.8) that prisoners will sue because there is inadequate access to behavioral programming.

The first problem with this logic is that anyone who could sue under the new provisions could sue now. The second problem is with OBM's tacit admission that Ohio provides inadequate access to behavioral programming that could improve behavior and reduce prison populations. All the more reason to reduce incarceration in the first place, as Issue 1 will do.

7. OBM argues that ODRC will face increased costs because there will be more demand for behavioral programming (p.9). But given that participation in such programming will result in quicker release, it should ultimately reduce costs. Their contradictory logic implies that it costs more to keep someone in prison for a shorter time and offer programming, than to continue feeding, housing and supervising them for a longer time. This is again preposterous.
8. On page 10, OBM argues that there will be increases in expense to local public defenders and prosecutors due to reclassification from felonies to misdemeanors. This contradicts their assertion in #1 above that prosecutorial zeal will result in few prisoners being diverted.

This contradictory and impossible-to-follow OBM analysis is deeply flawed.

For a clear description of how Issue 1 will redirect resources, see [Issue 1: Reducing incarceration, improving communities](#), which found the measure will cut the prison population



and enable Ohio to redirect more than \$100 million a year to treatment and other community uses.

See [Breaking barriers](#) to understand how Issue 1 could put Ohioans back to work by reducing the number of people forbidden from certain jobs. One in four Ohio jobs are closed to those who've served time and these positions pay more than other occupations.

See [Incarceration hurts communities](#) to briefly review an extensive body of academic literature that concludes that spending time in prison increases debt, reduces income and wealth, increases need for public assistance, harms health, breaks up families, hurts children, reduces civic engagement, cuts neighborhood resources and weakens faith in public institutions.

Issue 1 will make Ohio safer, simultaneously addressing our overincarceration crisis and our overdose crisis. Citizens should not be fooled by prosecutorial overreach or by overblown arguments from opponents of reform.