

**Ohio Commission on Fatherhood**

**Minutes from the Meeting of**

**Tuesday, September 15, 2009**

<p><b>Commissioners Present:</b></p> <p>Commissioner Peter Lawson Jones, Chairman</p> <p>Mr. David Kontur, Vice Chairman</p> <p>Senator David Goodman</p> <p>Senator Ray Miller</p> <p>Mr. Robert Boykins</p> <p>Mr. Robert “Bo” Chilton</p> <p>Mr. Cedric Collins</p> <p>Director Angela Cornelius Dawson</p> <p>Ms. Rose Handon</p> <p>Mr. Eddie Joyce</p> <p>Dr. Diane Karther</p> <p>Mr. Steven Killpack</p> <p>Mr. Greg Landsman</p> <p>Mr. Joseph Maiorano</p> <p>Mr. Scott Neely</p>	<p><b>OCF Staff Present:</b></p> <p>Mr. J. Tracy Robinson, Executive Director</p> <p>Ms. Monica Mahoney</p>
<p><b>Commissioners Represented by Designee:</b></p> <p>Representative Marian Harris (by Kelsey Woolard, Legislative Aide)</p> <p>Representative Ron Magg (by Michael Evans, Legislative Aide)</p> <p>Representative Carlton Weddington (by Amy Williams, Legislative Aide)</p>	<p><b>Guests:</b></p> <p>Senator Bill Seitz</p> <p>Mr. Jeffrey Coulter, Senator Miller’s Aide</p> <p>Ms. Erika Cybulskis, Senator Seitz’s Legislative Aide</p> <p>Mr. Derek Farmer, Esq.</p> <p>Mr. Aldonis Grimes, Cuyahoga County Fatherhood Initiative</p> <p>Ms. Irene Lyons, Department of Rehabilitation and Corrections</p> <p>Mr. Patrick Maloney, Representative Derickson’s Legislative Aide</p>

## **I. Call to Order & Welcome**

The meeting was called to order at 10:40 am by Executive Director, Tracy Robinson. Chairman Peter Lawson Jones was en route and arrived shortly thereafter. A quorum was achieved.

## **II. Introduction of New Commissioners**

Executive Director Tracy Robinson introduced our new commissioners, Senator David Goodman (R-3) and Director Angela Cornelius Dawson of the Ohio Department of Alcohol and Drug Addiction Services. Representative Ron Magg (R-35) could not attend because the House of Representatives was in session but he was represented by Michael Evans, his legislative aide. Executive Director Robinson thanked them for agreeing to serve on the Ohio Commission on Fatherhood.

## **III. Approval of July 21, 2009 Minutes**

Commissioner Robert Boykins moved, with Commissioner Steve Killpack seconding, that the minutes from the meeting of July 21, 2009, be approved as submitted. The motion carried unanimously.

## **IV. Executive Director's Report**

Executive Director Robinson provided a written summary of his activities in August and September, a synopsis of which is incorporated into these minutes.

Regarding the Request for Grant Applications ("RFGA"), Executive Director Robinson plans to fund nine programs at \$100,000 each over the state biennium. The RFGA review team will include Anthony Norwood from the Department of Jobs and Family Services' Contracts Office, Mathew Cunningham from Temporary Assistance for Needy Families ("TANF"), Executive Director Robinson and one or two additional people selected by the JFS Contracts Office. At the

end of September, the team will meet to compare scores and rank the grant applicants. The Director would like to fund a mix of rural and urban programs in regions throughout the state. Grantees that are funded must collaborate with other organizations and provide direct services to at least twenty fathers a month. Grant money should be used primarily to provide direct services to fathers, not for the purchase of equipment.

## **V. Overview of Senate Bill 22**

State Senator Bill Seitz (R-8) made a presentation on Senate Bill (SB) 22, a measure he has sponsored to address sentencing reform. One of our new commissioners, Senator Goodman, is a co-sponsor of the proposal. The OCF invited Senator Seitz to speak about the bill because one of the main provisions creates new sentencing alternatives for felony non-payment of child support, an issue that affects many fathers.

Senator Seitz explained that SB 22 contains four provisions designed to reduce dangerous overcrowding at Ohio's correctional facilities and ease the tremendous strain of incarceration on the state's budget and Ohio taxpayers. Democrats and Republicans can support the goals of SB22 which are to promote rehabilitation while saving money.

There are four main provisions of SB 22:

First, the measure would, if enacted, increase the threshold for felony theft from \$500 to \$750.

This threshold has not been raised since 1996, when it was increased from \$300 to \$500 pursuant to SB 2 from the 121<sup>st</sup> General Assembly. The increase from \$500 to \$750 is in line with inflation since 1996. This change will allow more low-level offenders to be placed in community correction programs, freeing hundreds of beds in the state's prisons for truly violent,

dangerous criminals. The Department of Rehabilitation and Corrections (“DRC”) estimates this provision will empty 300 beds a year, which translates into annual dollar savings of \$1,294,290.

Secondly, if passed, SB 22 would increase from one to five days the amount of time an inmate can reduce his sentence for each month of completion of education courses, job training initiatives, treatment for substance abuse and other DRC-approved programs. Studies have shown that participation in earned credit programs reduces the likelihood of recidivism, thus resulting in future cost savings. Moreover, the ability to reduce one’s sentence provides a strong incentive for inmates to enroll in these valuable programs.

Senator Seitz stressed that this earned credit provision is not merely “good time.” Rather, the credit is earned only if the inmate successfully completes specific coursework and training in DRC-approved programs for each month that the credit is claimed. Sex offenders are not eligible for earned credit under current law nor would they be under SB 22. Also, most F-1 and F-2 offenders would not qualify for the earned credit; the program is targeted to F-3, F-4 and F-5 offenders. Increasing the potential earned credit from one to five days is estimated by DRC to empty 2,080 beds per year, which translates into an annual dollar savings of \$8,973,744.

Thirdly, SB 22 would provide the Adult Parole Authority (“APA”) more options in determining penalties for parolees who fail to report to their parole officers. By giving the APA more flexibility in such instances, we can keep offenders out of prison and ultimately reduce Ohio’s prison population. DRC estimates this provision will empty approximately 591 beds a year which will save the state \$2,549,751 annually.

Finally, SB 22 creates new sentencing alternatives for people who fail to pay child and other forms of support. In fiscal year 2008, 781 people were incarcerated solely for failure to pay

child support. Senate Bill 22 would divert these offenders from prison and into structured programs that focus on securing employment, building good behavioral skills and responsible parenting, and, most importantly, paying child support. The court will retain the authority to sentence the offender to prison. DRC estimates this provision of SB 22 will empty 527 beds annually and generate \$2,273,636 per year in cost savings.

Senator Seitz also distributed two July 2009 articles titled “Cutting Corrections Costs” from *State Legislatures*, the National Conference of State Legislatures magazine, and “The Fiscal Crisis in Corrections” from the Vera Institute of Justice. Both reports show that states are expanding the use of earned time policies and that these programs reduce recidivism while saving money.

Ohio state prisons are at 132% of capacity. In California where prisons are at 137% of capacity, the courts ordered a mass release of prisoners. While it is important for the legislature to continue to pass strong laws to help keep our communities safe, this effort must be balanced with policies that work to responsibly reduce Ohio’s prison population and its financial impact on taxpayers across the state. In total, the provisions of SB 22 are estimated by DRC to empty 3,498 beds a year and provide \$15,091,421 in annual cost savings.

The only steadfast opposition to SB 22 is from county prosecutors because of the earned credit expansion. Senator Seitz pointed out that this is not however, a return to “Good Time.” The measure requires prisoners to earn the credit by participating in DRC programs that have been shown to lower recidivism. The earned credit provision will only apply prospectively and will not be available to violent or sex offenders. Michael Evans, Representative Maag’s legislative

aide said that he would share this information with the representative, who has been concerned that the earned credit provision was a return to good time.

Senator Miller said that the Senate Democratic Caucus is supportive of SB22. Senator Seitz met with House Democrats in the Governor's office but they were reluctant to support SB 22 because Democrats do not want to be perceived as soft on crime. Senator Goodman said the bill includes many of the Governor's proposals, yet the House Democrats will not support it; he believes Speaker Budish has advised House Democrats to oppose SB 22. Chairman Jones said he will speak to Speaker Budish who also happens to be his state representative.

## **VI. Discussion and Decision**

### **A. Meeting of Legislative Subcommittee**

Commissioner Scott Neely reported on the first meeting of the OCF Legislative Subcommittee which took place on September 1<sup>st</sup>. The members of the subcommittee include our six legislators as well as Commissioners Collins, Killpack and Neely. The following action items resulted from the first meeting:

- OCF's legislative members will review proposed amendments to the OCF statute (O.R.C. 5101.34 et seq.) which were adopted unanimously at our meeting on March 24, 2009, prior to them being appointed to the OCF.
- They will introduce a bill codifying the amendments to O.R.C. 5101.34.
- They will add their OCF affiliation to their online profile.
- All subcommittee members will review Senate Bill 22 in preparation for Senator Seitz's presentation at our next OCF meeting on September 15<sup>th</sup>.
- A subcommittee calendar will be established with meetings occurring two weeks prior to the full commission sessions.

Chairman Jones asked if the Legislative Subcommittee has made recommendations as to whether the OCF should support SB 22. Senator Miller expressed his concern that OCF not become overtly political by endorsing specific bills. Commissioner Killpack said that OPNF formally endorsed SB22 at their meeting last week. Commissioner Rose Handon felt it was valuable to hear from speakers like Senator Seitz to educate the commissioners on important public policy issues that impact fathers. Senator Goodman said that the OCF can always testify and be involved in how a bill evolves. Regarding SB22, Commissioner Greg Landsman believes that, because the issues addressed by the bill speak to the mission of the OCF, the commission must support and advocate on behalf of fathers. Commissioner David Kontur agrees with Senator Miller that OCF should not take a specific position regarding legislation but should submit a written statement on how the bill will impact fathers. Chairman Jones agreed that the OCF not endorse specific legislation but that we express our position through interested party testimony.

Chairman Jones entertained a motion to draft a document on how SB 22 will positively impact fathers and families. Commissioner Cornelius Dawson so moved and Commissioner Handon seconded the motion which passed unanimously. Members of the Legislative Subcommittee will complete a draft prior to the next OCF meeting on Nov. 17<sup>th</sup>.

#### **B. Federal Bill HR 2979/S 1309 Funding Responsible Fatherhood**

Commissioners Neely and Killpack provided a one page summary of the bills' highlights including funding job training programs for low income and non-custodial fathers. Senator Evan Bayh (D-IN) and Representative Danny Davis (D-IL) introduced similar measures in June. There are no Ohio co-sponsors in the U.S. House or Senate. Chairman Jones suggested that if the OCF is supportive of the legislation, we should draft a letter to our Ohio Congressional delegation urging them to co-sponsor the

legislation. Commissioner Maiorano moved, and Commissioner Killpack seconded that such a letter be drafted for joint signature by Chairman Jones and Executive Director Robinson.

## **VII. Announcements & New Business**

### **A. Ethics Training**

According to Executive Director Robinson, Governor Strickland's Executive Order 2007-01S requires all commissioners to complete ethics training once every two years. Commissioner Diane Karther suggested that we conduct the ethics training following an upcoming commission meeting. Monica Mahoney will obtain the training DVD from the Ohio Ethics Commission for viewing immediately following our next commission meeting on November 17.

### **B. Family Stability Conference**

Senator Ray Miller is convening a Family Stability Conference in Columbus on October 8th which will focus on reducing non-marital births and divorce rates, strengthening child welfare, increasing support for families and eliminating domestic violence. Senator Miller will invite practitioners and community leaders who are working on these social issues to attend. All OCF Commissioners will also be invited to participate. Senator Miller requested that commissioners forward to his office the contact information for people who should be invited to the conference. He hopes to have 250 attendees.

## **VIII. Adjournment**

The meeting adjourned at 12:30 pm.