




INVEST IN ED, DIVEST FROM PRISONS

How Shrinking Incarceration
Can Save Higher Education

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A person is holding a large, rectangular sign with a white background and a black border. The sign has handwritten text in black ink. At the top, it says "Collaboration" with a heart symbol to its right. Below that, the word "NOT" is written in a smaller font. The largest text on the sign is "CRIMINALIZATION". At the bottom, there are three lines of text: "#ISSUE 10H", "#MIDWESTREACTIVES", and "MY VOTE IS FOR #MIDWESTACTURE". A small logo is visible in the bottom right corner of the sign.

Collaboration 
NOT
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#ISSUE 10H
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ABOUT OHIO STUDENT ASSOCIATION

Formed in 2012, Ohio Student Association (OSA) is a statewide organization dedicated to unleashing the power of young people in Ohio. We accomplish this through organizing, movement-building, civic engagement and leadership development. On campuses and communities in six key geographies, we organize young people to build independent political power.

**FEW STATE
INSTITUTIONS
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AND CRIMINAL
JUSTICE.**

At one point or another, most Ohioans will come into contact with one of these two systems, and that interaction continues to reverberate through their lives for years after.

Those swept into the criminal justice system often enter a debilitating and painful cycle of despair and exploitation that can last years or decades.

Branded with a criminal record, saddled with fines, excluded from wide swaths of labor market, and often staring down the possibility of reimprisonment, these Ohioans are not free despite the fact that they are not behind bars. The prison system has made it impossible for them to ever fully repay their debt to society, and similarly, does not furnish them with the ability to enjoy unfettered citizenship and economic access.

Meanwhile, higher education remains the best corridor of upward mobility in the United States.

A post-secondary degree affords Ohioans their best prospects for achieving a comfortable quality of life.¹ Yet the path of higher education has become increasingly treacherous over recent decades as the state has disinvested from higher education, forcing colleges and universities to push the costs onto consumers—the students.

As a result, students are forced to borrow ever increasing sums of money to finance their higher education with Ohio nearing the top of the list for college unaffordability.² Even those Ohioans who are able to secure good paying jobs in their fields are often burdened with debt for years which harms their personal wellbeing, acts as an anchor on the state economy, perpetuates racial disparities, and can lead to “brain drain” as college graduates flee to labor markets that pay higher incomes.³

For a generation, the state legislature has proven reluctant to improve Ohio’s higher education landscape while simultaneously approving eager investments in criminal justice spending. The portion of the state budget devoted to higher education fell from 17 percent of the state budget in 1970 to just 4 percent in 2019. Meanwhile, criminal justice spending has grown to absorb ever larger portions of the overall budget.⁴⁵ Therefore, it should come as little surprise that higher education and incarceration appear so bleak as a result of their inverse funding relationship. What would it look like to correct this inversion of priorities? **What if the state prioritized investing in a strong foundation from which Ohioans could prosper rather than financing sites and personnel for their punishment.** Imagine the wellbeing of the state if we created systems that aimed higher education dollars at minority and working-class communities in the same way we aim our criminal justice systems populations.

STATE MISERLINESS AND STUDENT DEBT

Ohio ranks near the top of the list for college unaffordability on the state level.⁶

Ohioans require more loans to finance their higher education and repay their debt more slowly than students in other states. Most student borrowers face challenges in successfully repaying their loans, but repayment proves increasingly difficult for women and minorities who suffer from wage gaps and discrimination in hiring.⁷ Thus, the entire student loan debt landscape is bleak, but some Ohioans face additional difficulties and challenges. In this regard, bolstering our higher education system while lessening students' reliance on loans is a fiscal as well as social justice endeavor.

Ohio is not alone in facing these challenges. On the national level student loan debt has ballooned to over \$1.5 trillion, second nationally only to mortgage debt.⁸ Ohio's disinvestment in higher education continued over the decades, with funding experiencing deep cuts in the 2008 recession, from which many states still have not recovered. Again,

disadvantaged communities have borne the brunt of these cuts as they have the fewest resources to devote to higher education, the racial wealth gap is stark both in Ohio and nationally.⁹ These realities forced them to take on increased debt burdens while need-based grant programs, that such students rely upon, were also slashed. Wealthy families dipped a little deeper into their savings to pay for college while the less advantaged were forced to acquire larger loan balances. To place these cuts in perspective, had states continued to invest in higher education at the same rate they had in 1980, an additional \$500 billion would have been placed into state coffers throughout the nation since then.¹⁰ The focus on the state's inability to recover from the 2008 recession hides the fact that higher education budgets still have not recovered from the "dot-com" bubble burst that preceded it by almost a decade.¹¹

On the state level, Ohio continues to lag behind in the proportion of the state budget devoted to higher education and the price tag for college remains above the national average.¹²

Due to the state's failure to keep pace with higher education allocations, Ohio is ranked 37th in per student spending.¹³

Even in the face of growing awareness of the underfunded state of higher education, Ohio cut spending between the 2016-2017 and 2017-2018 budgets.

On the micro scale, state level higher education policy professionals largely agree upon the most beneficial areas to infuse additional funding into the state budget. The proposed spending increases with the widest impact unsurprisingly have the most expensive price tags, while more localized

spending influxes, which are targeted at specific groups of students, have smaller associated costs.

Larger investments into the State Share of Instruction (SSI) and the Ohio College Opportunity Grant (OCOG) would provide relief to all students of Ohio's public colleges and universities regardless of income level (though 100,000 community college and regional campuses students are still locked out from OCOG because of how it defines cost of attendance).¹⁴

SSI is the primary funding measure for the state's colleges and universities whose stagnation has run parallel to that of wage stagnation. Together these flatlines have led to increased tuition costs at the same time middle- and working-class families have seen their economic position destabilize or diminish. Boosting SSI spending will help



All photography by Shon Houston of Shon Curtis Photography

bring down college costs and thus make college more affordable for all students. Drastically enhancing the OCOG budget, on the other hand, would bring further relief to Ohioans with the least financial resources to pay for college—the fund serves as Ohio’s only need-based higher education grant. Currently, Ohio continues to keep OCOG spending at less than half of pre-recession levels while simultaneously classifying state and federal grant aid in a way that blocks students from receiving their maximum OCOG grant allowance.

Victoria Jackson and her fellow researchers at Ohio Policy matters have recommended that **Ohio increase SSI spending by 5% each year**. This increase, along with bringing OCOG funding back to its pre-recession levels and eliminating the “last-in” method of processing federal and state need based aid would allow students to receive their maximum grant distribution would cost \$262 million over the biennium.

In addition to expanding SSI and OCOG spending, improvements in college affordability, retention, and graduation rates could be boosted by expanding some programs and creating others. **The state of Ohio has set an attainment goal to have 65% of Ohioans possess a post-secondary certificate, license, or degree by 2025**. With only 43% of Ohioans currently possessing a post-secondary credential, the state has a large gap to fill if it is to successfully achieve this goal.¹⁵ Retention and completion will be key, and therefore worth investing dollars targeted at ensuring students make it to the finish line and earn their credential. For too many students an unforeseen economic hardship can quickly lead to placing their educational dreams

on hold. Once coursework is paused, completion rates decline.¹⁶

Ohio should expand retention programs modeled on that of Lorain County Community College

, which consists of personalized advising along with scholarships for tuition, textbooks, food, and transportation for students in need. An expansion to the state level would cost around \$40 million and should be combined with a modest increase to the Ohio Completion and Retention for Education Success (CARES) initiative, which offers eligible students two annual \$250 awards per year in the event of unforeseen emergencies. The CARES program, with an additional \$325,000 total over the next two years, could double the award amount to \$500 for student presented with a financial crisis which threatens their ability to remain enrolled.

Finally, Ohio should establish the Finish Your Future Scholarship

which provides tuition assistance to students who have left their program within one year of degree completion. No student should have to falter so close to the finish line. The two-year cost of this scholarship program is \$6.5 million. Financial stopgap programs such as CARES and the Finish Your Future Scholarship are vital if Ohio is to get anywhere near achieving its 2025 Attainment Goal.

The budgetary reforms outlined above carry a total price tag of just over \$300 million. With budget expenditures now counted in the billions this cost is not as substantial as it might seem. In fact, it may be possible to fill many of these gaps through reforms made within the criminal justice system in Ohio.

WASTE, ABUSE, AND INJUSTICE IN OHIO'S JAILS AND PRISONS

Similar to college unaffordability, mass incarceration is an alarming issue on both the national and state level.

The United States leads the world in incarceration and Ohio is the nation's fourth largest jailer.¹⁷ A recent study by the Prison Policy Initiative outlined how our current system of mass incarceration in the United States costs an astounding \$182 billion dollars per year (\$265 billion if law enforcement and court costs are included)—in Ohio we devote \$1.8 billion annually to our system of jails and prisons.¹⁸

As higher education spending began its decline, appropriations for incarceration began their ascent. Minorities and working-class communities were struck with a one-two blow of shrinking social safety nets, rising college costs, and expansion of the

punitive War on Drugs. Racial disparities are littered throughout the statistics in both sectors with minorities grossly overrepresented in the carceral populations while racial gaps fester in college attendance and completion—not to mention the repayment of student loans.

The transition of funds from criminal justice to higher education is not only a more efficient use of resources, but it is also a means of achieving a measure of social justice. It costs far more to incarcerate an Ohioan than to educate one, a fact that warrants focusing the attention of higher education system on disadvantaged communities with the same intensity

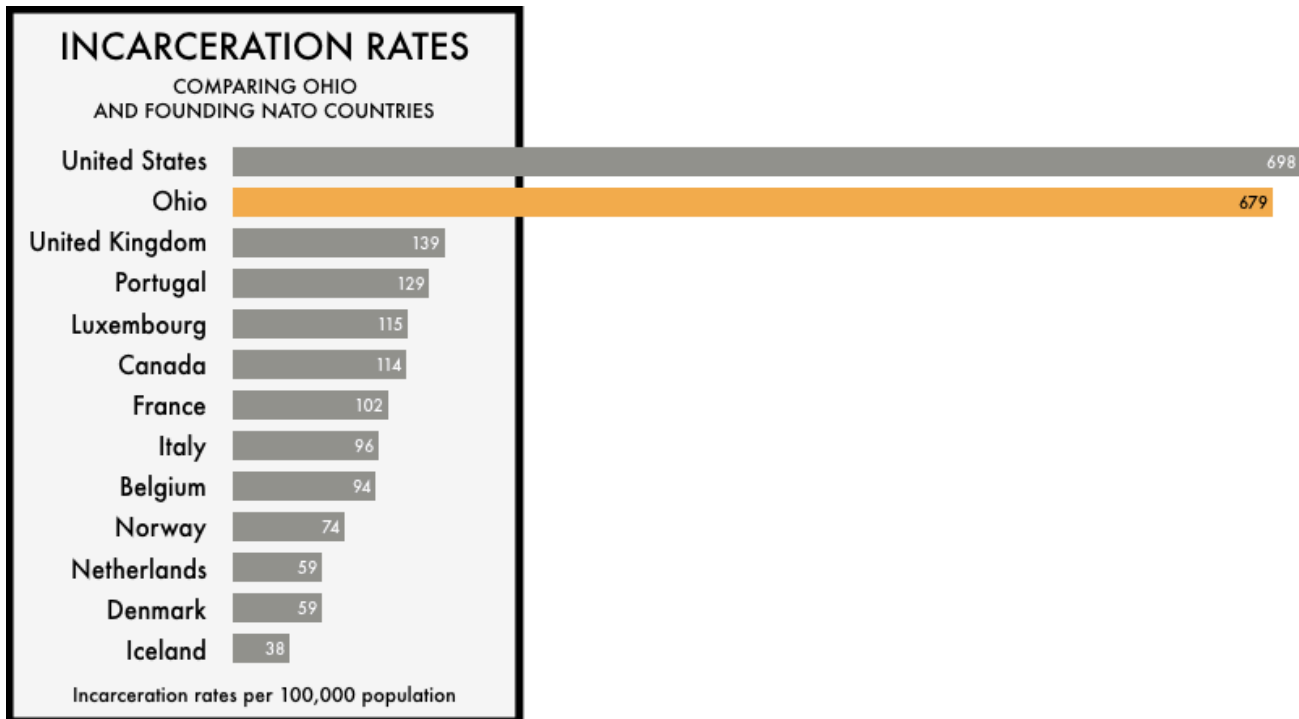
"The transition of funds from criminal justice to higher education is not only a more efficient use of resources, but it is also a means of achieving a measure of social justice. It costs far more to incarcerate an Ohioan than to educate one."

afforded to policing and incarcerating those communities. The attention of the criminal justice system remains too concentrated on communities of color, demonstrated by the fact that Ohio arrests blacks at four times, and incarcerates them at six times the rate of whites.¹⁹

Ohio's jail population has hovered around 18,000 for the last few of years.²⁰ Meanwhile, the prison population has remained just shy of 50,000. Overall the Ohio prison population is 130% of its intended capacity. Heightened attention to the issue of mass incarceration has done little to slow

the tide of imprisonment; Ohio's inmate population doubled over the years 1980-2016 and increased 12% in the last decade alone.²¹ Minorities are disproportionately incarcerated in Ohio's jails and prisons, a reflection of racist policing rather than racially inherent criminality. Prisoners are forced to withstand neglect and abuse by the undermanned staff, as well as violence from other inmates that is only exacerbated by staffing shortages and overcrowding. Few put any faith in the ability of carceral facilities to rehabilitate their populations, nor are they corrective as recidivism rates demonstrate that jails and prisons serve as

Today, Ohio's incarceration rates stand out internationally



Source: <https://www.prisonpolicy.org/global/2018.html>

In the U.S., incarceration extends beyond prisons and local jails to include other systems of confinement. The U.S. and state incarceration rates in this graph include people held by these other parts of the justice system, so they may be slightly higher than the commonly reported incarceration rates that only include prisons and jails.



poor deterrents.²² Opioid related deaths and post-release overdoses reveal the negligence of criminal justice system in addressing the state's overdose crisis. Such conditions make the state's prison landscape a wasteland of punishment operating through fear, mistreatment, negligence, and brute physical violence.

Overcrowding compounds the financial inefficiency of jailing so many Ohioans. Now the state has the ignominious position as the nation's fourth largest jailer in the country. Many of Ohio's prisoners are sitting in county jails for failure to pay fines, while the overwhelming majority of inmates currently serving sentences in state prisons were not convicted by a jury of their peers. Rather,

almost ninety percent of convictions arise through plea bargains. Many defendants agree to spend a couple of years in prison rather than risk the long sentences that are often given to guilty defendants who turn down plea offers from the prosecution. Such procedures essentially punish those who wish to pursue their constitutionally given rights of due process and trial by jury.

Ohio's attempt at substantive criminal justice reform fell short at the ballot box in last year's election. The changes spelled out in Issue 1 would have reclassified 4th and 5th degree drug possession felonies down to misdemeanors, prohibited prison sentences for some probation violations, expanded credits for early release, and then reinvested the savings from reducing the prison population into health and recovery services. Numerous authorities agreed that Issue 1 would have saved taxpayer money with estimated savings ranging from \$25 to \$136 million dollars per year. If the legislature can introduce and pass similar reform—current Senate Bill 3 proposes reclassification of sentences without retroactivity—we should consider shifting some of this savings into the higher education budget. Using the fair estimate that Issue 1 reforms would save the state \$80 million dollars per year, devoting half of these savings to higher education programs listed above would go a long way. These savings alone would fund the proposed retention program with \$40 million dollars to spare.

While difficult to calculate on an annual basis, eliminating mismanagement, graft, and abuse within the state's prison system would also likely save millions of dollars per year.

THE HUSTLE NEVER STOPS: AFFORDING COLLEGE AS A STRUGGLING STUDENT ATHLETE

As a high school senior, Dan (whose real name has been changed) accepted an offer to play football at Baldwin Wallace, but when his financial aid package arrived, he realized that his degree would mean going into serious debt. “I just kind of accepted that that would be my life. I was confused about the financial aid program, because I’m a first generation student. I got my award letter saying I owed them \$17,000,” said Dan. “The whole first semester, I’m thinking, ‘I’m probably not going to get this money.’ My parents make just a little too much to get financial aid, but I came into college with nothing. When you come from the inner city and you have a 3.7 GPA, the merit isn’t considered the same.”

Dan took out the maximum amount for a federal student loan, the only option given his parents’ credit situation. While he was in school, his athletic program prohibited him from holding a job. “So if I needed food or money,” said Dan, “I had to steal.” When he transferred to Columbus State Community College, he worked full time at two jobs while being a full time student and athlete, but even with a full work schedule, he struggled to afford food and rent. “I had to do illegal stuff to survive. I’m not proud of it, but it’s what I had to do,” he said.

After graduating from Columbus State, Dan got invited to apply to Miami University, where the coach wanted him to play football. He had been under the impression that he could transfer his credits from Columbus State for a significant tuition reduction, but three weeks into his first semester he was told that his credits wouldn’t transfer. “I told them, I can’t eat, I can’t pay my rent. I don’t have enough,” said Dan. “Then they were like ‘You understood that when you applied to this school.’ I was under the assumption that I would qualify.” He walked into every business on main street, and eventually





All photography is for illustrative purposes only and all persons depicted are models

secured a 20-hour per week job, and on the side he donated his plasma. It still wasn't enough. "When I was first at Miami, I was eating 1 meal a day. Then I got a meal card, I could eat more. Then I was up to 2 meals a day," he said. "Meanwhile, I'm hearing my teammates say they're mad at their parents because they weren't letting them go on cruises for vacation." That reality contrasted starkly with the experiences of Dan's peers from similar income backgrounds. One of his friends at Miami who was also trying to make ends meet was convicted of a felony at 19. "It messed him up with financial aid and housing. It wasn't a violent crime, but he still had to drop out," said Dan. "His living situation became difficult."

By the time Dan graduated from Miami, he owed \$67,000 in debt. He is chipping away at it by working as many hours as possible, but he also sees potential to make the

path to higher education easier for future students. "The fact that it's so far out of reach is ridiculous. I would offer college classes in public schools so you don't have to take an AP test with a bunch of material we didn't touch in class. I would also encourage community college. I got my degree from Columbus State for \$4,000."

Dan also wants to see a shift in Ohio's financial priorities from criminalizing young people to investing in their education. "We need to stop pursuing nonviolent offenders for marijuana charges. Even if they have intent to distribute. There's no reason they should be getting five years," said Dan. "We're putting people back in prison who can't pay eviction notices or can't afford to appear in court because of work. If we take money out from pursuing nonviolent drug charges, put that money to help people get into court and into an education."

Recent investigations into the state’s correctional facilities have found numerous gruesome deficiencies for which the state is being sued. Inquiries into prison facilities expose the horror and neglect that exists in the state’s rehabilitative units. Suicides and wrongful deaths are all too common. Everyday hardships continue, such as not providing air conditioning, forcing prisoners to defecate in plastic bags, physical abuse from guards, and regularly substandard food.²³ An illegal strip search cost the state over \$72,000, a broken leg caused by neglecting a wheelchair bound prisoner’s seatbelts during transport cost \$35,000, \$285,000 for the wrongful death of an inmate suffering from opiate withdrawal, and an \$185,000 settlement against the Cuyahoga county jail for forcing teen prisoners to brawl during “fight nights.”²⁴

With so many deaths occurring in Ohio’s jails, the \$3.5 million settlement for the wrongful death of Robert A. Richardson Sr. should be sobering to all taxpayers, along with the recent settlements paid to Emily Evans and Amber Swink totaling \$755,000.²⁵ When Richardson Sr. began having seizures in Montgomery County jail, officers placed him in handcuffs then ignored him for 22 minutes during which he died. His death serves as both a reminder of the neglectful and callous nature of prison facilities as well as the dangers of the cash bail system. Richardson was incarcerated not because he was convicted of a crime, but because he was unable to pay his \$2,500 bail.



A BETTER USE OF FUNDS, A BRIGHTER OHIO

Ending cash bail would free up substantial monies which could be reinvested into higher education.

Like Richardson, the vast majority of prisoners in Cuyahoga jail (75 percent in 2015) are there for their inability to pay bail.²⁶ In the United States as a whole, around 70 percent of people sitting in jail have not been convicted of a crime and the overwhelming majority of these inmates are there because they cannot afford bail.²⁷ The enormous degree of pretrial detention practiced in Ohio, in combination with jailing people for their inability to pay fines, have led to the critique that Ohio is operating unconstitutional debtor's prisons.²⁸ Setting constitutionality aside, incarcerating people who lack means to pay bail and fines is extremely wasteful of state resources, as well as counterproductive, as jailing people often prevents them from acquiring the money needed to pay their fines and often costs them their jobs.

Obvious is the increased spending created by incarcerating so many people; less evident are the additional costs of overcrowding, which heightens the likelihood of prisoner abuse or neglect. These violations become more common as inmates start to strain the capacity of

the system, which in turn increases the probability that prisoners will be mistreated and awarded financial settlements.

Few cases highlight this reality with the intensity of the Robinson Sr. case—an imposed bail of \$2,500 leads to his death and a multimillion-dollar settlement. Aside from the loss of human life, cash bail is perhaps the most wasteful practice within the criminal justice system. Thousands of innocent Ohioans are languishing behind bars everyday simply for being unable to pay bail. If ended, the tens of millions of dollars in savings could go a long way in closing some of the shortfalls in the Higher Education budget.

As of June 2019, the cost of incarcerating an individual in Ohio was \$76.26 per day.²⁹ If we use 18,000 as our jail (not prison) population, use the national rate of 70% for proportion of pretrial defendants (rather than Cuyahoga county's rate of 75%), the daily cost of the cash bail system in Ohio is \$960,876. Annually the costs amount to \$350,719,740 at these rates—almost the total corrections budget 30 years ago.

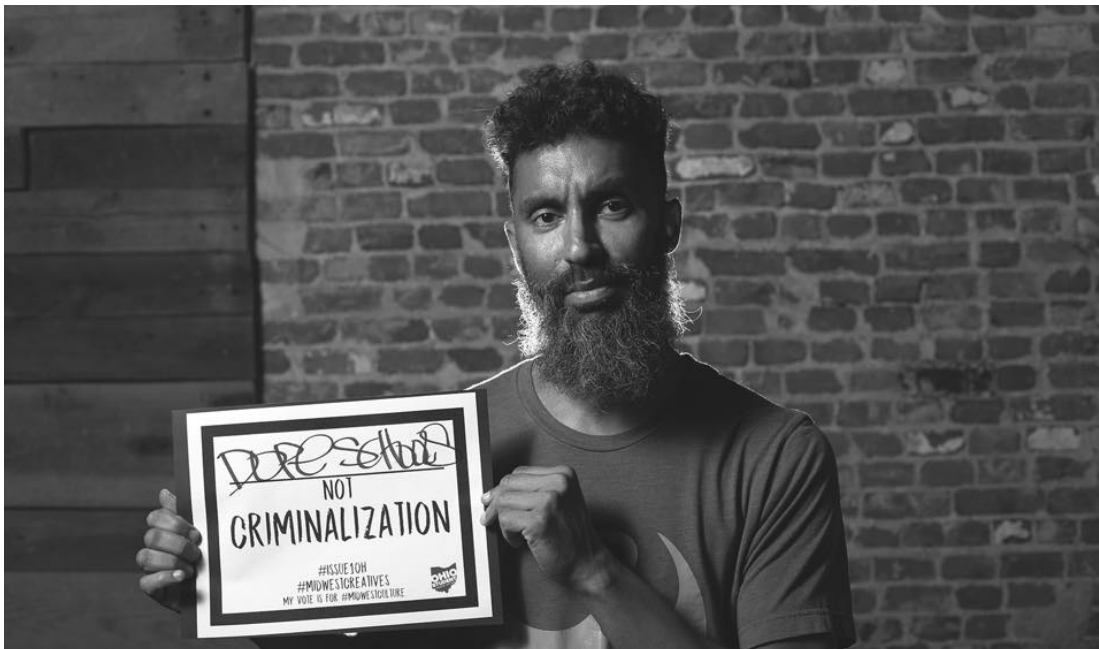
This number is eye-opening, but it is not exactly accurate in that the state will not save actually \$76.26 for every prisoner it releases. The distortion is due to the *fixed costs* of running a jail whereby many of the costs remain (e.g. employees, electricity, building maintenance, etc.) regardless of the number of prisoners housed there. It is only when a critical mass of prisoners is removed that whole cell blocks or jails can be closed, staff levels reduced, and supply inventories are substantially decreased.³⁰ With these facts in mind, the \$350 million figure is overambitious in its savings estimates but helps to give an idea of the financial scale of the cash bail system.

In their fiscal analysis of Issue 1, the Ohio Office of Budget Management (OBM) lays out competing savings schedules which employ different figures for the actual per diem savings (accounting for fixed costs) for each freed inmate. The first schedule uses \$35 for the per diem savings, which when used as our cash bail savings, rather than

\$76.26, would amount to an annual savings of \$160,965,000 by eliminating cash bail. OBM also used a scale proposed by the Department of Rehabilitation and Corrections stated that the actual per diem savings is 14 to 17 percent of the actual per diem costs.³¹ Using 15.5 percent as our figure leaves a per diem savings of \$11.82. When placed into our cash bail equation, the annual savings amount to \$54,360,180.

Totally ending cash bail, however, would likely remove enough prisoners to permit substantial reductions in portions of jail facilities, staff, and supplies.

Again, up to two-thirds or more of all inmates in the state's jails are there for their inability to pay bond. The unfortunate case



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of Richardson Sr. and others demonstrate indirect savings the state could capture by avoiding tragic and avoidable incidents that lead to large settlements. The \$3.5 million alone could have nearly covered the Finish Your Future Scholarship Program. To be fair, municipalities possess insurance policies to help them pay settlements to victims of the state. In Montgomery County, for example, the taxpayers are on the hook only for the first \$500,000 of settlement payouts and insurance covers the rest.³² This reality may at first come as a relief to taxpayers since they aren't forced to pay millions in settlements like Richardson Sr.'s, but the frequency of the lawsuits means that taxpayers *are* indeed on the hook for millions of dollars to pay settlements to prisoners or their families.

One need not look past Montgomery County to find costly settlements covered with taxpayer money. In addition to the \$500,000 paid by Ohioans in the Richardson Sr. case, taxpayer money was used to pay \$500,000 of the \$523,813.28 financial award and court costs resulting from Emily Evans 2017 settlement against Montgomery County Jail. The list goes on: \$375,000 for a 2017 settlement in the suit brought by Amber Swink, \$58,000 awarded to Daryl Wallace in 2017, \$75,000 granted to Marsha Pate-Strickland in 2017, and more suits are pending. These figures do not include legal fees created by these cases, and nine others, which by now are currently well over \$500,000.³³

These cases stem solely from Montgomery county, the fifth largest county in the state and not even renowned as Ohio's cruelest county jail. That unenviable reputation is

reserved for Cuyahoga County, where eight prisoners died in a matter of months leading to an investigation by the U.S. Marshals who found their jail system to be "inhumane," so much so that one judge refused to send people to the jail.³⁴ The taxpayer portion of settlements and legal fees resulting from pending lawsuits there could very possibly run into the millions of dollars as well.

More precise calculations of savings were detailed in the assessment of past November's Issue 1 reforms, which: were constructed to provide retroactive justice, reduce prison populations, improve drug rehabilitation services, and weaken the foundation of mass incarceration in the state. All of the above reforms were also meant to shave money from the corrections budget and reinvest it elsewhere.

Estimates of the annual savings made possible through the reforms of Issue 1 ranged from \$25-\$136 million dollars. Again, as explained by the OBM, part of the reason for the wide range of savings estimated results from what per diem marginal cost figure is thought to be the most accurate. What could be largely agreed upon, however, is that savings *would* result from the Issue 1 reforms. Stipulations in the bill required that monies saved in these reforms be reinvested in drug treatment, trauma recovery services for victims of crime, and programs to institute future criminal justice reforms. Future attempts to pass similar reforms, whether in a collective package or individually, should consider diverting some of these savings to higher education.

Using the average of \$25 and \$136 million, \$80.5 million, as our figure for the total

savings of Issue 1 reforms means that if the proposals were instituted, they would create biennial savings of \$161 million. If just 15% of these funds were applied to the Higher Education budget it would create an influx of over \$24 million.

In the wake Issue 1's failure at the ballot box, currently pending Senate Bill 3 has placed criminal justice reform back onto the state's horizon. The proposed legislation aims to reduce drug possession felonies down to misdemeanors and steer would-be prisoners into the treatment that many of them require to break the spell of addiction—as well as the crime that comes with it. SB 3 is well-intentioned, and purported to save around \$33 million dollars per year, but it has some serious shortcomings that will weaken its ability to significantly lower prison populations and save money. By granting local courts wide discretion, retaining felony charges for those caught possessing drugs (including cannabis) two times within three years, and not retroactively applying its proposed reforms, SB3 falls far short of the potential impact of substantive drug reform. Admitting the misguided nature of outdated drug policy cannot be genuine unless it applies to those who were overzealously punished in the past. Additionally, overcoming drug addiction is a lifelong process that often contains multiple relapses. Barring people with multiple drug convictions, and incarcerating opiate users who possess small amounts of fentanyl laced drugs, is merely a continuation of the failed policy of the past that punishes users rather than providing them with the assistance they need. Any reform in the realm of criminal justice must simultaneously look to the past and to the future.

Analysis conducted by Policy Matters Ohio has demonstrated that the state could save around \$146.7 million per year by removing the multiple possession prohibitions in SB 3 and banning prison sentences for technical violations by those on probation—SB 3 does nothing to address

the latter issue. Additionally, retroactively applying the SB 3 reforms would free 3,628 inmates from Ohio's prisons with savings of \$79.4 million.³⁵ Similar to Issue 1, the savings created by SB 3 as it currently stands is meant to be reinvested in substance abuse treatment. If a mere fifteen percent of these savings were funneled into Higher Ed it would mean an influx of \$4.9 million per year. Implementing the reforms spelled out by Policy Matters Ohio and devoting fifteen percent of the \$146.7 million in annual savings would create a Higher Ed funding boost of \$21.9 million. If legislators can enhance SB 3 into a foundational piece of criminal justice reform, they would not only lessen the pain and hardship of prison and drug addiction, but they would also free up millions of dollars to fundamentally improve the lives of millions of Ohioans.

Eliminating graft within the Department of Rehabilitation and Corrections would also free up funds that could find better use in filling in the gaps in the Higher Education budget listed above.

In December of 2018 the Ohio Inspector General released a scathing report with the findings of their investigation at Ohio Prison Industries (OPI), a collection of dozens of worksites at 13 prisons throughout the state. On the surface these programs appear to provide the type of training and work experience that would benefit prisoners upon release. Unfortunately, however, that

SOLUTIONS

- ▶ **Enact Measures to Boost Higher Education and Reduce the Populations of Ohio's Jails and Prisons**
- ▶ **End Cash Bail and Reinvest Savings into OCOG, statewide expansion of the Lorain County Community College retention program, SSI**
- ▶ **Pass a Strengthened Version of SB 3 and divert a portion of the savings into CARES and Finish Your Futures Scholarship (\$4.9 million savings)—If the larger estimated savings of \$21.9 million per year is realized a portion should also be devoted to the statewide expansion of the Lorain County Community College retention program**
- ▶ **Rein in graft at OPI and provide useful job training for prisoners**
- ▶ **Legalize Marijuana and invest a portion of these savings into the Higher Education Budget and begin programs to help minorities enter the legal marijuana industry**

is not the case as the training provided by OPI is often substandard, hazardous, or nonexistent. To make matters worse, many inmates are unable to find post-incarceration employment in these industries as a result of collateral sanctions that come along with a felony record. Society continues to punish these branded men and women long after they are released back into their communities.

Mismanagement, fraud, and graft ran rampant throughout OPI, costing taxpayers millions of dollars. The largest blow to taxpayers came when OPI built facilities costing \$8.6 million at one of its farm locations despite the announcement that OPI farms were closing. Since bonds were the source of the construction fund, taxpayers are now on the hook for the principal and interest payments which will total \$13 million.³⁶ To make matters worse, when OPI liquidated its 3,200 cows and fleet of equipment from their farm facilities they did not apply any of the money to the bond debt. Chief Sherri Duffy and Assistant Chief Todd Cordial were both fired prior to the report's release and Penal Industries Manager Dan Kissel retired as OPI came under the microscope.

Ohio taxpayers' money can be put to better and more efficient uses than covering the malfeasance, graft, and civil rights violations perpetuated by our system of mass incarceration. Practices like cash bail are inequitable and lead to prison overcrowding which in turn creates heightened risks for the mismanagement and neglect of prisoners. In the process tens of millions of dollars are wasted every single year. Ohio's elected officials would be better stewards of

taxpayer dollars and more compassionate legislators if they were to enhance the footprint of the higher education budget at the expense of the criminal justice budget.

Ending cash bail and passing Issue 1/SB 3 style reforms with a portion of the savings dedicated to the higher education budget would create \$132 million to \$344 million additional dollars over the biennium.

The greater of the two savings estimates could cover all the recommended infusions to the higher education budget listed above. Working with the more conservative estimate we could still fund statewide expansion of Lorain Community College's retention and completion program, contribute \$50 million to the SSI fund, and boost OCOG spending with the remaining \$42 million.

The \$4.9 million dollars saved every year by passing SB 3 as it currently stands or the \$21.9 million saved by strengthening SB 3, could at the very least cover the Finish Your Future Scholarship, while the larger figure could fund that measure with enough remaining to increase funding for the Appalachian New Economy Workforce Partnership (\$440,000 per year), and expand the funding pool for financially "at-risk" students (\$7.1 million per year). The remaining \$10 million of these savings could then be applied to boosting SSI or OCOG funding.

THE ROOT OF OUR STUDENT MENTAL HEALTH CRISIS: A FISCAL CRISIS

The mental health crisis among students has occupied headlines for several years and many universities are investing in expanding mental health services, but the causes of student stress often come back to financial pressures. Jazmin Robinson-Smith took out a loan of \$12,000 per year to afford tuition at The Ohio State University. That money didn't touch her living expenses, so she worked full time at three jobs on top of an 18-credit-hour class schedule just to make ends meet. "There were plenty of days when I was on the verge of breaking down, because bills would come in and I didn't have money to pay for those bills, and I would have to be in class, so I couldn't get a fourth job." She started skipping lunch so that her dog could eat, too, and before long was skipping two meals per day. "I had to

stretch meals as long as possible." Jazmin had to balance her need to get good grades with her need to simply survive.

Survival meant getting three to four hours of sleep each night. "I would go to work at 6 a.m., and wouldn't walk to the library to study until 11 p.m. or midnight, and then wouldn't be going to sleep until 2 or 3 a.m.," she said. "How can I perform well under this kind of pressure?" Jazmin comes from a single parent home with three younger siblings, so getting money from home wasn't an option. The financial strain on top of her course load started to take a toll on her mental health. "It has a huge negative impact on my state of mind, because all I can think about is money and survival, making sure I can pay back these loans," she said. "I get calls almost



every single day telling me I'm behind on my loans, but with what money am I going to pay them? I don't think about enjoying my summers or hanging out with friends, because I think about what that's going to cost."

Jazmin was able to endure the pressure in part because of the six-figure salary she had been told awaited people with her degree. When she went to apply for jobs after college, they only wanted people with four to five years of experience. She asked, "but how do we get that experience without a job?" Now that her little sister is preparing to go off to college, she is trying to provide her the financial guidance that she didn't get as a high school student. "I helped her navigate the process, but one of my sisters said that she doesn't want to go to school because she doesn't want to have to pay off those lives, and I get it, and I can't fault her for not wanting to have that debt over her head."

In addition to wanting to extend financial literacy to more young people, Jazmin sees a need for the state to invest more in programs and aid that builds pathways to graduation for students with tough financial situations, but she is skeptical that elected officials will lead the charge for education for all, especially given recent investments in the prison system, where lawmakers and corporations alike can make a quick profit. "We need a reality check. It's going to be impossible for our leaders to walk in our shoes, but they need to take in what we're saying. We don't have money to eat. That's a reality for more people than they want to accept."

Jazmin's solution would be to scale back the criminal justice system so that Ohio could free up more resources to invest in higher education. Having the state pursue nonviolent drug-related offenses, according to Jazmin, halts Ohio's progress in building educational pathways out of poverty, both by sapping government resources and by disrupting family life and putting people into a cycle of poverty. She saw this dynamic play out in her best friend's family, where a prison sentence for her friend's father "It impacts these families in so many ways. It's typically black and brown people who are being taken out of the family, so then it's on the mother to care for the kids. So then there's one income coming in. They're not eating, and she has to explain to her little siblings that they can only eat this amount because that's all they have."

Jazmin sees a need for a full-scale realignment of the state's budget priorities.

"We have to ask, is it worth the dollars we're putting in the prison system when they can be in some other place that can prepare people for life? We also need to prepare people coming out of prison, or else they'll go back to what they know."

CONCLUSION

By reinvesting the savings into higher education, the Buckeye State can stand on the cutting edge of correcting the decades-long funding imbalances that have resulted in too few graduates and too many inmates.

Mass incarceration rarely produces good headlines or returns. By passing an enhanced version of SB 3 Ohio has the opportunity to join a handful of other states in passing substantive criminal justice reform aimed at reducing mass incarceration. Since 2007, at least 35 states have passed criminal justice reform legislation. A Texas bill passed in 2005 was so effective in decreasing the prison population in the state that it was forced to close eight prisons. South Dakota's 2012 reform similarly reduced the prison population and Louisiana decreased its prison population by 7.6% in just a few months after its 2017 reforms.³⁷ Reform enacted in Mississippi in 2014 reduced the prison population by 10% and is expected to save the state \$200 million over a decade. These successful attempts at decreasing state prison populations were achieved through a combination of lessening drug possession felonies down to misdemeanors, reducing mandatory minimums, creating alternatives to incarceration, lessening incarceration resulting from probation or parole violations, expanding drug treatment, and the establishment of drug courts. Certainly, the surging death toll created by

the opioid crisis should push legislators to devote funds to battling addiction, but we should also consider how some of those dollars might be also devoted to keeping people drug-free through investments in postsecondary education.

By reinvesting the savings into higher education, the Buckeye State can stand on the cutting edge of correcting the decades-long funding imbalances that have resulted in too few graduates and too many inmates. Without drastic changes mass incarceration will persist in the state along with the shortage of residents in possession of a postsecondary credential. We must act now if we wish to overcome the opioid epidemic and build the workforce that the economy of the future requires. Funding limitations to address these and other issues are a reality, and therefore, efficiency is essential in defeating these challenges. Legislators should look towards reform through reinvestment by transferring funds from criminal justice to higher education. Successfully doing so would create immediate results that would only grow exponentially over time.

There is no reason to continue the failures and abuses that are constantly exposed in Ohio's jails which unfortunately still adhere to the failed drug war. The young, old, and everyone in-between would benefit from these reforms. Legislators must be obligated to provide these improvements to correct persistent injustices and to ensure that all Ohioans have the opportunity to enjoy the upward mobility made possible with a postsecondary degree or credential.



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