



SAFE EARLY RELEASE PLAN @SilvrLiningsGrp

The Silver Linings Group (SLG) is a U.S.-based international task force, formed by author and filmmaker [Eugene Jarecki](#) (*Why We Fight, The House I Live In, The King*), created to coordinate and force-multiply institutional efforts in response to the coronavirus pandemic. SLG is multi-partisan without favor to any particular group or leaning and focuses on fair, safe and open elections, and safe criminal justice reform. SLG participants include past and current leaders of state and federal government, military leaders, criminal justice experts, state correctional facility personnel, faith-based leaders, conservatives, progressives, independents, scientists, medical professionals and citizens of more than 12 nations.

Safe Early Release Plan (SERP) has been developed by SLG to assist U.S. state correctional systems in managing complex issues during the current health crisis. Several states have begun processes to implement safe early release for eligible inmates, with accountability, in order to relieve some of the stresses and dangers caused by the pandemic to state correctional systems.

SERP as adapted to Ohio analyzes authorized release options, remedies from other states, reentry opportunities and action-ready areas to deliver a coordinated response and render Ohio a leading example of responsible crisis leadership in criminal justice reform. A forward-thinking state facing critical challenges in managing the pandemic is also a chance to show Ohio's leadership and a record of success in managing inmates and the virus.

1. Release options authorized for State of Ohio

As of March 2020, Ohio incarcerates 48,765 people. Of the total population, 70% are classified as Level 1 or Level 2 security. In 2019, there were 16,370 releases, with 10,038 under post-release control and 5,791 unsupervised. ODRC employs 12,192 people, with 6,595 corrections officers and 481 parole officers. In 2019, the ODRC budget was \$1.86B. ([Source: ODRC monthly report for March 2020](#)).

ODRC has significant policies in place to manage inmate release.¹

[In April 2020, Gov. Mike DeWine began consideration](#) of releasing 167 Ohio inmates early in an attempt to slow the spread of coronavirus in state prisons. These inmates are eligible to be released under Ohio's Overcrowding Emergency statute and have an original release date of on or before July 13, 2020. Around 141 of those inmates are serving time in minimal security facilities and include those serving time for nonviolent offenses who are close to their release dates. Another 26 inmates over the age of 60 who

¹ See appendix

have at least one chronic health issue could also be released, and they have all served at least half their sentences.

[In 2018, ODRC's statistics indicate](#): the population had 9,479 inmates 50 years or older, there were 22,617 releases from custody, and there were 15,529 non-violent offenders. The average stay was 2.73 years.

[In 2019, the Parole Board performed](#) 977 release consideration hearings and granted 170 releases (17.4%) with 807 denials.

2. Release mechanisms and examples from other states

[UCLA Law School maintains a survey](#) of state inmate releases due to Covid-19, indicating there have been over 17,000 releases across the country due to the pandemic, with the releasing authority ranging from the Governor to courts and prosecutors. For Ohio it has been the Governor and State Parole Board under the Overcrowding Emergency statute.

[According to this report](#), these are specific examples in state prisons of early release based on coronavirus considerations, including in: WI, PA, NY, NC, HI, VA, NJ, IO, MD, CO, OK, MI, WA, MA, OH, KY, CA, RI, IL and ND. The Wisconsin releases from March 2 – May 4 total almost 1,600 with a majority of them (1,447) people detained on technical violations of probation or parole. Hawaii has released 655 people since March 2nd, and North Carolina granted early release to 485 people since March 1st. Some states have created review panels to consider people for early release due to coronavirus, including Louisiana, Iowa and Virginia, and Washington's governor has commuted the sentences of 293 people. Gov. Hogan of Maryland signed an executive order allowing for the accelerated release of people within 4 months of completing their sentences, prioritizing release for older people, and encouraging consideration of release to home detention. Oklahoma Gov. Kevin Stitt commuted the sentences of over 450 people in April. [Michigan, which ranks 3rd in total cases as of May 8, 2020](#), has increased state prison parole by 1,000/month in response to the pandemic.

Several states have started reviews of people held in pre-trial detention or on technical violations in order to consider them for early release due to the pandemic. Kentucky Gov. Andy Beshear signed an executive order to commute the sentences of 186 felony inmates, and the state plans to release 743 people who are within 6 months of completing their sentences. California is expediting the release of 3,500 nonviolent offenders with less than 60 days left on their sentences.

Several states are making adjustments to reduce unnecessary parole and probation check-ins and visits to offices, in order to minimize contacts and the spread of the virus, including MS, AK, NY, RI and CA.

[In Florida, Department of Corrections](#) Secretary Mark Inch has been encouraged to consider releasing inmates using [an administrative tool available called "Type A" furloughs](#). While it is meant for inmates to either visit a dying relative or attend the funeral of a relative, it also provides for furlough due to other reasons "deemed consistent with the public interest, including medical or mental health treatment, attendance at civil hearings, or to otherwise aid in the rehabilitation of the inmate."

3. Release criteria for consideration

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Categories to consider for safe early release include:

- Over 50 years old
- Within 6 months of completion of sentence
- Non-violent offenders
- Inmates with high-risk health conditions
- Pregnant women
- Low-risk offenders where placement in the community is available
- Matching available programs to releasees, including job placement
- Facilities with inadequate PPEs and health services
- Home detention alternatives / GPS monitoring
- Offenders with victimless crimes
- 50% of sentence completed with good behavior record
- Technical violators of probation and parole
- Inmates who have applied for clemency and merit release based on their application
- Inmates who have active innocence claims in the court system and their appeals merit serious consideration of wrongful incarceration

4. Reentry opportunities

Best practices for successful reentry include:

- Identifying which inmates are eligible for safe early release
- Assessing the needs of those who are eligible
- Coordinating programs to address needs including housing, job opportunities, income
- Locating available and immediate housing options during the pandemic
- Follow up and monitoring to ensure successful placement and long-term stability for the community and the person receiving assistance

In order for efforts to be sustainable, partner organizations such as [CURE](#) are vital on a national level, in combination with local groups with on the ground knowledge and experience in Ohio, such as [Broken Chains Ministry](#), [The Hamilton County Office of Reentry \(HCOR\)](#), [St. Vincent DePaul Cincinnati Council](#), and [Damascas](#).

[A comprehensive checklist](#) for reentry during the pandemic has been prepared by The Council of State Governments Justice Center and serves as a valuable guide in navigating inmate reentry processes.

Faith-based efforts have included work by the [Samuel Dewitt Proctor Conference](#) and other similar organizations committed to providing guidance, support and long-term planning.

College dorm space is being explored as a win-win situation. SERP will assist in drawing in established and new partners to address identified needs.

The ODRC website invites partnerships for [reentry programs](#).

5. Short-term remedies

A. PPEs

- a. Identify facilities with severe shortages

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- b. Source supplies
 - c. Fund acquisition and delivery to staff and inmates across the state
 - i. SLG partner non-profit DJC Records is in contact with ODRC regarding donations (Roberta Banks)
 - ii. 5,700 surgical masks have been delivered to date as of 5/13/2020
 - iii. Additional PPEs are forthcoming to ODRC
 - B. Coordination of disparate institutions offering reentry services including housing, job placement and basic income
 - C. Present opportunities to Gov. DeWine for safe early release of Ohio inmates to relieve stresses and dangers to Ohio correctional facilities caused by the pandemic
 - D. Identify and coordinate reentry options for released inmates, with a focus on safety for the communities and sustainable success for the inmates
 - E. Documentation of the process – create reports, positive press and short video stories to share to other states and the media as examples of how Ohio is a leader during the crisis
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Appendix ODRC Release Policies

ODRC's Prison Reentry Assessment and Planning is governed by [these rules](#). The policies set forth rules governing inmate risk and needs assessments through the Ohio Risk Assessment System (ORAS) and reentry planning for inmates who are incarcerated with a Reentry Accountability Plan (RAP).

Conditions and procedures regarding supervised release are [set out here](#). Release on parole requires an inmate must first serve the minimum sentence, except as provided in rule [5120:1-1-40](#) of the Administrative Code for parole of dying prisoners and section [2967.18](#) of the Revised Code for emergency paroles.

[Section 5120:1-1-40](#) provides for medical release under conditions of imminent danger of death, medical incapacitation, and terminal illness. If an attending physician determines an inmate may be in imminent danger of death, the physician shall provide to the head of the institution a certificate indicating that the inmate is in imminent danger of death, and a separate statement generally describing the inmate's medical condition. Upon receipt of the certificate and statement, the head of the institution shall cause the preparation of a background report concerning the inmate to be completed and shall determine whether to recommend release as if on parole. If recommended, the head of the institution forwards the signed dated written statement to the director's office, who shall immediately request the superintendent of the adult parole authority to conduct an investigation to determine whether there is appropriate community placement for the inmate, causing a written report to be submitted to the director's office within ten business days. Upon receipt of the investigation report, the director's office shall forward the assembled documents to the governor. If the governor authorizes release as if on parole, the inmate may be released.

[Section 2967.18](#) provides for early release and sentence reductions due to an overcrowding emergency. Whenever the director of a rehabilitation and correction determines that the total population of the state correctional institutions exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency, if it is determined no other reasonable method is available to resolve the overcrowding emergency. Upon receipt, the inspection committee shall promptly review the director's determination, and the committee may recommend to the governor that prison terms of eligible inmates be reduced by up to 90 days. The governor may declare that an overcrowding emergency exists and implement release procedures.

[Section 5120:1-1-15](#) provides for release by pardon, reprieve and commutation of sentence. Applications shall be made in writing to the parole board, and the board shall conduct an investigation (which may include a hearing) as is necessary to make a recommendation to the governor. The board's recommendation shall be forwarded to the governor.

[Section 2967.07 provides for Executive Clemency](#) as an act of mercy or leniency, and may take the form of a pardon, commutation or reprieve.