



# EARNED CREDIT IN OHIO



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# Earned Credit in Ohio

## Background

**Earned Credit is a process in which incarcerated individuals can earn days off their prison sentence if they participate in educational, substance abuse and other programming.**

Ohio law and Ohio Department of Rehabilitation and Corrections (ODRC) operations hinder many people in prison obtaining Earned Credit toward their sentence. The Ohio Revised Code currently limits the aggregate days of credit available to a person to eight percent of the total number of days in the person's prison sentence. This is one of lowest rates of Earned Credit nationwide. There are also several restrictions based on offense type.

In addition to current legal restrictions, there are clear disparities among prisons in the availability and accessibility of credit-eligible programming. Where some prisons have existing programming, others have limited-to-minimal access to programs. This results in a vast disparity in individual experiences for those seeking credit-eligible programming.

## Methodology

**We researched Earned Credit in Ohio by:**

- Interviewing those with lived experience in Ohio
- Interviewing practitioners who advocate for earned credit expansion
- Analyzing data received from the ODRC
- Attending meeting discussions on [Senate Bill 288](#)

## Key Takeaways

- Earned Credit is a credit against a sentence or incarceration period that is earned through participation and completion of productive activities.
  - Activities are often tied to educational, vocational, substance abuse or mental health treatment.



- **Ohio has one of the lowest rates of Earned Credit in the nation at 8%**
  - In many states, eligibility for sentence reduction is based on a tiered system of offenses committed.
- Access to Earned Credit is limited with differences in access across prisons.
  - The process to make programs eligible for earned credit can be challenging.
  - Earned credit programs fill quickly, have long wait lists and can be difficult to access.

- The average percentage of the total prison population earning credit from January to June 2022 was 19.38%.

## Why Earned Credit Matters

### Workforce development

- Through incentivizing participation in workforce development programs and education, the labor force will have more qualified candidates ready to fill open jobs. According to the U.S. Bureau of Labor Statistics there are [over 10,700,000 open jobs](#).

### Rehabilitation through programming

- Nationally accredited and/or evidenced based programming such as [Victim Awareness Program](#), [Cognitive Behavioral Therapy](#), [FDIC: Money Smart – A Financial Education Program](#), and others, are programs offered in correctional settings across the country. With community safety and rehabilitation being the foundation of America's criminal legal system, broader accessibility to these programs, coupled with a greater incentive to participate (Earned Credit), amplifies ODRC's effectiveness in successful rehabilitation.

### Public safety

- One of the strongest predictors of [recidivism is poverty](#). Meaningful workforce development and educational opportunities can help lower recidivism. After researching recidivism rates and commonalities in 1985, the Texas Board of Pardons and Paroles wrote, "Recidivists were most likely to...not have graduated from high school." And "They (recidivists) tended to have unstable employment histories prior to incarceration." A decrease in crime correlates to [safer communities](#).

### Poverty reduction

- There is an undeniable [relationship between poverty and incarceration, and inevitably recidivism](#). Given that the majority of offenders will at some point be released ([Newsweek Magazine reported the average sentence to be ~5 years](#)), increased access to Earned Credit-eligible programming would produce more employable, financially-conscious, and responsible citizens. Fostering positive attitudes through programming and connecting offenders to employable skill sets, will organically have a favorable impact on poverty rates.

### Reduces taxpayer burden

- In Ohio, in 2021, prison cost per person per day was [\\$99.96](#), equating to \$36,485 per person per year.
- In September 2022, the ODRC population was [43,737](#). Using above costs, this totals nearly [\\$1.6B](#).
- Earned Credit allows prisoners to reduce their sentence length reducing the burden on taxpayers.

## Earned Credit: Basics

### What qualifies as an earned credit program?

- Any academic or vocational program, prison industry, or alcohol and drug treatment, unit management or mental health program, and DRC substance use disorder treatment programs under [Section 5120.035](#).

### Who tracks Earned Credit?

- The Bureau of Sentence Computation. See Rule 80-INC-02 (V)(I)(C)(1)

### Who Can Earn Credit and what limitations exist?

- People sentenced under
  - Senate Bill 2 (121st OGA) for an offense committed before September 30, 2011, may earn only one day of credit per month
  - House Bill 86 (129th OGA) for an offense committed on or after September 30, 2011, may earn one day or five days of credit per month depending on a variety of factors including offense committed
  - House Bill 261 (117th OGA) may earn two days of credit for participating in an approved academic, vocational, or prison industry program, in addition to two days credit for participating in other programs.

### Who Can Not Earn Credit?

- People sentenced under House Bill 86 (129th OGA) for a sexually oriented offense committed on or after September 30, 2011.
- People serving time explicitly for
  - Certain firearms offenses.
  - Violating post release control.
  - Various offenses committed before July 1, 1996, including but not limited to murder, aggravated murder, rape or felonious sexual penetration.
  - Various offenses committed on or after July 1, 1996, or under Senate Bill 2 (121st OGA), terms imposed on or after September 30, 2011 under House Bill 86 (129th OGA) or after March 22, 2019, under Senate Bill 201 (132nd OGA), including but not limited to, vehicular homicide, rape, murder, and some drug offenses.
- People serving a mandatory:
  - Prison term under (B)(2)(a) of [2929.14](#), effective July 1, 1996, for being a repeat violent offender.
  - Ten-year prison term imposed under (B)(3)(a) of [2929.14](#), effective July 1, 1996, for a drug offense or for being a major drug offender, for corrupt activity with the most serious offense in the pattern of corrupt activity being a first degree felony, or for attempted rape or felonious sexual penetration by force with the victim being under thirteen years of age.

## Earned Credit: Comparing Ohio

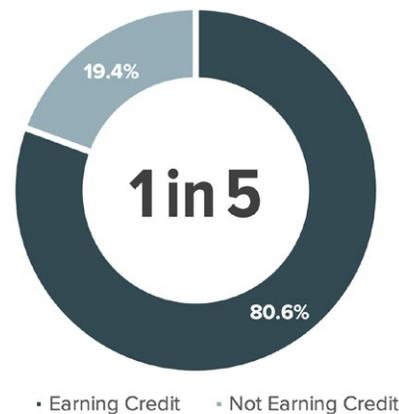
Earned Credit reduces a prison sentence through program participation/ completion. Good time credits are given for following prison rules and required participation in activities. Some states have both credits available; others have one or the other. In many states, eligibility for sentence reduction is determined by a tiered system of offenses committed. Some states have absolute Earned Credit exclusions for certain offenses. Where this is in place, exclusions frequently tied to offenses related to: life sentences, sexual and/or violent crimes. **Of states allowing earned and/or good time credit, Ohio has one of the lowest caps at 8%—about half of the Federal rate at 15%.**

## Earned Credit: By the Numbers

We requested a list of all current Earned Credit-eligible programs in ODRC institutions, the most recently approved Earned Credit Program Plan for those programs, and the total number of individuals who earned credit at each ODRC facility, respectively, from January to June 2022. As of November 1, 2022, we only received information related to the total number of individuals who earned credit at each ODRC facility. This limited our ability to fully analyze Ohio's Earned Credit Program.

Our analysis included all 28 Ohio prisons from January to June 2022. The average percentage of the total prison population earning credit from January to June 2022 was 19.38% —or 8,175 people.

AVG. JANUARY TO JUNE 2022



### Highlights

- January had the lowest average across all prisons at 18.31%. June had the highest average at 20.99%.
- The lowest one-time rate was 1.49% (25 people) at the Grafton Correctional Institution.
- The highest one-time rate was 54.48% (231 people) at the Northeast Reintegration Center.

- The Dayton Correctional Institution (DCI) and the Northeast Reintegration Center (NERC) each had the highest percentage of residents earning credit in three of the six months analyzed.
- The Northeast Ohio Correctional Center (NEOCC) had the lowest percentage of residents earning credit in four of the six months analyzed.
- Correctional Reception Center (CRC), Lorain Correctional Institution (LORCI), Northeast Ohio Correctional Center (NEOCC) and Southeast Ohio Correctional Facility (SOCF) consistently had < 10% of residents earning credit, in the six months analyzed.
- The Ohio State Penitentiary (OSP) had under 10% in five of six months analyzed.

*\* Note, the Ohio Department of Rehabilitation and Corrections (ODRC) classifies inmates from Level 1 (the lowest security level) to Level 4 (the highest numbered level). A fifth level called ERH is for “inmates who commit or lead others to commit violent, disruptive, predatory, riotous actions, or who otherwise pose a serious threat to the security of the institution.” Most NEOCC residents are Levels 2 and 3. CRC houses a variety of levels, but mostly 2 and 3. SOCF and OSP house mostly ERH and Level 4 inmates. LORCI houses primarily a mix of Levels 1-3.*

## Interview Insights

In efforts to gain more context regarding the difficulty in accessing Earned Credit-eligible programming, we conducted fourteen interviews with lawmakers, criminal legal system reform advocates, people with lived experience, prison officials, representatives of educational institutions, as well as reentry professionals. We learned:

### Increased accessibility to Earned Credit through programming has bipartisan support.

- Senate Bill 288 and House Bill 699 seek to increase the Earned Credit cap from 8% to 15% via participation in ODRC-approved programming and educational services. Both bipartisan bills have wide support.

### Participation in Earned Credit eligible programming increases prison safety, public safety, and lowers recidivism rates.

- Earned Credit programming “...provides an incentive to engage and helps with successful behavior change and reentry,” said a senior attorney advocate. He also noted that, within the institutions, this programming, “...incentivizes safety and good behavior” by encouraging people in prison to engage in positive programs.

### People in prison overwhelmingly want access to more programs!

- **A recurring theme throughout the interviews was that there is a considerable interest in programs.** Unfortunately, waiting lists are often lengthy, and access to programs is extremely limited.
- This point was bolstered in a conversation with a re-entry leader who also provides programming in several Ohio prisons. While working inside of the Ohio prisons, their team conducted listening sessions with several groups of prison residents to better understand their concerns and priorities. This team reported access to Earned Credit-eligible programming was the number one priority amongst group participants. The bulk of the feedback collected was “programs are too hard to get into.”

### ODRC has many great initiatives & partnerships.

- **Throughout almost every interview, there was acknowledgement of intentionality by ODRC to provide people in prison with meaningful, research-based programming, as well as exponential growth regarding secondary education services.** The problem is these educational opportunities are difficult to access as the demand for college programs is so high.
- ODRC has become more proactive in connecting returning citizens to re-entry services in their respective areas, with an emphasis on lowering recidivism rates. ODRC also supports many re-entry service providers and coalitions through education, networking, and funding.

### Staffing and capacity appear to be a significant barrier to broader accessibility to Earned Credit-eligible programming.

- Unlike college programming, which is provided by outside vendors not employed by the ODRC, most Earned Credit-eligible programming is managed by ODRC. This requires staff capacity. Like many other industries, staffing shortages are a recurring problem. One interviewee noted a labor strike in September 2022 prompted by staff shortages.
- Some Earned Credit-eligible programs are facilitated by outside volunteers. When asked about suggestions to expand programming accessibility, an advocate with lived experience recommended, “ODRC could... expand capacity by creating more opportunities for volunteers and providing train the trainers workshops.”

Although educational opportunities are abundant, accessing re-entry, recovery and other programming is widely considered to be difficult. **Programming is well worth the investment as it is proven to make prisons safer, provide many societal benefits, and make recidivism less likely.**



## Recommendations

Everyone has a role to play in expanding the breadth and availability of Ohio's Earned Credit program:

### Ohio Department of Rehabilitation & Corrections

- Expand availability of Earned Credit eligible programs across all ODRC institutions
- Request funding to make this expansion possible via the State Budget process

### Ohio General Assembly:

- Limit offenses that render a person ineligible for Earned Credit programs
- Pass Senate Bill 288 and continue to reassess and further expand the percentage of time that can be reduced through earned credit
- Support increased funding to ODRC specifically for Earned Credit programming
- Introduce and pass legislation to provide Earned Credit to people in jails, in addition to prisons

### Employers:

- Find ways to be involved with returning citizen networks
- Hire returning citizens, especially those with earned credit program experience

### Higher Education Institutions:

- Partner with ODRC institutions to create more educational program opportunities like that of Sinclair Community College at the Dayton Correctional Institution

### Leadership Ohio Alumni / Everyday Ohioans

- Volunteer to serve for a locally accredited program at an ODRC institution
- Vote for politicians who support expansion of Earned Credit and re-entry reform

### Organizations and advocates interested in continuing this research

- Continually request ODRC records to track access to and use of Earned Credit programs
- Create an asset map of nonprofits and higher education institutions which have programs eligible for credit at ODRC institutions
- Explore multigenerational resources for impacted families/communities

*Disclaimer: These materials were created by Rachel Gagnon, Rayshun Holt, Jocelyn Rosnick, Bryan Stewart, and Hillary Stewart—members of Leadership Ohio Class of 2022. The research, recommendations and views expressed are those of the team members and not Leadership Ohio.*

*This document can be found at: [bit.ly/earnedcredit](https://bit.ly/earnedcredit)*