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S.B. 133
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Sens. O'Brien and Manning

Local Impact Statement Procedure Required: No

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Highlights

- The one-time and ongoing costs for the Department of Rehabilitation and Correction (DRC) to establish and maintain a global positioning system (GPS) for monitoring certain offenders is uncertain. However, given the potential scope and complexity of that GPS monitoring in comparison to DRC's current use of electronic monitoring, those costs could be significant. An important unknown is the number of "GPS-monitored offenders."
- Local law enforcement is permitted, not required, to request certain access to, or information from, the GPS system. The manner in which such requests are to be submitted and the form of the information provided is unclear.
- As DRC has not made any decisions on the details of the bill's reentry program, its one-time costs to create, and ongoing costs to maintain, are indeterminate. Presumably, one of the notable uncertain cost components will be the number of individuals labelled a "target offender."
- The bill requires DRC's Adult Parole Authority to establish supervision standards for parole and field officers of its Field Services Section. The new standards may require DRC to hire additional staff, which would cost about \$75,000 annually per hire for salary and benefits.
- The annual magnitude of the work and related costs for the Bureau of Criminal Investigation to perform its required data entry work is uncertain.
- The annual cost for the Department of Public Safety to incorporate the additional information required by the bill into the Law Enforcement Automated Data System (LEADS) is likely to be minimal, at most, as the existing LEADS/National Crime

Information Center (NCIC) Supervised Release File would likely be utilized for that purpose.

- It appears that the State Criminal Sentencing Commission, which is affiliated with the Supreme Court of Ohio, can absorb any costs associated with the Offender Supervision Study Committee utilizing existing staff and appropriated funding.

Detailed Analysis

Global positioning system monitoring changes

The bill makes various changes to the law governing global positioning system (GPS) monitoring of offenders released from prison. Most notably, for purposes of this fiscal note, those changes include: (1) real-time or active GPS access to information about a GPS-monitored offender's location, and (2) the inclusion of specified information regarding GPS-monitored offenders in the Law Enforcement Automated Data System (LEADS). Those changes are discussed in further detail below.

Real-time and active GPS access to an offender's location

The bill requires DRC to establish system requirements for GPS monitoring of offenders by DRC and third-party administrators and that contracts entered into by DRC for GPS monitoring services specify that the GPS used include a crime scene correlation program with continuous monitoring. The bill's GPS provisions apply to an offender who, on or after the effective date of the bill, is released from confinement in a state correctional institution, or placed on transitional control, with conditions that include GPS, or is placed under post-release control that includes GPS as a condition. The number of these offenders, defined as "GPS-monitored offenders," is uncertain.

It appears that, at any given time, DRC's Adult Parole Authority (APA) is supervising over 2,000 offenders for whom electronic monitoring (EM) is required. It is LBO's understanding that the APA does not currently utilize either active or passive GPS tracking devices and that GPS tracking is more expensive than EM. This presumably means that DRC will need to establish and maintain a new offender tracking system. As the scope and complexity of this system have yet to be determined, DRC's one-time costs to establish, and ongoing annual costs to maintain, such a system are uncertain. It is unclear to LBO as to whether the bill will have any effect on DRC's current method of offender monitoring (EM).

The bill also requires DRC, third-party administrators, and secondary entities performing the actual monitoring under a contract with an administrator, to provide local law enforcement personnel upon request either real-time access to information related to an offender's current and prior (if available) locations, as well as recent criminal activity that is possibly related to the offender's location, or provide such information. It is unclear to LBO as to whether the bill's intent is to allow local law enforcement actual real-time entry into the system, or to request specified information be provided, or possibly both. The manner in which such requests are to be submitted and the form of the information provided is unclear.

GPS-monitored offenders information included in LEADS

The bill requires DRC, not later than 12 months after the bill's effective date, to adopt procedures for DRC or third-party administrators to use to provide specified information

pertaining to GPS-monitored offenders to the Bureau of Criminal Investigation (BCI). Upon receipt of the information, BCI is immediately required to enter the information into LEADS. The Superintendent of the Ohio State Highway Patrol is required to ensure that LEADS is so configured as to permit the entry into, and the transmission through, the system of that information.

The annual magnitude of the work and related costs for BCI to perform its required data entry work is uncertain. It is LBO's understanding that BCI does not currently serve as data entry personnel for LEADS. A notable uncertainty is the number of GPS-monitored offenders for whom data will need to be entered.

The cost for the Department of Public Safety to incorporate the additional information required by the bill into LEADS is likely to be minimal, at most, as the existing LEADS/National Crime Information Center (NCIC) Supervised Release File would likely be utilized for that purpose. The LEADS/NCIC Supervised Release File, which currently includes records on individuals who are put under specific restrictions during their probation, parole, supervised release sentence, or pre-trial sentencing, already includes much of the information that the bill requires to be entered into LEADS with the monitoring parameters and restrictions added into the "Miscellaneous Information" field within that file. Currently, any local, state, or federal supervision officers may enter records into the LEADS/NCIC Supervised Release File for those individuals.

DRC study of GPS-related issues

Under current law, DRC is required to conduct a GPS-related study considering specified factors by June 30, 2019, regarding the feasibility of contracting with a third-party administrator for GPS monitoring that would include a crime scene correlation program that could interface by link with a statewide database for GPS-monitored offenders, as well as analyze the use of GPS monitoring as a supervision tool. The bill modifies this provision by instead requiring DRC to analyze only the use of GPS monitoring as a supervision tool. Under current law, unchanged by the bill, DRC must submit copies to the Senate President and Minority Leader, the House of Representatives Speaker and Minority Leader, and the Governor. This provision may create a one-time savings effect, as it reduces the amount of work that DRC otherwise may have been required to perform.

DRC reentry program

The bill modifies the law regarding the supervision of felony offenders released from prison by requiring APA to establish a reentry program for offenders who are not accepted for residence in a halfway house or similar facility (referred to as a "target offender"). As DRC has not made any decisions on details of this reentry program, its one-time costs to create, and ongoing costs to maintain, are indeterminate. Presumably, one of the notable uncertain cost components will be the number of individuals labelled a "target offender."

APA parole and field officer caseloads and workloads

The bill requires the APA, not later than one year after the bill's effective date, to establish supervision standards for parole and field officers of its Field Services Section. The standards are required to include a specification of a "caseload" and a "workload" for parole and field officers. The caseload and workload specified in the standards are required to comport with industry standards set forth by the American Probation and Parole Association.

Not later than two years after establishing the standards, DRC is required to ensure that the Field Services Section has enough parole and field officers to comply with the standards and that the officers have been trained to the extent required to comply with the standards.

Depending on what is contained in these new standards, DRC may be required to hire additional staff for the Field Services Section. The number of additional personnel, if any, is uncertain, but each new hire would cost the Department about \$75,000 annually for salary and benefits. As of the end of May 2019, the APA reports that it had 446 active officers (defined as those assigned with a workload) with a total workload of 35,007 offenders under supervision.

Offender Supervision Study Committee

The bill requires the Ohio Supreme Court's State Criminal Sentencing Commission to appoint a 13-member Offender Supervision Study Committee to study and review all issues related to the supervision of offenders. It appears that the Commission, which is affiliated with the Supreme Court of Ohio, can absorb any associated costs utilizing existing staff and appropriated funding.

The members of the Committee serve without compensation, but will be reimbursed for their actual and necessary expenses. The Commission is permitted to appoint persons who are experts in issues related to the supervision of offenders to assist the Committee in the performance of its duties.

The Committee is required to submit a report to the Commission not later than December 31 in each even-numbered year that contains its findings with respect to the issues it studies and reviews and recommendations regarding possible changes in the law based on those findings. The Commission is required to review the report, and, not later than 90 days after receiving the report, submit a report to the General Assembly that contains the Commission's recommendations regarding possible changes in the law based on the findings of the Committee.