

MORE ROOM IN OUR PRISONS:

[This is the second essay regarding prison overcrowding written by a former Ohio prisoner]

Ohio Department of Rehabilitation and Corrections (“O.D.R.C.”) Director Gary Mohr claims that an influx of prisoners is creating a shortage of prison beds and that a federal takeover may occur unless something is done. Chief Justice Maureen O'Connor blames local judges for not diverting low-level offenders to non-prison alternatives. Mohr is letting the legislature know that it may have to spend millions building more prisons to add to the 30 already operating.

In the previous article we stated the fact that Ohio's prison overcrowding is in large part due to the failure of the Ohio Parole Board to release thousands of offenders still locked up from the '70s, '80s and '90s who the parole board will not release in order to preserve their jobs. In other words, if they actually paroled all the old law prisoners who have served their time they would be without a job.

In this installment we expose the practice by the Ohio Parole Board where “old law” technical parole/release violators (convicted prior to 1996) are singled out for extreme punishment while “new law” technical violators (convicted after 1996) are given a slap on the wrist, thereby providing the Parole Board with a continuing caseload and continued job security, yet burdening our prisons with hundreds of minor rule breakers.

OLD LAW/NEW LAW DISCRIMINATION IN PUNISHMENTS

EXAMPLE:

A “new law” offender commits a technical parole violation (where only a rule of supervision is violated such as dirty urine, failure to report, or minor misdemeanor) and receives up to a *maximum* 9 month prison sanction and is released. An identical “old law” offender who commits the exact same technical violation is sanctioned to *several more years...* and possibly the remainder of their maximum indeterminate sentence.

Had the old law violator's original crime occurred after 1996 he/she would have been subjected to only a maximum nine month prison sanction and been released; However, because his conviction occurred before 1996, the violator is now serving several **years** for the exact same violation, after which he will *not* be released: he will only be given parole release *consideration*.

Having had his parole revoked, the violator must now go through another complete parole release hearing process, including notice to the victim, judge and prosecutor... in essence starting the parole process all over again. To make matters worse, the A.P.A has adopted more job-preserving policies making parole harder to obtain. Having previously been granted parole by a one or two-person panel, the violator must

now receive a *majority vote* of the **full Board** in order to be re-paroled. Bear in mind that the violator has not committed any new crime: *he/she has simply violated a rule of supervision.*

THE PAROLE CAMPAIGN

Obtaining a parole, even for a minor technical violation, now requires a Herculean effort of dedicated family, friends and supporters in a lobbying campaign that often involves the hiring of a parole board “specialist”: a lawyer in good standing with the Ohio Parole Board who can lobby the Parole Board directly and more effectively present the violator's case for parole. But even with a specialist there is no assurance of obtaining a parole for only a chosen few will obtain a chance to start their lives over.

HUMAN RIGHTS ISSUE

The practices of the Ohio Parole Board that impose harsher punishments on old law offenders than new law offenders for the purpose of preserving their caseload and insuring their jobs is simply unfair. It is also a denial of the Equal Protection guaranteed by the Constitution... and unworthy of every Ohio taxpaying citizen. It is also unworthy of the Director Gary Mohr’s O.D.R.C., a department that is otherwise a national model for rehabilitation and humane corrections.

While hundreds of old law technical violators are taking up valuable bed space and languishing in Ohio prisons for years under this grossly unfair practice, new law violators are going home after 9 months to their families... and Director Mohr is declaring a bed shortage.

O'Connor may be right that some judges are not properly executing their mandate in implementing sentencing reforms to lower the prison population, the fact is the Ohio Parole Board and A.P.A. are likewise ignoring their mandate as well where it comes to old law parole violators.