



# **Criminal justice and health:** Keeping families together through criminal justice reform

January 20, 2022



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Ohio is a model of health, well-being and economic vitality.

# Mission

To advance evidence-informed policies that improve health, achieve equity, and lead to sustainable healthcare spending in Ohio.

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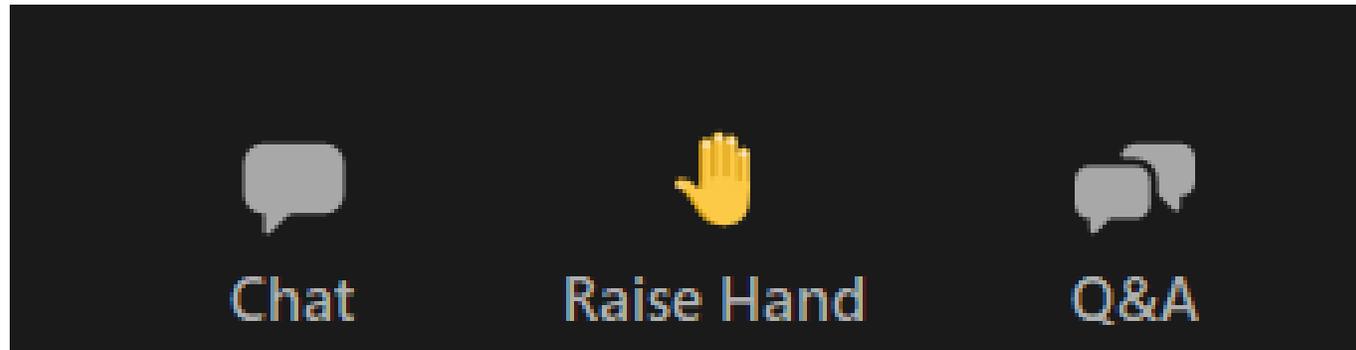
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### Overview

According to the HPIO *Health Value Dashboard*, Ohio ranks 47 out of 50 states and D.C. on health value — a composite measure of population health outcomes and healthcare spending. Incarceration, arrest and crime contribute to Ohio's poor health value rank.

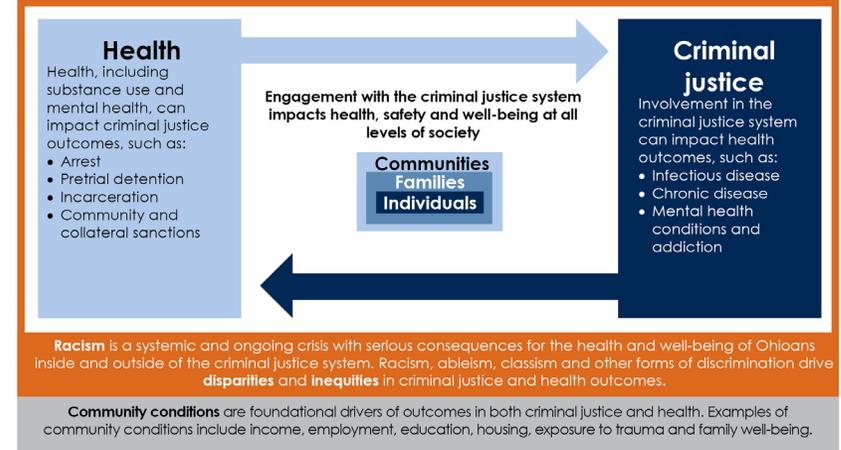
This brief summarizes research on the complex connections between criminal justice and health (see figure 1), with a focus on the impact of criminal justice involvement on health and well-being. The brief also outlines policy options that state policymakers and other community leaders can take to reduce incarceration and improve the health of Ohioans at highest risk for criminal justice involvement.

The research evidence is clear that poor mental health and addiction are risk factors for criminal justice involvement and that incarceration is detrimental to health. Obstacles to health and well-being are particularly striking for Ohioans who are at highest risk of criminal justice involvement.

### 3 key findings for policymakers

- **There is a two-way relationship between criminal justice and health.** Mental health and addiction challenges can lead to arrest and incarceration, and incarceration contributes to poor behavioral and physical health for many Ohioans.
- **Racism and community conditions contribute to criminal justice involvement and poor health.** Racist and discriminatory policies and practices and community conditions, such as poverty, housing instability and exposure to trauma, lead to increased criminal justice involvement and drive poor health outcomes.
- **Improvement is possible.** There are evidence-informed policy solutions to combat the drivers of criminal justice involvement and poor health outcomes.

Figure 1. The relationship between criminal justice and health



### 3 key findings for policymakers

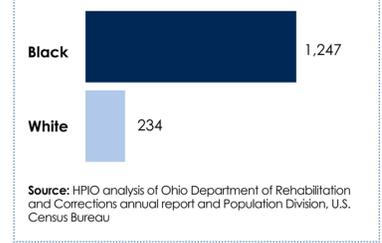
- **Disparities in the criminal justice system are not inevitable,** and although unjust biases, policies and structures exist, improvement is possible.
- **Ohioans of color experience barriers to justice** stemming from a long history of racism in the criminal justice system that casts a shadow over modern policymaking.
- **Public and private stakeholders can take meaningful action** to eliminate racism in the criminal justice system and improve health, safety and well-being for every Ohioan.

Public and private leaders across Ohio work to build and support safe, just and healthy communities where every Ohioan can thrive. Criminal justice partners, including law enforcement, courts and corrections, play an important role in that effort. Goals of the criminal justice system include preventing crime and improving community safety. However, these worthy goals are not achieved under current criminal justice policies.

Involvement with the criminal justice system has wide-ranging, negative effects on physical and mental health for Ohioans. At the same time, justice involvement creates trauma, barriers to employment, education and housing, and may increase a person's likelihood of re-offending.<sup>1</sup> Communities of color in particular have been disproportionately impacted by our criminal justice system.

Building upon HPIO's policy brief, *Connections Between Criminal Justice and Health*, this brief takes a closer look at the role of race within criminal justice policy. The two-way relationship between criminal justice and health is influenced by racism and other forms of discrimination, which can drive poor outcomes in both sectors (see in figure 2). Ohioans of color are often negatively impacted by unjust biases, policies and structures in the criminal justice system. This results in stark racial disparities in criminal justice outcomes, such as incarceration (see figure 1). Improvements within the criminal justice system can lead to safer, healthier and more vibrant communities in Ohio.

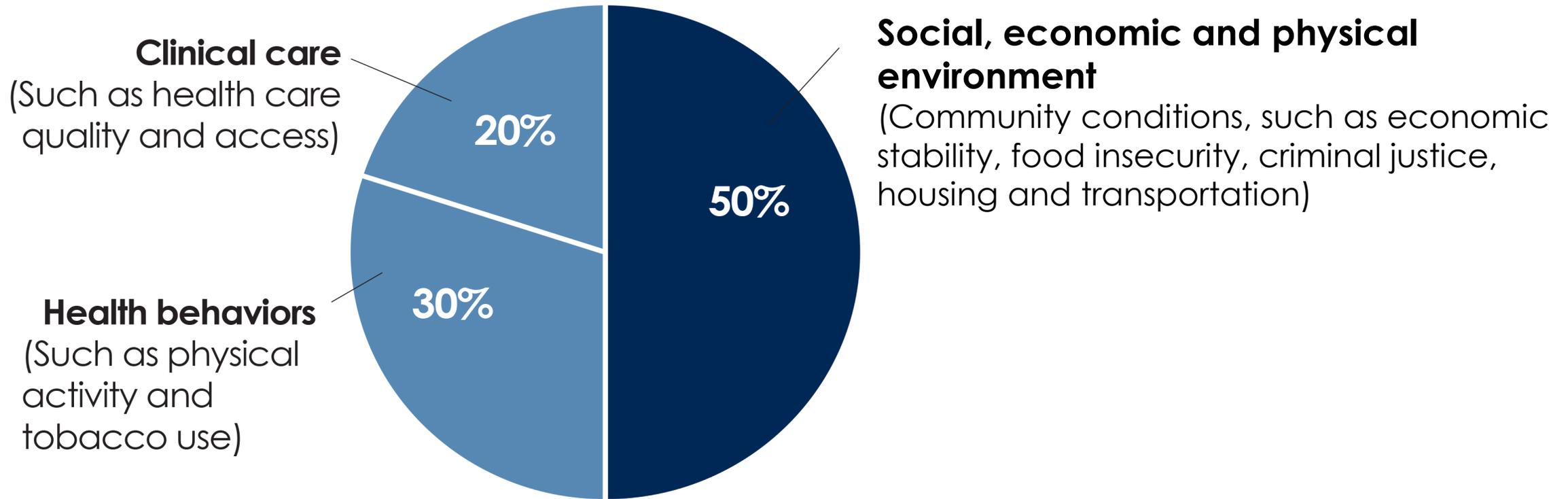
Figure 1. Ohio incarcerations in state prison per 100,000 population, by race, July 2021



### This brief explores:

- The relationship between the criminal justice system and race
- Barriers to justice at the individual, institutional and structural levels that lead to poor outcomes for people of color
- Recommendations and resources for public and private stakeholders to promote safe and healthy communities across Ohio

# Modifiable factors that impact health

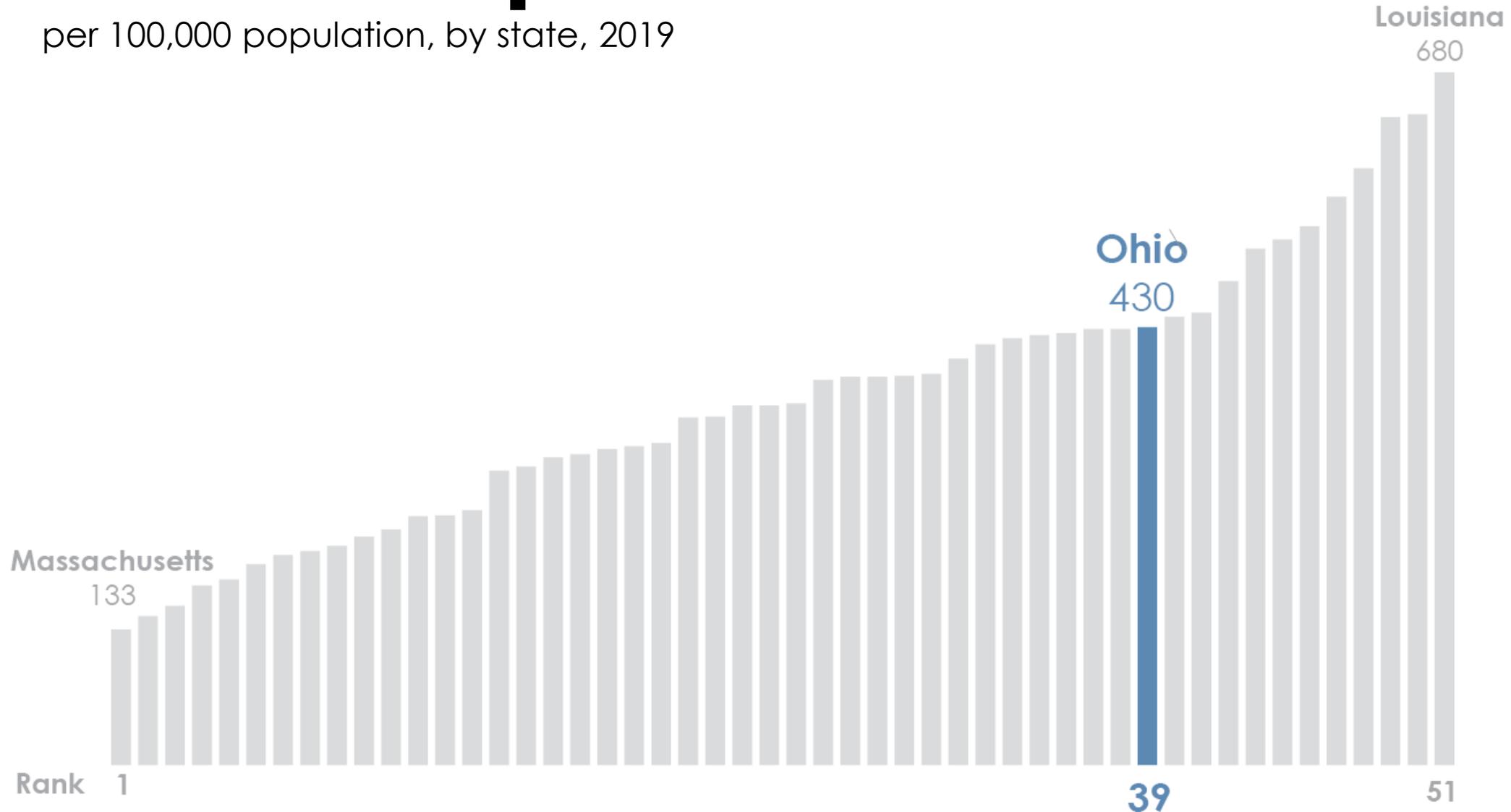


**Underlying drivers of inequity**  
Racism and other forms of discrimination (i.e., ableism, ageism, sexism, xenophobia, homophobia, etc.), trauma, exposure to violence, toxic stress, stigma

**Source:** Booske, Bridget C. et. Al. *County Health Rankings Working Paper: Different Perspectives for Assigning Weights to Determinants of Health*. University of Wisconsin Public Health Institute, 2010.

# Adult imprisonment rate

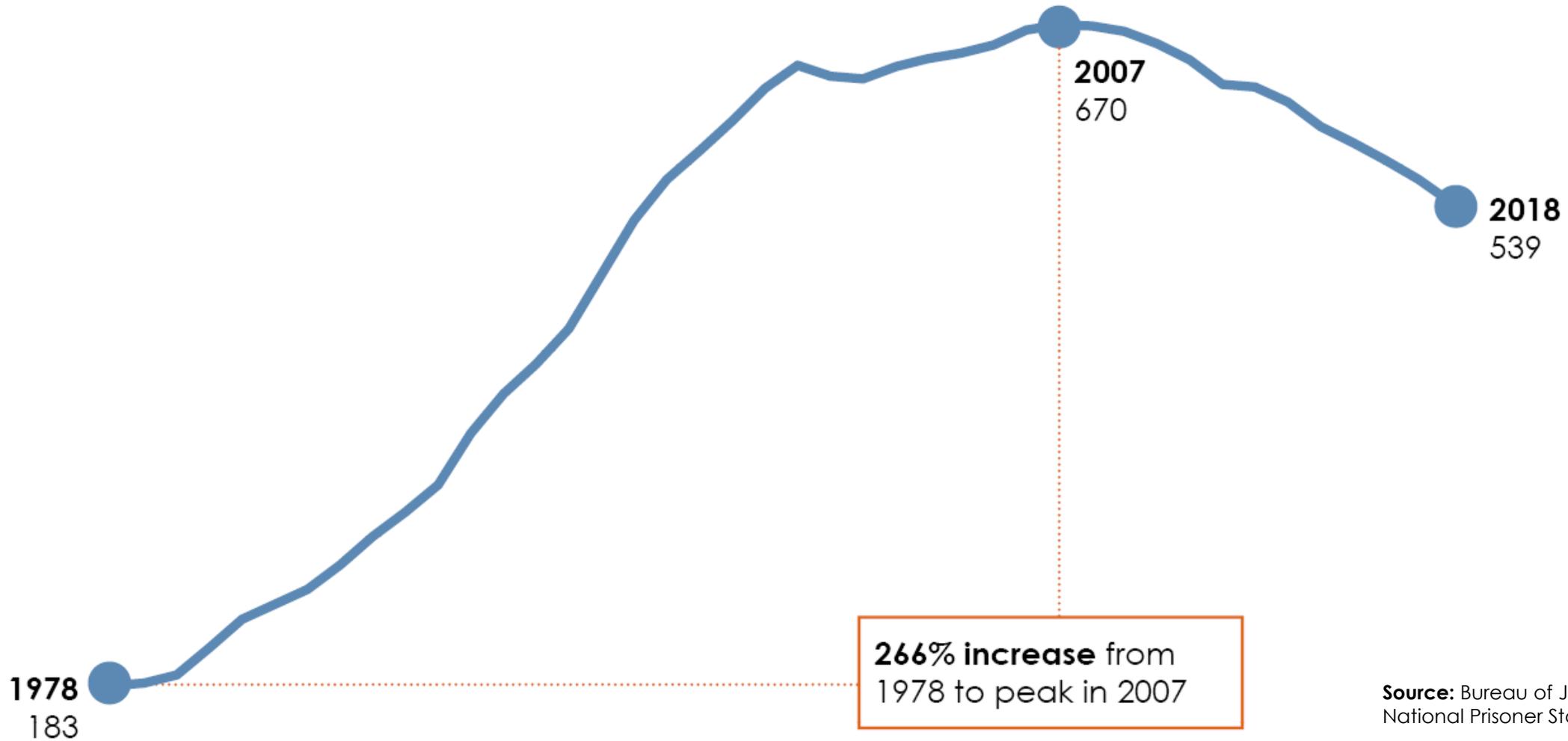
per 100,000 population, by state, 2019



Source: Bureau of Justice Statistics

# Adult imprisonment rate

per 100,000 population, U.S., 1978-2019



Source: Bureau of Justice Statistics, National Prisoner Statistics, 1978-2019

## Health

Health, including substance use and mental health, can impact criminal justice outcomes, such as:

- Arrest
- Pretrial detention
- Incarceration
- Community and collateral sanctions

Engagement with the criminal justice system impacts health, safety and well-being at all levels of society

Communities

Families

Individuals

## Criminal justice

Involvement in the criminal justice system can impact health outcomes, such as:

- Infectious disease
- Chronic disease
- Mental health conditions and addiction

**Racism** is a systemic and ongoing crisis with serious consequences for the health and well-being of Ohioans inside and outside of the criminal justice system. Racism, ableism, classism and other forms of discrimination drive **disparities** and **inequities** in criminal justice and health outcomes.

**Community conditions** are foundational drivers of outcomes in both criminal justice and health. Examples of community conditions include income, employment, education, housing, exposure to trauma and family well-being.

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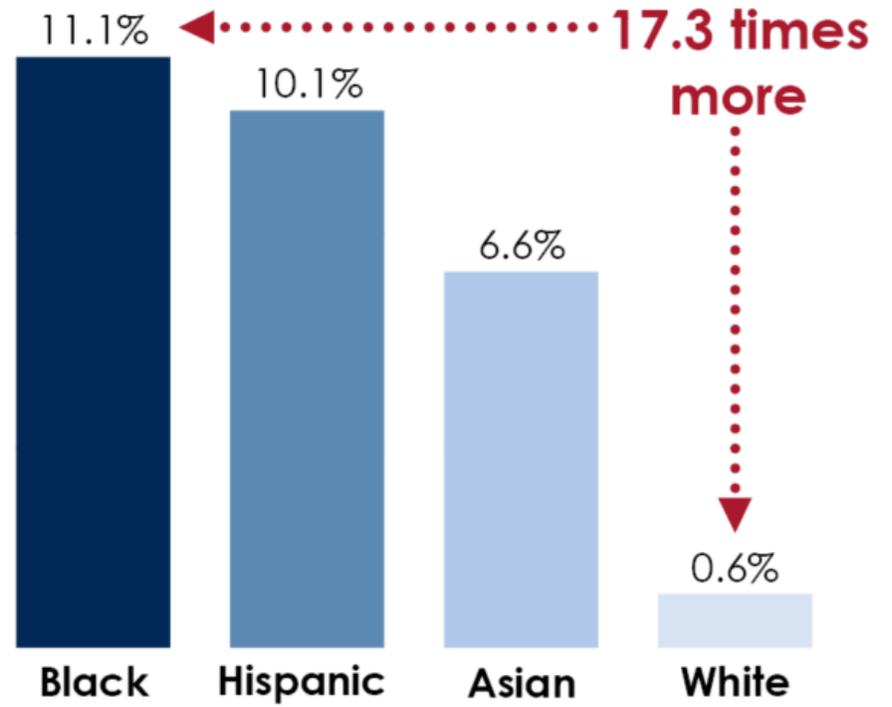
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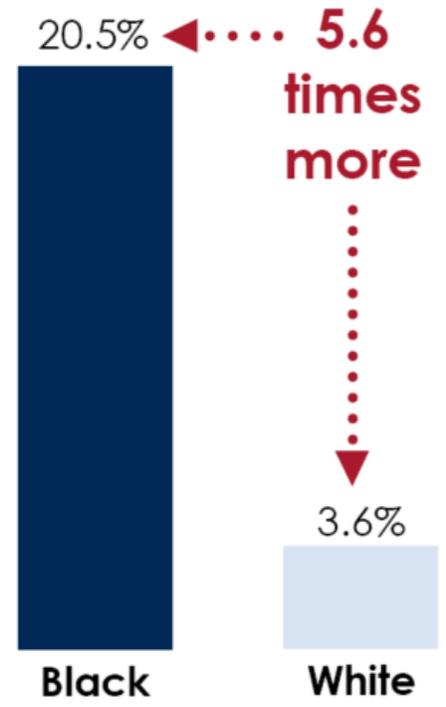
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# Experiences of racism

**Unfair treatment due to race/ethnicity for children** Ohio, 2016-2019



**Physical or emotional symptoms experienced due to treatment based on race** Ohio, 2011

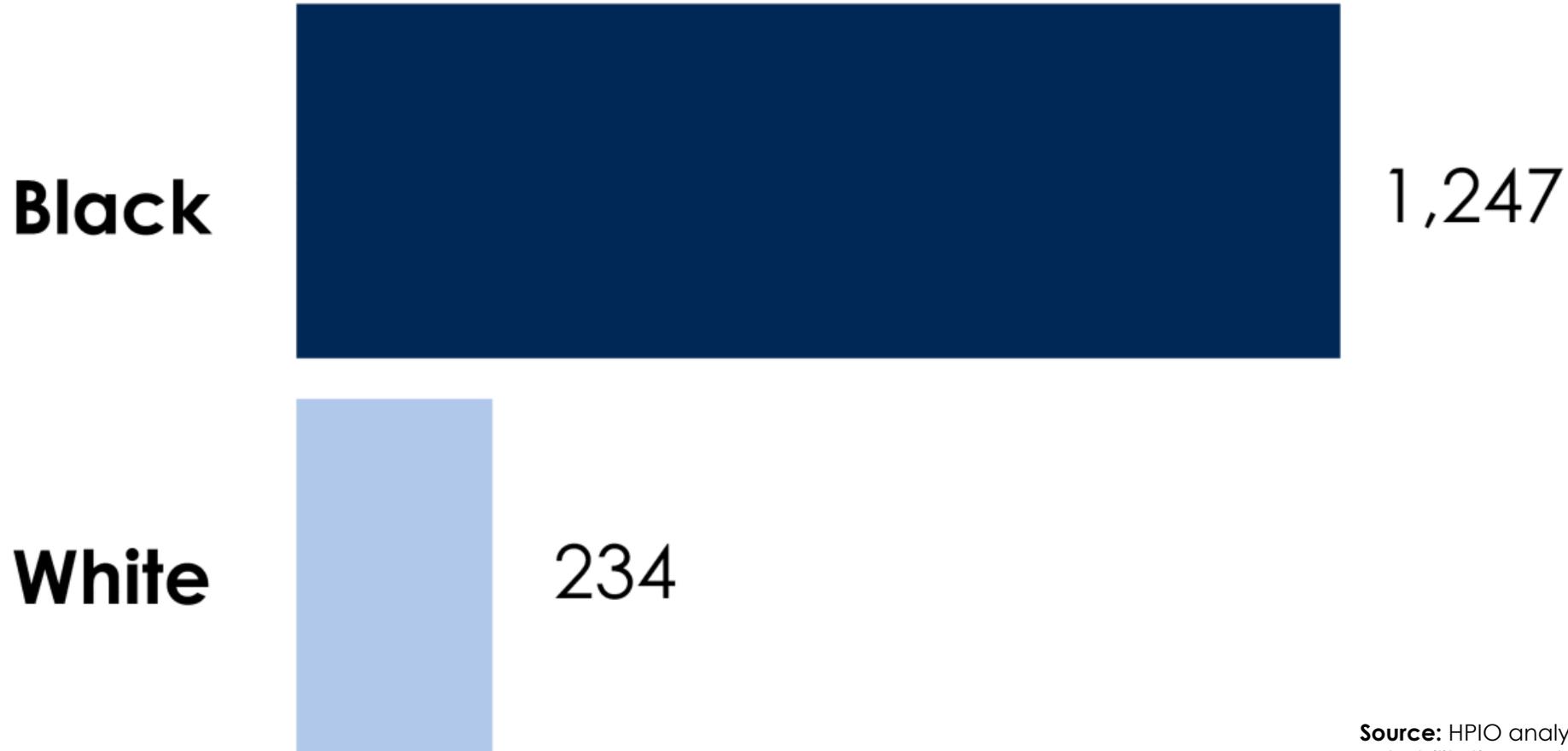


**Source:** Analysis of Health Resources and Services Administration, National Survey of Children's Health by Ani Ruhil, The Voinovich School of Leadership & Public Affairs, Ohio University

**Source:** HPIO analysis of Behavioral Risk Factor Surveillance System. Data provided by the Ohio Department of Health upon request.

# Ohio incarcerations in state prison

per 100,000 population, by race, July 2021



**Source:** HPIO analysis of Ohio Department of Rehabilitation and Corrections annual report and Population Division, U.S. Census Bureau



# Health Policy Brief

Connections between criminal justice and health

## Insights on justice and race

Public and private leaders across Ohio work to build and support safe, just and healthy communities where every Ohioan can thrive. Criminal justice partners, including law enforcement, courts and corrections, play an important role in that effort. Goals of the criminal justice system include preventing crime and improving community safety. However, these worthy goals are not achieved under current criminal justice policies.

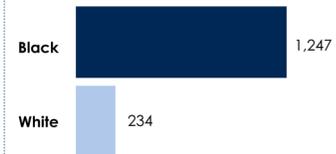
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Building upon HPIO's policy brief, [Connections Between Criminal Justice and Health](#), this brief takes a closer look at the role of race within criminal justice policy. The two-way relationship between criminal justice and health is influenced by racism and other forms of discrimination, which can drive poor outcomes in both sectors (see in figure 2). Ohioans of color are often negatively impacted by unjust biases, policies and structures in the criminal justice system. This results in stark racial disparities in criminal justice outcomes, such as incarceration (see figure 1). Improvements within the criminal justice system can lead to safer, healthier and more vibrant communities in Ohio.

### 3 key findings for policymakers

- **Disparities in the criminal justice system are not inevitable**, and although unjust biases, policies and structures exist, improvement is possible.
- **Ohioans of color experience barriers to justice** stemming from a long history of racism in the criminal justice system that casts a shadow over modern policymaking.
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Source: HPIO analysis of Ohio Department of Rehabilitation and Corrections annual report and Population Division, U.S. Census Bureau

#### This brief explores:

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- Barriers to justice at the individual, institutional and structural levels that lead to poor outcomes for people of color
- Recommendations and resources for public and private stakeholders to promote safe and healthy communities across Ohio

# Adverse Childhood Experiences

Abuse	Household challenges	Neglect
<ul style="list-style-type: none"><li>• Emotional abuse</li><li>• Physical abuse</li><li>• Sexual abuse</li></ul>	<ul style="list-style-type: none"><li>• Intimate partner violence</li><li>• Substance use in the household</li><li>• Mental illness in the household</li><li>• Parental separation or divorce</li><li>• Incarcerated member of the household</li></ul>	<ul style="list-style-type: none"><li>• Emotional neglect</li><li>• Physical neglect</li></ul>

**Source:** Health Policy Institute of Ohio, "Adverse Childhood Experiences (ACEs) Health impact of ACEs in Ohio." Information from Behavioral Risk Factor Surveillance System, Centers for Disease Control and Prevention

# Impacts of childhood adversity persist

**Birth**

**Adulthood**



Adverse childhood experiences



# 3 key findings for policymakers

- **There is a two-way relationship** between criminal justice and health
- **Racism and community conditions** contribute to criminal justice involvement and poor health
- **There are evidence-informed policy solutions** to combat the drivers of criminal justice involvement and poor health outcomes



# Samantha Boch, PhD, RN

Assistant Professor

University of Cincinnati College of  
Nursing

# Mass (Parental) Incarceration and Child Health



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  - NCH Post-Doctoral Idea Research Award
  - K12 PEDSnet AHRQ/PCORI Fellowship
  - UC CON Dean's New Investigator Award
  - NIMHD Loan Repayment Award for Clinician Scientists of Disadvantaged Backgrounds



Image retrieved from the Texas Jail Project - <https://www.texasobserver.org/a-dallas-company-finds-profit-in-video-only-jail-visitations/>



# BACKGROUND

## Ohio Department of Rehabilitation and Corrections

2012-2017

- Prison Staff Nurse
- Quality Assurance Consultant

## The Ohio State University

2017

PhD, Nursing Science

## Nationwide Children's Hospital

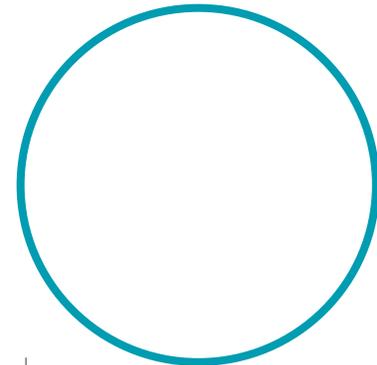
2018-20

Post-Doctoral Fellowship in the  
Center of Child Health Equity  
and Outcomes Research

## University of Cincinnati and Cincinnati Children's Hospital Medical Center

2020-Present

Assistant Professor



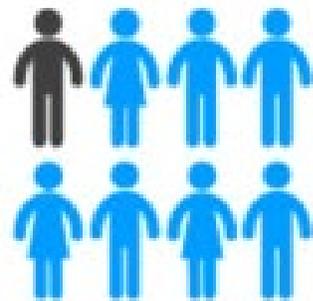


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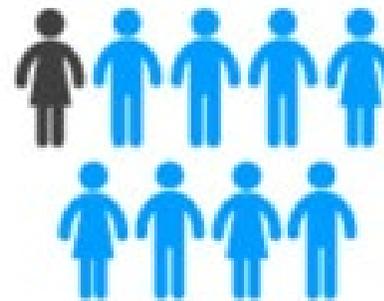
*has had a parent  
incarcerated*

# THE NUMBERS

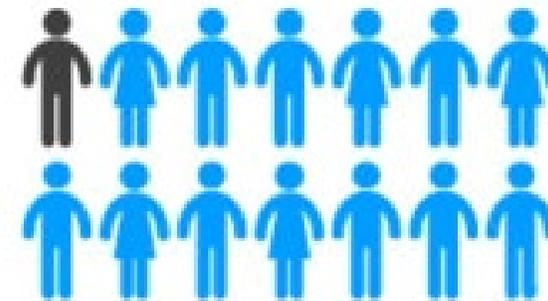
Over 5.2 million children have had an incarcerated parent (1 in every 14).  
(Murphey & Cooper, 2015)



**1 in 8**  
POOR  
CHILDREN



**1 in 9**  
BLACK  
CHILDREN



**1 in 14**  
ALL  
CHILDREN

SOURCE: Child Trends' analysis of the National Survey of Children's Health  
Janet Loehrke, USA TODAY

**USA TODAY**



**IN THE NATION**  
for the number of kids who  
have experienced a parent  
incarcerated in jail

*Pediatrics Nationwide Blog – Axelson and Boch 2019*

*“A Hidden Epidemic: Parental Incarceration and What to Do When it Affects Your Patients”*

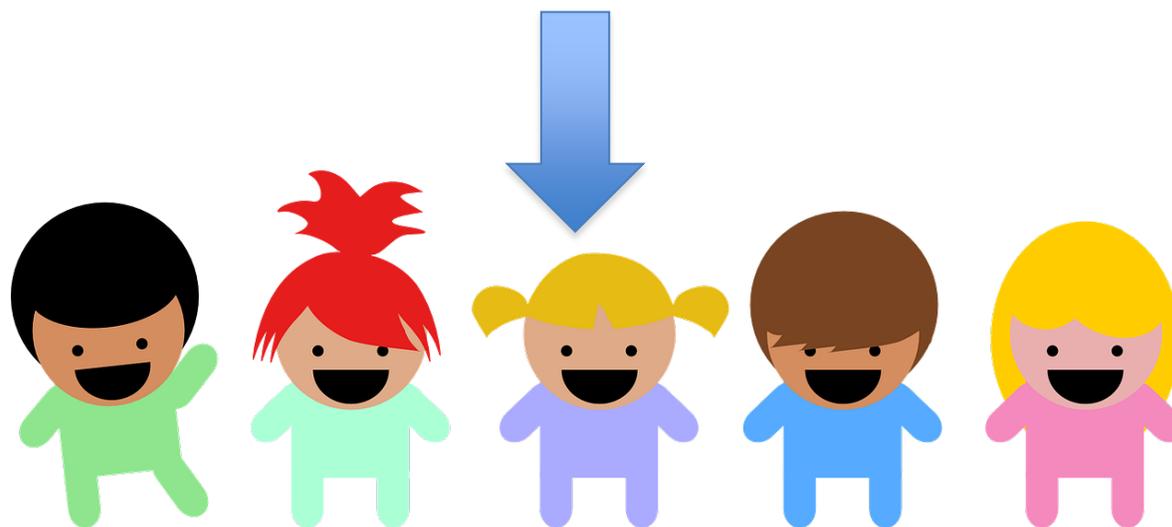
Child and Adolescent Health Measurement Initiative. 2017-2018 National Survey of Children’s Health (NSCH) data query. Web site.

[www.childhealthdata.org](http://www.childhealthdata.org). Published 2019. Accessed 01/07/2020.

 Web site.  
changing the outcome together

 University of  
CINCINNATI.

# Mass Incarceration



# Parental Incarceration Effects

<b>Mental Health and Crime Outcomes</b>	<b>Physical Health Outcomes</b>	<b>Physiological Strain</b>	<b>School Outcomes</b>	<b>Social and Economic</b>
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# Parental Incarceration Effects

Mental Health and Crime Outcomes	Physical Health Outcomes	Physiological Strain	School Outcomes	Social and Economic
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<ul style="list-style-type: none"><li>↑ Substance use problems</li></ul> <p>(Aaron &amp; Dallaire, 2010; Roettger et al., 2011)</p> <ul style="list-style-type: none"><li>↑ Anxiety and depressive symptoms</li></ul> <p>(Wildeman et al., 2018; Boch &amp; Ford, 2018)</p>				
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# Health Records Investigation

**Question:** *Can we identify and describe the health records of pediatric patients with probable personal or family history involvement with the justice system?*

Design: Descriptive, data query

Setting: *Nationwide Children's Hospital, 2006-2020*

- All health outcomes were measured as clinician diagnostic codes via the International Classification of Diseases Version 9/Version 10 and current procedural terminology (CPT) codes.



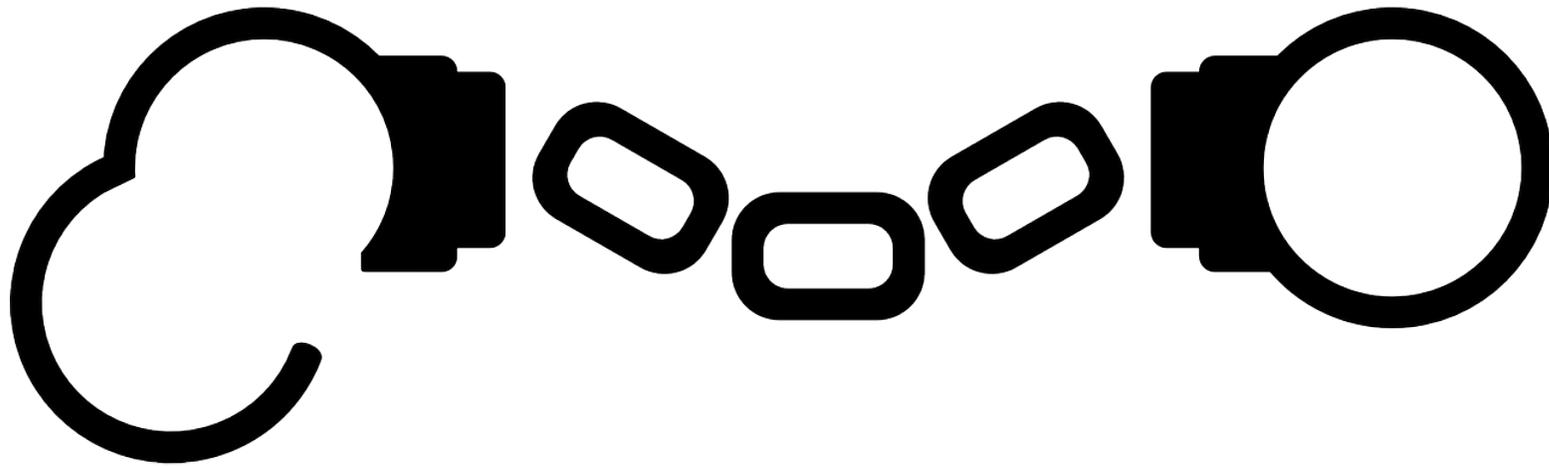
# DATA QUERY DETAILS

- EPIC electronic health record database of 2.3 million youth (<21 years)
- The *finalized data query* included:  
[("parent" OR "mom" OR "mother" OR "dad" OR "father")  
AND ("incarcerated" OR "imprisoned" OR "jail" OR "prison" OR "sentenced" OR "parole" OR "probation")]
- Any type of clinician note searched from February 2006- 2020

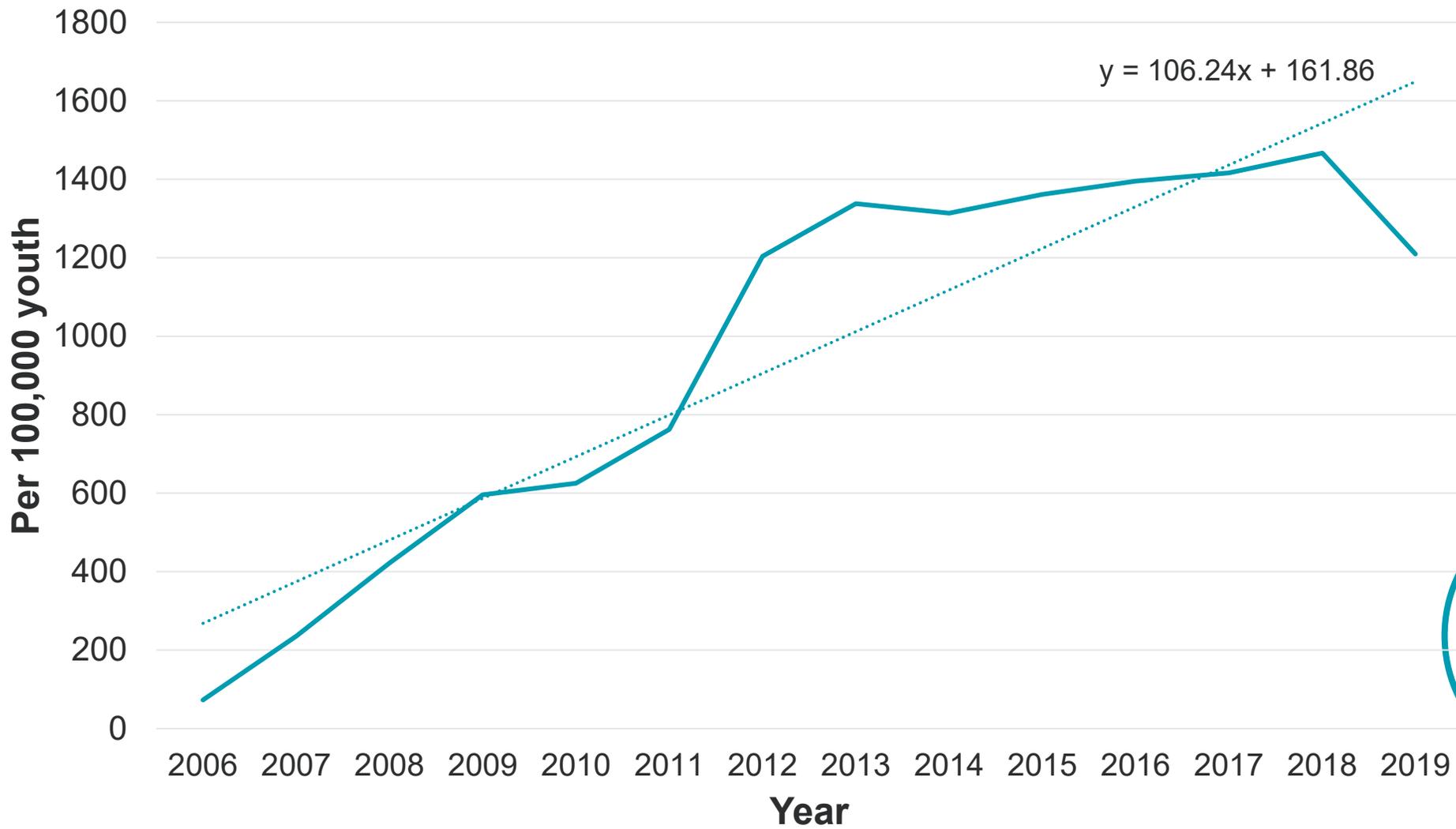


# FINDINGS

- About 2% of youth had a documented correctional keyword in the chart from Feb. 2006-2020 (N = 51,855 out of 2.3 million patients)

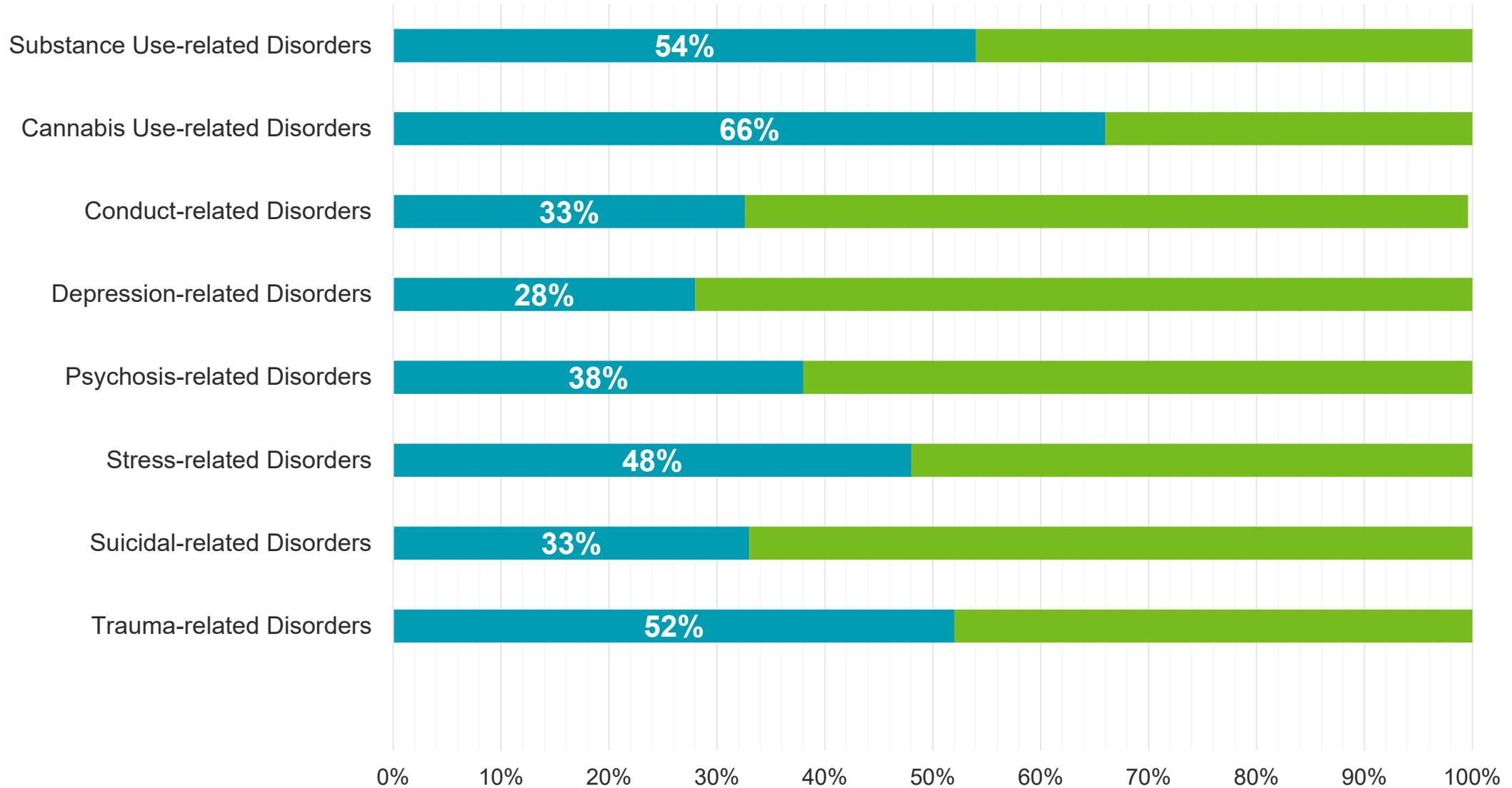


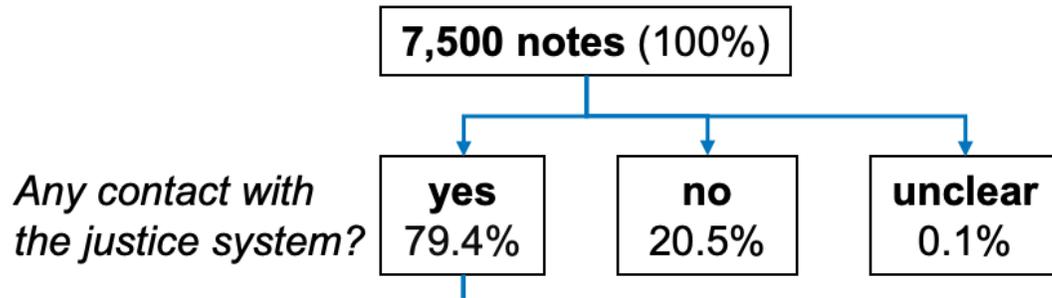
# Number of New Patients with a Documented Justice Keyword in their Electronic Health Record / Total Patients Treated by Year, 2006-2020



# Proportion of Patients with a Mental Health Disorder who also had a Justice Keyword in their Medical Chart, 2006-2020

■ Justice Keyword in their Medical Chart    ■ No Justice Keyword in their Medical Chart



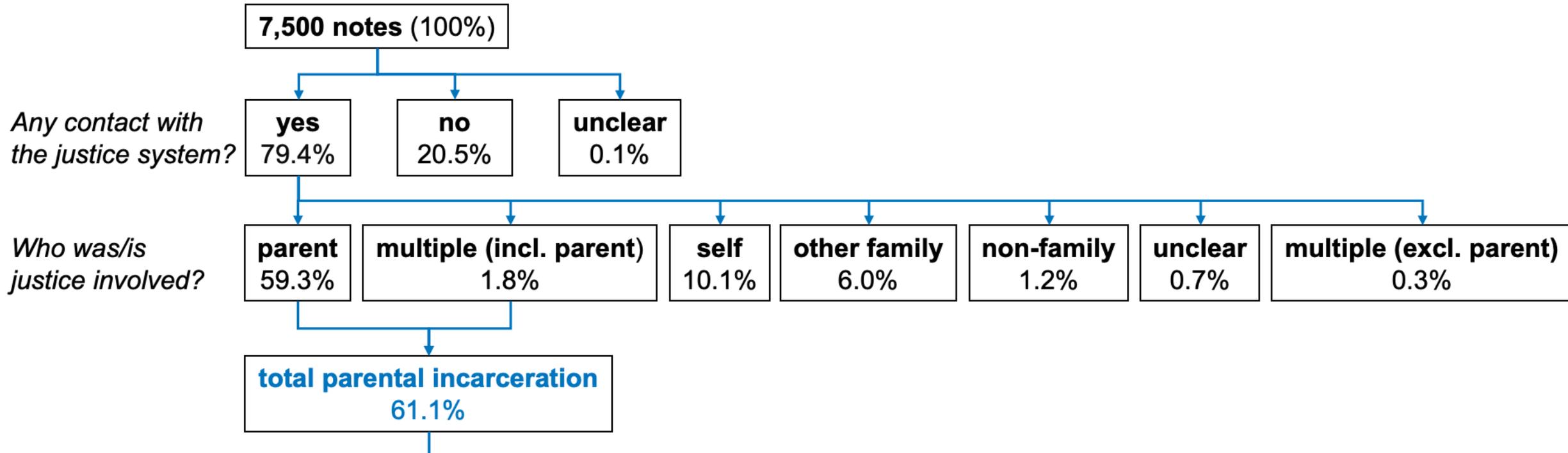


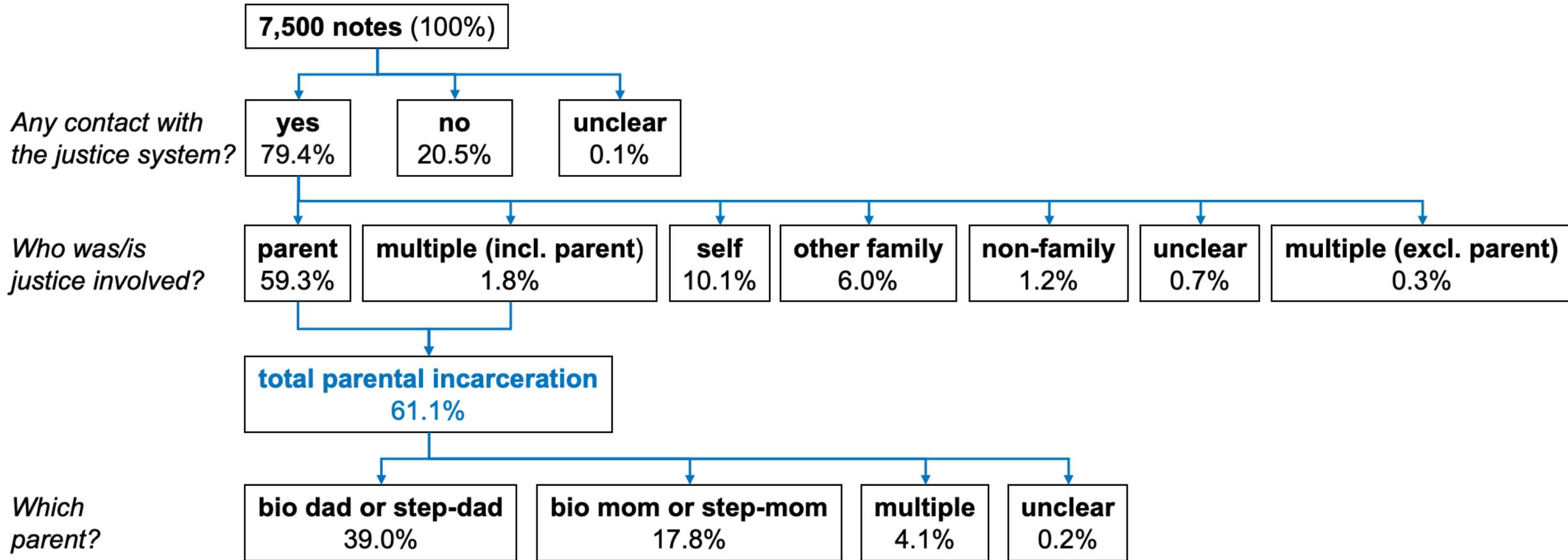
**Dad** said his daughter's stress makes her feels like she's in a **prison**.

Example of a false positive case

**Dad** has trouble with addiction according to **mom** and has been **incarcerated** several times.

Example of a true positive case





## Number of clinician notes and patients (< 19 years of age) with justice keywords in their electronic health record by hospital-institution from 2011-2019

	Columbus Children's Hospital	Cincinnati Children's Hospital
<b>A:</b> # of clinician notes with justice keywords	133,211	176,196
<b>B:</b> # of total clinician notes	70,623,948	223,462,573
<b>A/B</b>	<b>0.19%</b>	<b>0.08%</b>
<b>C:</b> # of patients with justice keywords	38,614	39,220
<b>D:</b> # of total patients	1,169,865	1,073,335
<b>C/D</b>	<b>3.30%</b>	<b>3.65%</b>

“Well, I actually [found out about the incarceration of a student’s parent] on the news...the next day the student came to school and told me about it because [the student and their siblings] were scared and they didn’t know what to do.”

“I was working with a client who had been in 10 different foster [care placements] in a period of 15 years.”

## Youth Service Providers

(Axelson et al., 2020)

“... And then you got to sit and think about all [the]... years that ...[my incarcerated mom is] away from their family...  
...Or if they [are] getting beaten up by a guard! ...That’s scary to worry about .... regardless how far away they [are].”

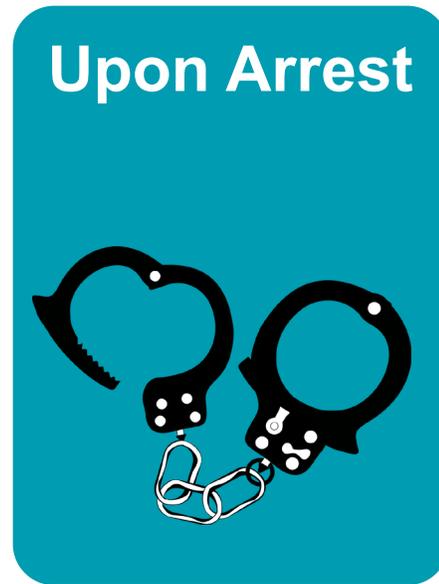
“...if I’m in school and I tell [the teachers], “my mom’s calling me from jail” [then] I should be able to accept that call. Or if I have to get picked up early for a visit it’s not an “unexcused absence” [but it should be] excused,....”

## Adolescents

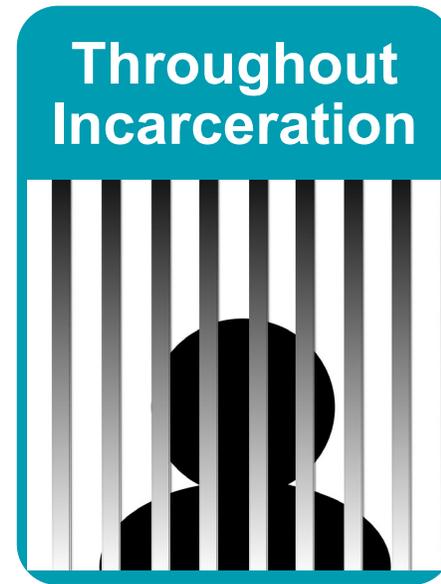
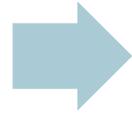
“... Six officers came into my house. And it was terrible, [my daughter] was completely traumatized, they wouldn’t let her near her father. They handcuffed him, shackled him, all of that - in front of her.”

“And in order to get any kinship care, I was told I have to put them in children’s services, and then they give them back to me. And I’m not doing that! They’ve been through enough...so, [the system] just makes it hard for those who really need the help to get it.”

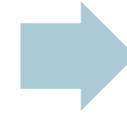
## Caregivers



- Screening and social services linkages
- Additional trauma screening



- Family friendly visitation spaces
- Decreasing costs of connection (e.g. phone calls)
- Addressing social needs of the family
- Peer support and caregiver support



- Continuity of medical care for the returning parent
- Family reunification support

In order to achieve child health equity, the Robert Wood Johnson Foundation and Cincinnati Children's Hospital 2030 strategic plan states that we must *remove obstacles such as poverty, discrimination, and their consequences-including lack of access to quality education, housing, safe environments and health care.*

National Academy of Sciences, Engineering and Medicine recommends in their latest report on increasing opportunity for all youth – we need *greater collaboration among our health, justice, and child welfare systems to transform child health.*

# Community and National Resources

- **The Sesame Street televised series called Little Children: Big Problems— [Coping with Incarceration](#)**, in which age-appropriate materials for younger children (aged 2-5 years) to assist in introducing subject of incarceration and advice to caregivers are relayed. Go to this website: <https://sesamestreetincommunities.org/topics/incarceration/>
- **The [Amachi Program](#) through Big Brother/Big Sisters**, a tailored youth mentoring program for those with an incarcerated parent. Go to this website <https://bbbscentralohio.org/programs/> **[Bonds Beyond Bars – Girl Scouts](#)**– Chapters are located all over the country, so please reach out general for inquiries about how to join in your state’s chapter.
- **[Project Avary](#)** (<https://www.projectavary.org/home>) At Project Avary is a national program with multiple services for children of incarcerated parents (including Online!). The Online Program is their newest, most scalable offering. <https://www.projectavary.org/onlineprogram/> For an entire list please see: <https://www.projectavary.org/ourprograms>
- **[KidsMates Inc.](#)** Raising awareness about the silent American epidemic of parental incarceration and its lifelong negative impacts to affected children. The organization implements initiatives aimed at improving outcomes, fostering resilience, and empowering children of incarcerated parents. <https://www.kidsmates.org/>
- **[We Got Us Now](#)** - <https://www.wegotusnow.org/> We Got Us Now is a nonprofit (501c3) nonpartisan advocacy organization amplifying the issues children and young adults with incarcerated parents face due to mass incarceration.

# The Bill of Rights for Children of Incarcerated Parents:

1. I have the right to be kept safe and informed at the time of my parent's arrest.
2. I have the right to be heard when decisions are made about me.
3. I have the right to be considered when decisions are made about my parent.
4. I have the right to be well cared for in my parent's absence.
5. I have the right to speak with, see and touch my parent.
6. I have the right to support as I face my parent's incarceration.
7. I have the right not to be judged, blamed or labeled because my parent is incarcerated.
8. I have the right to a lifelong relationship with my parent.

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# Questions



# Terrence Walton, MSW

Chief Operating Officer

National Association of Drug Court  
Professionals



## Keeping Families Together: Preventing incarceration through family treatment courts

Terrence Walton, MSW  
Chief Operating Officer  
National Association of Drug Court Professionals  
[twalton@allrise.org](mailto:twalton@allrise.org)



January 20, 2022

| HIPO Criminal Justice & Health Forum

# Our Focus



- The nexus between SUD, family separation, and incarceration
- What are family treatment courts?
- Why a well-run family treatment court is never enough

## Statement of the Problem

How many children in the child welfare system have a parent in need of treatment?

- Between 60–80% of substantiated child abuse and neglect cases involve substance use by a custodial parent or guardian (Young et al., 2007)
- 61% of infants, 41% of older children who are in out-of-home care (Wulczyn, Ernst, & Fisher, 2011)
- 87% of families in foster care with one parent in need; 67% with two (Smith, Johnson, Pears, Fisher, & DeGarmo, 2007)

## **The Nexus**

**How do family treatment courts help prevent incarceration and other justice system involvement?**

- Those at risk for loss of custody may also be at risk for justice involvement
- Family separation can result from either child removal or parent removal
- The same treatment, recovery supports, and services provided to FTC parents to address SUD can also reduce the risk of justice involvement
- Delinquency and SUD-prevention effects of services provided to FTC children (e.g., trauma-focus, safety, school support, basic needs, wellness)

A photograph of a family consisting of a man, a woman, and a young child. They are all looking down at a document held by the woman. The man is on the left, the woman is on the right, and the child is in the center. The background is a soft-focus outdoor setting with green grass and a bright sky. The text is overlaid on a semi-transparent white rectangular area in the center of the image.

## **FTC Service Population**

Family treatment courts are drug courts that serve families who are in need of treatment and increased support in order to successfully complete the CWS case plan. These can include in-home population.

# Family Treatment Court Key Ingredients

- System of identifying families
- Timely access to assessment and treatment services

- Collaborative non-adversarial approach grounded in efficient communication across service systems and court

- Improved family-centered services and parent-child relationships
- Increased management of recovery services and compliance with treatment
- Increased judicial oversight
- Systematic response for participants contingency management



Most sit on top  
of an unchanged  
system

As a marginal  
reform  
strategy

Separate from  
larger system

**Where Do FDCs Fit in the Larger System?**

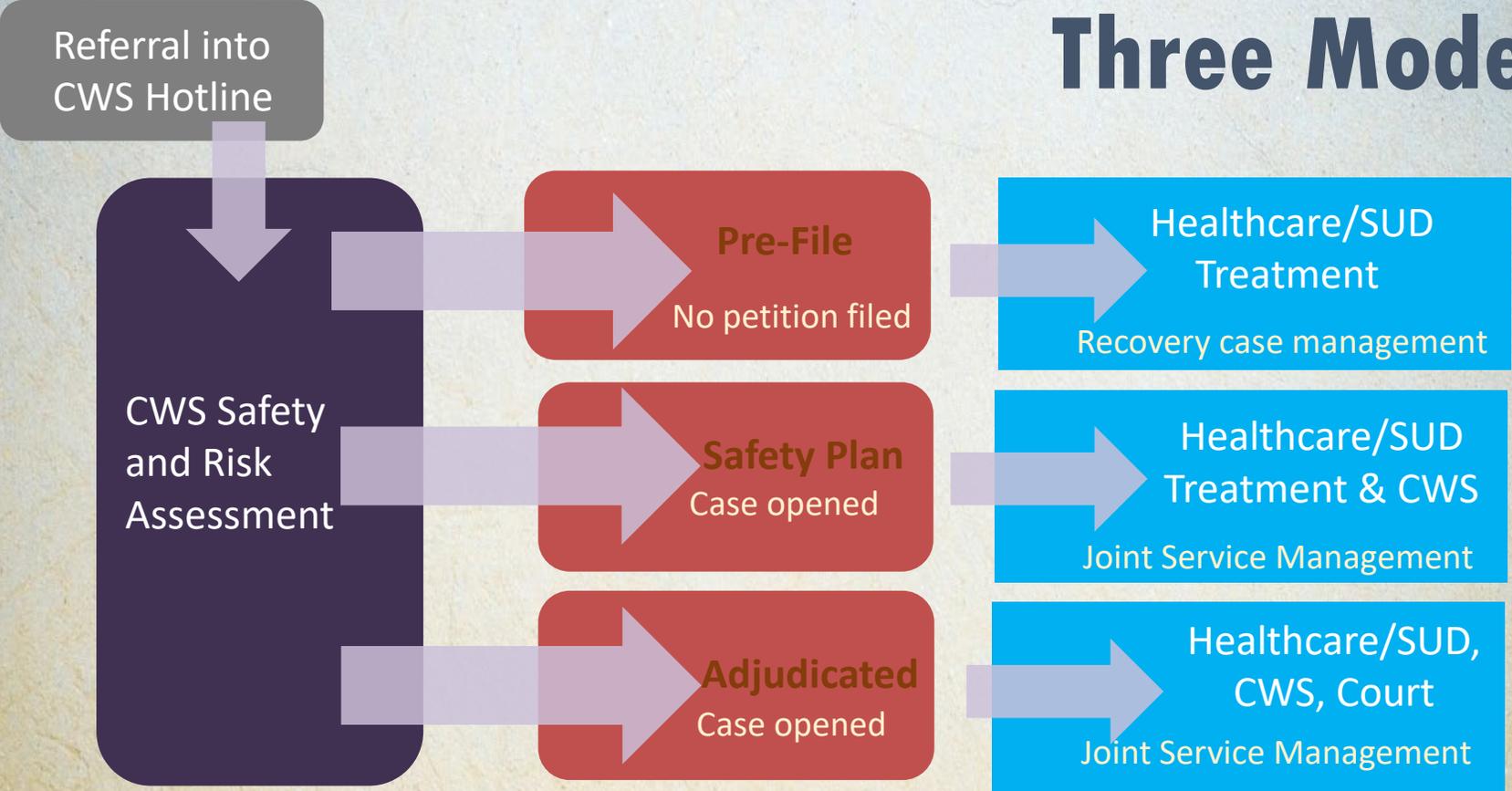


## The Adoption and Safe Families Act (ASFA)

Since *timely*  
engagement and  
access to assessment  
and treatment  
matters...

How can identification  
and screening be  
moved up as *early as*  
*possible?*

# Three Models



# FTC Model & Unique Focus



**Therapeutic  
Jurisprudence**



**Intensive Case  
Management &  
Recovery Support**



**Enhanced  
Family-Based  
Services**



**Family  
Treatment  
Court Model**

# FTC Model & Unique Focus



# CLOSING THE GAP

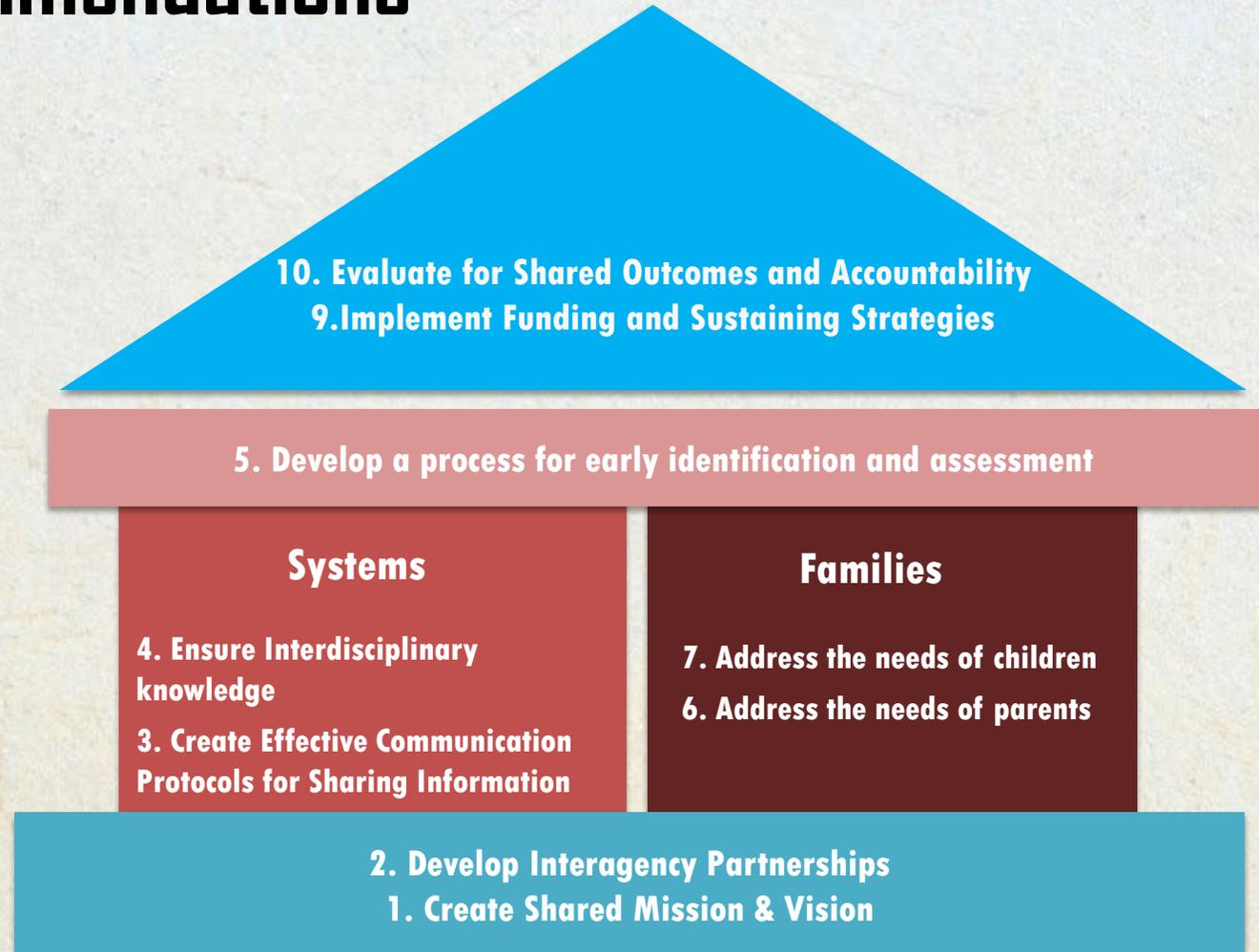
Over-representation of Black and  
American Indian/  
Alaska Native (AI/AN) families in  
the child welfare and criminal  
justice systems



- White children made up slightly more than half the total U.S. population of children (51%), only 44% of children in foster care were White.
- Black children constituted just 14% of children in the U.S., but they made up 23% of all children in foster care,



# Recommendations



**10. Evaluate for Shared Outcomes and Accountability**  
**9. Implement Funding and Sustaining Strategies**

**5. Develop a process for early identification and assessment**

## **Systems**

**4. Ensure Interdisciplinary knowledge**  
**3. Create Effective Communication Protocols for Sharing Information**

## **Families**

**7. Address the needs of children**  
**6. Address the needs of parents**

**2. Develop Interagency Partnerships**  
**1. Create Shared Mission & Vision**



## Keeping Families Together: Preventing incarceration through family treatment courts

Terrence Walton, MSW  
Chief Operating Officer  
National Association of Drug Court Professionals  
[twalton@allrise.org](mailto:twalton@allrise.org)



January 20, 2022

| HIPO Criminal Justice & Health Forum

# Break

Forum will resume at 12:15



**Greg Bennett**

Partner

Byers, Minton, and Associates

# Ohio Money-System Bail Reform 134th General Assembly Policy Update

January 20, 2022

# Proposed Legislation

## HB 315 and SB 182

# Legislation Status

- Senate Bill 182
  - Sen. Stephen Huffman and Sen. Rob McColley
  - Referred to Senate Judiciary Committee
  - 2 Hearings – June 16, 2021
- House Bill 315
  - Rep. David Leland and Rep. Brett Hillyer
  - Referred to House Criminal Justice Committee
  - 1 Hearing – May 26, 2021



# Legislative Overview

## Goal

Correct inequities in Ohio bail process; Focus on individual threat/flight risk rather than financial circumstances

- **Specifies timelines for hearings following arrest of non-violent individuals with low-risk of skipping court date.**
  - Preliminary Pre-Trial Release within 24 hours
  - Hearing for those posing flight or threat-related risks receive hearing within 48 hours for most offenses.
  - Allows for less-restrictive non-monetary means than incarceration.
- **Allows court to impose secured bond if individual is considered a flight risk or potentially harmful to other persons or property.**
  - Cash bail based upon maximum 25% of what individual end of month, net income following review of total income and expenses.
- **Other provisions around detention hearings, mental health evaluations for certain offenses, and bail forfeiture.**



# Advocating for Change

# How to Get Involved



## Contact your State Representative and State Senator

Identify key policy influencers including leadership and committee members



## Submit public testimony for committee hearing

Develop and organize research on bail reform efforts

Refute opposition testimony and prepare solutions



## Capacity Building

Identify current and future allies and partners

Activate grassroots and grasstops education and outreach efforts

local and/or statewide coalition development

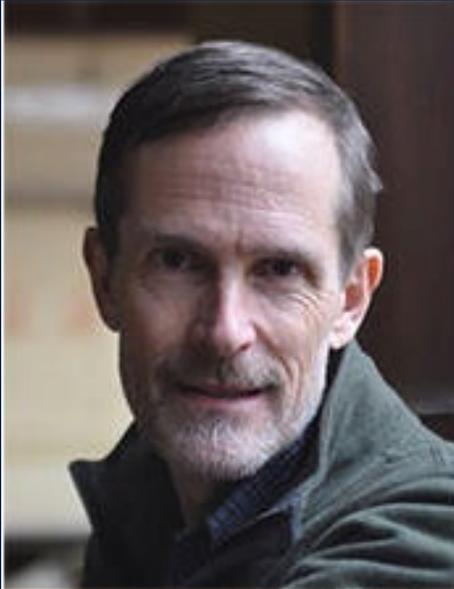


## Develop Broader Communications Plan

Earned media

Letters to the Editor

# Questions



# Piet van Lier

Senior Researcher  
Policy Matters Ohio



**Policy  
Matters  
Ohio**

## **Bail Reform Will Make Ohioans Healthier:**

Two bills would mitigate the negative health outcomes  
of pretrial incarceration

---

Samuel Johnson, Tanisha Pruitt & Piet van Lier

1.20.22



*Policy Matters Ohio is a nonprofit policy research institute that creates a more vibrant, equitable, sustainable and inclusive Ohio through research, strategic communications, coalition building and policy advocacy.*

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# Money Bail

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- All Ohioans deserve a criminal legal system that treats everyone fairly, no matter our income, race or gender. But many Ohioans are in jail before their trials because they cannot afford to buy their freedom.
- On any given day, as many as **12,600 Ohioans are incarcerated as they await trial**, compared to 3,000 in 1978 — driven mostly by bail set by local courts.
- Although overall crime rates have fallen, people in jail pretrial often outnumber those who have been convicted

# Money Bail

---

- A secured promise requiring payment before someone can be released from jail.
- Leaves people who cannot pay in jail for days, weeks, months, creating disparities on race and class lines.
- 90% of people in jail pretrial are there because they cannot afford bail, though it does little to ensure people appear in court.
- Courts are more likely to jail Black people pretrial than similarly charged white people and less likely to release Black people without requiring they pay bail.
- Black people are also more likely to face discrimination that makes it harder for them to secure legal representation

# H.B. 315 and S.B. 182

---

- Bipartisan state legislation, House Bill 315 and Senate Bill 182, would create a presumption for release.
- Require courts make a preliminary release decision within a set period of time.
- If a judge or prosecutor believes a person poses a specific threat, a hearing would be required within 48 hours to 72 hours.

# Significance of H.B. 315 & S.B. 182

---

Our research review strongly suggests that the presumption for release contained in these bills would improve Ohioans' health by:

- Reducing the likelihood that people accused of crimes lose their jobs, housing or custody of children
- Lessening damage to the health of those who otherwise would be held while awaiting trial
- Require judges to provide written explanations when they release people conditionally

# Effects on Mental Health

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- Pretrial incarceration increases stress and can degrade the mental health of individuals who are detained.
- Suicide is the leading cause of fatalities in jails, where the death rate has grown over the past two decades.
- Many people in jails need mental and physical health care, but jails typically lack the ability to provide adequate treatment.

## Effects on Physical Health

---

- Criminal legal system rapidly cycles people in and out of jails, leaving little time to screen and treat them for illnesses like HIV and tuberculosis.
- Early in the pandemic, high turnover rates turned jails into **incubators for COVID-19**, fueling the virus's spread in the general population.
- People in jails are at increased risk of being victims of violence; Trans people 10 times more likely to be victims

# Effects on Children and Families

---

***“Hidden victims”*** of the criminal legal system:

- A recent study found that 7% of U.S. children have experienced a parent encountering the criminal legal system
- Racial disparity: Black children 7.5 times more likely and Latinx children 2.3 times more likely to have an incarcerated parent compared to white children.

**Children with incarcerated parents experience:**

- High stress, anxiety can hinder development, cause other mental health issues: depression, PTSD, alcohol and substance abuse, and anti-social behavior leading to negative life outcomes/contact with the criminal legal system.
- Decreased economic mobility
- Foster care/homelessness
- Low educational attainment due to school disciplinary infractions or dropping out

## Effects on Women

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- Women often take on financial responsibility for court fees, attorney fees, living expenses and caregiving.
- Greater financial burden despite making less than men and having less participation in the formal workforce.
- Impact on kids when mother is detained pre-trial for long periods
- Women more likely to become victims of sexual violence by other incarcerated individuals and jail staff, harming their physical and mental health.

# Effects on LGBTQ+ Individuals

---

- *1 in 6* transgender people have been incarcerated
- *1 in 2* transgender people who have been incarcerated are Black
- Courts often impose high bail amounts, because they consider these individuals to be a “greater flight risk”
- *74%* of LGBTQ+ respondents stated that they had been held pre-trial simply because they could not afford the bail that was assessed.
- Experience extreme rates of abuse and sexual assault which often leads to PTSD, depression, substance abuse and other mental health disorders

## Effects on those who use Drugs

---

- 63% of people serving sentences in jails identified as meeting the criteria for substance abuse disorder
- Incarceration increases the risk of an overdose death among those who use drugs while being detained
  - Overdose is the leading cause of death among people recently released from prison and the third leading cause of deaths in custody in U.S. jails
  - On average, counties with highest incarceration rates had a drug mortality rate of 54% higher than the rate among those with the lowest incarceration rates, showing a correlation between incarceration and drug overdose.

# Conclusion/Recommendations

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- Cash bail piles onto systemic inequality that already disadvantages people with low incomes, women, Black and brown people and those in the LGBTQ+ community
- As introduced, HB 315 and SB 182 mandate a clear presumption for release without relying on risk assessments and onerous pretrial supervision. Release without undue conditions must stay in these bills if they are to achieve expected goals.
- These bills, if passed into law, would free thousands of Ohioans from the trap of the current bail system and take significant steps toward a more humane, just and equitable criminal legal system.



**THANK YOU**

# Questions

# Poll Question



# Ways to influence policy

- Write letters, emails or make phone calls
- Provide district specific data
- Provide analysis of a bill
- Provide testimony at a legislative hearing
- Provide a one-page fact sheet
- Organize community partners to visit key policymakers
- Invite policymakers to visits your organization or speak at a meeting you host

# Poll Question



Download slides and resources from today's forum  
on the event page at

**<http://bit.ly/HPIOevents>**



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**Thank you**