

**Written Testimony**

**to**

**The Little Hoover Commission**

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**by**

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**and Chair,**

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Mr. Chairman and members of the Little Hoover Commission, it is my privilege to address you today. I applaud your efforts to seek reform in the California corrections system.

I retired in April from the Ohio Department of Rehabilitation and Correction (ODRC). My career spanned 33 years with the last fifteen as Director. At the time of my retirement I was the longest serving director of corrections in the United States. In addition to the director's position, I also served as a deputy director of prisons, warden, director of training, and in other capacities.

I am a past president of the American Correctional Association, the Association of State Correctional Administrators, and the International Association of Reentry. I am currently the chairperson of the National Institute of Corrections Advisory Board. I have provided testimony to the U.S. Congress on numerous occasions. I have also written extensively about the corrections field.

There are a series of topical areas that I believe critical to corrections reformation. I will highlight some of the more challenging subjects.

### **Leadership:**

I'd suggest to you that stability in a corrections agency is of the utmost importance. Of course I'll tell you it's important to have sustained leadership at the Secretary level, but it is also important at other executive level posts. When there isn't stability, leadership is often disregarded. Some middle-managers, for instance, will typically "wait out" (for them to depart the agency) the existing leadership and it will be business as usual. Stability alone isn't enough. Support, especially from the Governor's office and the legislature, must be provided. The best managers and leaders will ultimately fail without assistance from policy-makers.

### **Sentencing and Release Policies:**

The United States should be embarrassed that it has the highest incarceration rate in the world. The notion of the Prison Industrial Complex has become big business. Some communities across the country are supported mostly by correctional facilities. Our taste for who can be the toughest on crime is destroying the very fabric of our communities and families. We instead

should be smart about crime using the most appropriate sentencing options available. Especially as it relates to drug abuse, non-prison sanctions such as drug courts should be widespread. It does not serve the public interest to confine truly non-violent offenders. Many of these individuals should not be confined at all and many others should not be confined for long lengths of time.

Parole release practices can be failed attempts at dispensing justice. California may have the highest rate of violations to prison in the nation. That is, persons who are returned to prison for violating the terms and conditions of their release—not for new crimes committed. Without a viable system of graduated sanctions for this population, California must expect to spend hundreds of millions of dollars on additional correctional services.

### **Sentencing Commission:**

A sentencing commission can play an important role in facilitating good sentencing practices. I served on the Ohio Criminal Sentencing Commission for nearly sixteen years. Of course, the mission is to compose a commission of all the appropriate stakeholders to ensure input into the discussion. The ensuing debate is always healthy even though there are the inevitable differences of opinion. Nonetheless, consensus is typically achieved following the dialogue. I believe Ohio has truly accomplished a “balanced approach” with our “sentencing structure.” We consciously avoided the concept of “sentencing guidelines.” The benefit of a sentencing commission is that it can recommend to the legislature sentencing laws which can be amended, added, or deleted as needed.

### **Community Corrections:**

I often believe that many legislators, members of the judiciary, prosecutors, law enforcements officials and others think that prison is the only form of justice punishment. A jurisdiction that is smart about sentencing options and post prison referrals and sanctions will minimize an array of correctional complications. The science of “what works” in community corrections suggest that this key tool is an investment in crime and recidivism reduction. In Ohio, there is a plethora of halfway houses and Community-Based Correctional Facilities at the disposal of the ODRC, federal and local corrections, as well as for juvenile agencies. The Ohio Revised Code, moreover, provides for nearly two dozen adult, community, non-prison

punishments and treatment modalities to ensure a holistic approach to sentencing.

### **Rehabilitation:**

The use of the “R” word should not be avoided. I am delighted that California has decided to use Rehabilitation in the name of its corrections agency. Ohio has been proud of the Rehabilitation in its name since 1972. State law in Ohio suggests that ODRC has two basic missions: public safety and rehabilitation. We don’t take lightly this responsibility. I conjure that Ohio has some of the most effective treatment, employment, and rehabilitation programs in the nation. There is no move to jettison these efforts. Treatment services are public safety. Again, empirical data details that well constructed rehabilitation programs reduce crime and lower return to prison rates. A corrections agency, albeit, must understand the social science of what works. Any-old-program just won’t do.

### **California Reorganization:**

The “Reorganization” initiative here is to be commended. I learned many years ago that change is the only constant in correctional management. An organization should bend but not break. A personal friend, Professor Joan Petersilia, has assumed a major leadership role with the Reorganization. California couldn’t have contracted with a more capable person. Certainly, systemic change can pay major dividends for an agency. Positive change is achieved by instituting well thought out plans and proven constructs into the mainstream of an organization. Moreover, the talents of staff must be synchronized with the mission and vision. The document *A Government for the People for a Change: Governor’s Reorganization Plan 2* is well thought out. Adherence to its stated goals should not be compromised.

### **Evidence-Based Practices:**

I’ve always had two mantras: “If it ain’t broke, fix it anyway” and “If you can’t measure it, don’t do it.” The “ain’t broke” notation references the need for “continuous quality improvement.” By constantly achieving continuous improvement the stage is set to achieve a climate of making data-based decisions. EBP is the talk of the corrections world these days. I’m participating in a national discussion next month in Philadelphia on this topic hosted by the Center on Evidence-based Interventions for Crime and

Addiction. The interchange is promised to be enlightening, challenging, and rigorous. The Center for Evidence-Based Corrections, “which evaluates juvenile and adult prison programs – including rehabilitation, parole and reentry programs” is a groundbreaking initiative. The positive possibilities for the Institute’s work are endless. In my current job I work with CEOs of major corporations. They are a group of leaders who make calculated decisions. Decisions are calculated by having the right information. There is no reason that government, at any level, can’t, and shouldn’t, adopt a comparable approach.

### **Social Justice:**

I typically avoid using the phrase “criminal justice.” The “justice” system is much more involved than just a focus on the offender. There is, for example, victims’ justice and community justice. Thus, I prefer citing the “justice system.” However, I’ve evolved my thinking even further. I do not believe that it is the responsibility of the corrections agency alone to achieve success. A community should be responsible for investing in the rehabilitation of persons who have violated the public trust. All but a few prisoners will return home. The task is daunting for corrections agencies to handle this duty without intervention. Therefore, the notion of ensuring that those who need help should get it must be shared. The “social justice” concept is one of inclusion. Cities, industry, social service agencies, educational institutions, faith-based organizations, health care systems, etc. should all be partners in minimizing the possibility of persons re-offending.

### **Reentry:**

Of course, no correctional discussion can take place today without including offender reentry. Nor should it! Reentry initiatives have the good possibility of making a tremendous difference in reducing recidivism. All of the aforementioned ideas, albeit, must be in place: rehabilitation and treatment efforts; evidence-based practices; continuous improvement; social justice practices; community corrections involvement; community engagement; and so on. I define reentry as a philosophy and not a program. It can very well be the theoretical underpinning for the overall success of a corrections agency. At least, this was my approach in Ohio. Every program must include dynamics that contribute to the success of formerly

incarcerated persons. Unlike the previous discharge planning, prerelease readiness, and reintegration training, reentry processes begin shortly after an offender is received at an intake center. *The Ohio Plan for Productive Offender Reentry and Recidivism Reduction* is Ohio's correctional Bible for managing our reentry movement. The plan details a series of recommendations in six categorical areas: assessment, programming, employment, family involvement, parole supervision, and community engagement. Thus, a well thought out approach to addressing reentry notions is critical.

### **National Support:**

California corrections, at times, has been perceived as being an entity separated from the other 49 states, partially because of union pressure. Secretary Roderick Hickman began to bridge that gap. I have spent a lot of time understanding not just what the best practices are in the United States, but throughout the world. I headed up an initiative entitled The Centre for Exchanging Best Correctional Practices for the International Corrections and Prisons Association. Given my experiences as president of both the American Correctional Association and the Association of State Correctional Administrators, I knew that Ohio didn't have all the answers. I, therefore, wouldn't be too proud to "borrow" ideas from other jurisdictions. I know that the CDCR is embarking on a plan to involve a collection of experts to assist with its quest to achieve correctional success. I am pleased to have accepted to assist with this plan. Finally, as the chair of the National Institute of Corrections Advisory Board, I know various services that are available to all the fifty states.

### **Other Important Projects:**

I have chosen not to address some of these topics, but they are nonetheless important: Information Technology, Health Care, Mental Health Care, Professional Development, Community Engagement.

### **Conclusion:**

In closing, I want to suggest that the CDCR is well on its way to accomplishing true change. I have reviewed the comprehensive testimony provided to you by Secretary James Tilton. I have at least a couple of thoughts about this plan. First, it is well crafted. I congratulate the CDCR

for the labor that's gone into preparing this document. Because it is so comprehensive, the focus should be on incremental but steady achievement. Accountability in realizing the various and sundry component parts of the plan should be constant.

Second, I want to return to some of my opening thoughts. *The best plans of mice and men can go awry* without external support: i.e., the governor's office, the legislature, bargaining units, community stakeholders and others. If the LHC accomplishes little else this should be at the top of your list. From where I have sat for many years I know that philosophical and fiscal support are tremendous investments and are recipes for success.

Lastly, I'd like to urge California policy-makers to temper its passion to pass even tougher sentencing laws. I don't believe "three strikes" laws are the answer. While the public has little sympathy for career and violent criminals, there are persons who are amenable to treatment and rehabilitation. Shorter sentencing, or community punishment for the truly non-violent offender does not compromise public safety. In fact, it may very well augment it.

Mr. Chairman, thank you for the opportunity to provide this testimony to the Little Hoover Commission.