

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE
BIENNIAL REPORT
TO THE 128TH OHIO GENERAL ASSEMBLY

EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

The Correctional Institution Inspection Committee (CIIC) is required to submit a biennial report 15 days after the first session of the next General Assembly, to include findings made in its inspections and evaluations of institutional operations, conditions and grievance procedure. *Reports on inspections were submitted throughout the biennium on each inspection, all in advance of the January 21, 2009 deadline.* Readers are urged to visit the Publications section of the Correctional Institution Inspection Committee website at www.ciic.state.oh.us to access individual reports.

INSPECTIONS, EVALUATIONS, REPORTS

- **INSPECTIONS AND ON-SITE VISITS:**
 - **Fourteen inspections** were conducted in the biennium, consisting of
 - *Eleven prison inspections and*
 - *Three inspections of juvenile correctional facilities.*
 - *Nine on-site visits* by CIIC staff without a CIIC member were conducted at prisons and juvenile correctional facilities.
- **CIIC INSPECTION STATUTE AMENDED:** *Twenty-two prisons and six youth facilities were not inspected in the biennium. However, effective April 6, 2009, the statute requires inspections to be conducted by one or more CIIC staff, so that a legislative member of the CIIC is no longer required to be present for an inspection to occur. CIIC members are urged to attend inspections. Every effort will be made to accommodate the schedule of CIIC members who are willing to attend one or more inspections. CIIC staff will prepare and maintain a continuing program of inspections, in compliance with the statute to ensure that every prison receives at least the mandatory biennial inspection. Although not statutorily required, CIIC staff will make every effort to conduct biennial inspections at the juvenile correctional facilities as well.*
- **REPORTS: Thirty-three reports** were completed in the biennium, consisting of:
 - Eleven prison inspection reports,
 - Six on-site visit reports,
 - Five grievance procedure evaluation reports,
 - Four biennial reports on:
 - CIIC Activities,
 - Grievance Procedure and Other Areas of Evaluation,
 - Adult Correctional Institution Inspection Findings,
 - Juvenile Correctional Institution Inspection Findings

- Four juvenile facility inspection reports,
- Two reports on contacts and reported problems, issues and concerns, and
- One report on the Prison Labor Advisory Council.

- **MEETINGS:**

- *Five Correctional Institution Inspection Committee meetings* were conducted in 2007 and 2008.
- *CIIC staff also attended 95 meetings*, most with the Department of Rehabilitation and Correction and Department of Youth Services.

CONTACTS (PERSONS WHO CONTACTED CIIC) AND RESPONSES:

- **CONTACTS REGARDING THE PRISONS:** CIIC received *4,221 contacts* regarding the prisons, with:
 - *733* regarding the *Southern Ohio Correctional facility*, and
 - From *201 to 236* contacts regarding:
 - *North Central* Correctional Institution,
 - *Marion* Correctional Institution,
 - *Mansfield* Correctional Institution,
 - *Warren* Correctional Institution and
 - *Chillicothe* Correctional Institution.
- **CONTACTS REGARDING THE JUVENILE CORRECTIONAL FACILITIES:** CIIC received *69 contacts* regarding the Department of Youth Services facilities in the biennium. The largest number of contacts pertained to:
 - *Ohio River Valley* Juvenile Correctional Facility with *20*, followed by the *Marion* Juvenile Correctional Facility with *12*.
- **RESPONSES TO CONTACTS:**
 - **Letters of Response:** In the two-year period, **CIIC staff sent 3,201 letters of response** to those who contacted the CIIC regarding a problem, issue or concern.
 - **Inquiries:** A total of *1,601 inquiries* were made to prisons or youth facilities, including:
 - *1,005 phone inquiries* to institutions, and
 - *596 letters of inquiry* to prison wardens or youth facility superintendents.
 - **Responses by Phone:** *630 telephone responses* were made to those relaying problems, issues or concerns..
 - **Interviews:** *Ten in-office interviews* were conducted.

OVERVIEW OF PRISON PROBLEMS, ISSUES, AND CONCERNS: A more detailed overview of reported problems, issues or concerns regarding the prisons is included in the separate Biennial Report on the prisons. Nearly all problems, issues and concerns are related to *overcrowding, staff shortages and/or insufficient funds*: Though overlapping in content, subheadings include the following:

- *Sources of Anger, Frustration, Fear*: Crowding, staff shortages, staff morale, extortion, money orders from anyone, increased gang activity, stagnate inmate state pay, inmate property, fear of dorms, new law vs. old law inmates
- *Conditions*: Overcrowding/understaffing, physical deterioration, visitation access, mail delay, handling of CIIC mail, underclothes, commissary pricing, smoking ban, protective control placement, refusing to lock for safety, seclusion and isolation, SOCF and OSP transfers, ORW segregation, CACTUS RIB/debit problems
- *Staff/Inmate Relations*: Use of force and “mace,” confidential information, proposed Bureau of Internal Affairs, Gang Unit in K6
- *Mental Health*: Mentally ill in 4B, indefinite seclusion/isolation, slammer cells, mental health rounds, J4 “Intensive Mental Health Treatment Unit”
- *Medical Care*: Conditions on medical round trips, hard vs. soft cuff restraints, physician complaints, specialists’ recommendations, continuity of care, lack of communication, lack of notification of side effects, commissary medication, access to medical in segregation, privacy, medical and dental care, dental procedures, dentures
- *Food*: Quality and quantity, “Heart healthy” diet, lack of Kosher diet policy and procedures
- *Programs*: Sex offender treatment, mandatory GED revisited, lifer program option, re-entry preparation and staff duties, hours/access to recreation and library, volunteerism
- *Inmate Grievance Procedure*: Effectiveness at problem-solving, streamline medical grievances, orientation to new inmates, non-response to informal complaints, untimely responses, Rules Infraction Board issues, access to informal complaint forms

THE SERIOUSNESS OF SIMULTANEOUS OVERCROWDING, STAFF SHORTAGES AND INADEQUATE FUNDS:

In the best of circumstances, it is a challenge to meet all of the demands and responsibilities of operating an extremely large prison system. In any time or place, in any jurisdiction, the *predictable consequence of continued overcrowding, chronic staff shortages or inadequate funds for maintenance, operations, and programs are violence and/or court intervention. Both are extremely costly.*

Certainly, the 1993 riot at the Southern Ohio Correctional Facility was preceded by *unfulfilled promises of additional staff and a reduced inmate population*, both which had been identified as contributing to violence affecting inmates and employees. History has

proven that *staff shortages* alone can make it impossible for staff to follow post orders, which can result in *lack of needed supervision, impacting the basic safety and security of any institution*. Such was the conclusion of a legislative committee sent to the Southern Ohio Correctional Facility after a prison teacher was killed at pre-riot SOCF.

History has shown time and again that *overcrowding* alone can put *stress and strain on staff and inmates that fundamentally changes the environment, contributing to tension, incidents and increasing violence*. *Overcrowding was experienced in 2007-2008 inspections when one had to stand sideways to walk through the rows of bunk beds. Changes due to overcrowding were seen in a previous program building that is now wall-to-wall bunks.*

At least one high security prison wisely stopped the practice of double-celling in segregation years ago, after an inmate murdered his cellie. *There were two such reported homicides this biennium in double-celled segregation cells in level two (medium) security institutions. Additional incidents of violence have been reported between cellies in segregation. The overcrowding has resulted in long waits in some cases for those in segregation who are being transferred to other prisons, all due to the need to wait for an open bed. Some who are waiting have already been in segregation for six months in "local control". Letters from those in segregation have included some who reached a point of near panic with the long-term lockdown, especially those with mental illness.*

The simultaneous overcrowding, staff shortages and chronic funding shortage that has impacted the Ohio Department of Rehabilitation and Correction and its prisons has been termed "challenging." While the job is not done, it is only right to acknowledge the fine, in fact, amazing job done to date. It takes serious effort on the part of many enlightened correctional administrators to achieve uneventful results in the biennium under extreme circumstances.

When the DRC Director attended the December 2008 Correctional Institution Inspection Committee meeting to discuss overcrowding in the prisons, he relayed that *while the prisons are "safe," all it would take is the "wrong word in the wrong place at the wrong time."* As noted below, of the documented concerns relayed to the CIIC regarding the prisons, the largest category of reported problems, issues or concerns is "Force/Supervision" which includes "Abusive language" and "Racial slurs."

Re-entry: In the last decade, Ohio prisons began to talk about, then to implement a philosophy called "*Re-entry*," which wisely addressed society's expectation that prisons prepare offenders for release, addressing their "criminogenic needs" and recidivism risk, from their first day in reception to their last day in prison. Such efforts, if successful, lessen the safety and security risk to the community that receives the released offender, and if successful, such efforts eliminate the cost of re-incarceration of those who otherwise re-offend.

Substance Abuse, Therapeutic Community and Sex Offender Treatment: *Substance abuse programs and sex offender treatment programs* are two clear examples of

purposeful programming. *Long before the Department began to suffer major budget cuts, there was never enough funding to truly meet the need in even just these two areas.* It was recently announced that significant cuts in prison Recovery Services (Substance Abuse) will be made. Already in this past biennium, a *Therapeutic Community at the Grafton Correctional Institution was closed for budgetary reasons. This was devastating news for many of the inmates who regard the program as a lifeline. Evidence is strong that the therapeutic community model works where traditional substance abuse programs have failed.*

Loss of Unit Management: Not only are re-entry efforts good for the prisons, they are good for the public. One DRC correctional officer stated during a 2008 inspection, *“Where there is good programming, there is good security.” Programming has suffered and will suffer even more with the recent announcement that 500 more positions will be cut, and “unit management” will be replaced with the former “social services model.”* College contracts will also be reduced, likely reducing already sparse vocational programs in the prison system.

Unit Staff and Programs: The transition to the social services model has already been implemented in the high security prisons. Some report that *what unit staff used to do simply is not getting done. Unit staff previously conducted programs.*

One inmate recently wrote the CIIC about an alleged institutional problem in the use of racial slurs, a subject that could be addressed in any Cultural Awareness Program. He is assigned to a level two (medium) security facility that until recently was known as a “program prison” due to its prior abundance of programs. The prison was contacted to make sure that he could be referred to the cultural awareness program, but it was learned that the prison has *no such program.* This was clearly one of the best programs in the system that helped to educate and promote good communication about racism and all types of prejudice. It was a popular program at nearly every prison at one time.

Now, all prisons will lose the benefits of unit management. The unit management model divides a huge institution into smaller, more manageable units, so that staff know the inmates in their unit, and inmate access to staff is maximized. *Both serve safety and security purposes.*

Town Hall Meetings: Unit management even encouraged Town Hall Meetings with inmates, so that they could maintain good communication about any areas of concern or upcoming changes. CIIC was pleased to learn in the October 23, 2008 inspection of the Ohio Reformatory for Women, that they still conduct Town Hall Meetings, even in their mental health unit. Unfortunately, it is rare to find a prison for men where Town Hall meetings are conducted in the unit.

SERIOUS PRISON CROWDING:

- As of December 29, 2008, the prison population totaled **50,877**. With prison bed capacity of 38,320, the population was *133 percent* of the capacity, **exceeding capacity by 12,567 beds**.
- The inmate population in **DRC Reception centers is from 182 to 263 percent of their capacity**.
- The high security *Lebanon and Warren* Correctional Institutions, and medium security *Chillicothe* Correctional Institution are at **172 percent to 180 percent of their capacities**. In all, **20 prisons are over capacity**.
- At *three* of the prisons, including one reception center, the *percent of capacity increased by 11 to 18 percent from December 31, 2007 to December 29, 2008*. System-wide in the same period, the inmate population's crowding rate increased by *three percent*.
- From December 26, 2006 to December 29, 2008, the percent of capacity increased *six percent* overall, with *six prisons increasing from 10 to 29 percent*.

NEAR FUTURE PRISON POPULATION PROJECTIONS:

- By July 1, 2009, the population is projected to reach **51,841**, which is *135 percent of bed capacity*.
- By July 1, 2011, the population is projected to reach **53,992**, which will be *141 percent of the capacity*.

YOUTH IN PRISON:

- There were **2,028 prison commitments** in fiscal year 2008 of persons **16 through 20 years of age**. This number **exceeds the total number of incarcerated youth in the Department of Youth Services aged 13 through 20**.

OPTIONS:

- It would cost *over one billion dollars to add 12,567 prison beds at the estimated cost of \$90,000 per medium security bed, according to DRC*. Prison beds are **extremely costly to build and costly to properly staff, maintain and operate to ensure the safety and security of the institutions, employees and inmates**. That is *one of the reasons why prisons should not be clogged up with short term, low level non-violent offenders most suitable for community-based corrections*.
- The DRC Director has reported that the prisons are filled with a large majority of inmates who are non-violent offenders, serving less than six months. The Department of Rehabilitation and Correction has proposed a number of measures to significantly reduce the prison population, such as:

- Increasing **earned credit** from one to seven days per month for approved education, vocational and treatment programs for eligible inmates;
- Diverting **low-level non-violent** offenders from prison to community programs;
- Increasing the threshold of \$500 to \$750 for the value of **stolen property** that would be a felony charge.
- Diverting inmates imprisoned for **failure to pay child support** to other community sanctions, based on the successful results of a pilot program already conducted in seven counties.
- Reducing the number of persons re-sentenced for parole violations by changing the felony level for **absconding, which includes failure to show up for an appointment**, from a felony one to a felony five.

GRIEVANCE PROCEDURE EVALUATION:

From March 30, 2007 to July 5, 2007, grievance procedure evaluation **surveys were distributed to 8,931 inmates** through a *cooperative effort involving the CIIC staff, Chief Inspector's office, and the Institutional Inspectors*. In all, **2,946 surveys were completed and returned** to the CIIC staff, again, with the assistance of the Institutional Inspectors and the Chief Inspector's office.

- **Reports on Results of Warden's Survey and Inspector's Survey:** Two reports on the separate surveys conducted of all *prison wardens and inspectors* were completed on November 28, 2007 and March 20, 2008 respectively.
- **Reports on Results of Inmate's Survey at Three Prisons:** Three reports on the inmate surveys were completed on three of the prisons in April and June 2008.

The inmate *grievance procedure needs to be, and needs to be perceived as, an effective way for inmates to solve problems in a fair and speedy manner. Now more than ever, faith in the procedure needs to be restored. The procedure has the potential to identify and address sources of tension in any institution, and to solve problems which if ignored can lead to costly litigation. Of 9,787 grievances* decided by DRC prison inspectors in the biennium, **7,904 were "Denied," comprising 80.8 percent** of the grievance decisions, and **1,882 were "Granted," comprising 19.2 percent of the decisions**. The percentage of grievances that were denied at each prison include:

- Montgomery Education Pre-Release Center **100 percent denied**
- Warren Correctional Institution **92 percent denied**
- Noble, Lebanon, Lake Erie, Chillicothe and Lorain Correctional Institutions **89 percent denied**
- London Correctional Institution **86 percent denied**
- Madison, Trumbull, Southern Ohio Correctional Facility and Ohio State Penitentiary **85 percent denied**
- North Coast Correctional Treatment Facility **83 percent denied**
- Oakwood Correctional Facility **82 percent denied**.

INMATE DEATHS

- **All Deaths:** There were *213 inmate deaths* in the biennium, with 123 in 2007 and 90 in 2008.
- **Homicides:** The deaths included *three alleged homicides, two at Pickaway Correctional Institution and one at Belmont Correctional Institution*. Two of the three occurred in the deceased's segregation cell, allegedly by the cellie.
- **Suicides:** *Seventeen inmates committed suicide* in prison, with *11 in 2007 and six in 2008*. The largest number of suicides occurred at the Southern Ohio Correctional Facility and Chillicothe Correctional Institution, with three suicides each.

SUICIDE ATTEMPTS:

- There were **228 suicide attempts** in the biennium, with *127 suicide attempts in 2007, and 101 in 2008*.
- The largest number of attempts occurred at the *Chillicothe Correctional Institution* with 29, followed by 19 at the *Ohio Reformatory for Women*, and 18 each at the *Southern Ohio Correctional Facility and Ross Correctional Institution*.

MENTALLY ILL IN PRISON:

The CIIC staff frequently report on the mental health data to increase awareness among legislators of the **massive number of mentally ill in the prison system**. A class action suit in 1993 on behalf of inmates diagnosed with "Serious Mental Illness" resulted in grand improvements in staff, resources and protections for the seriously mentally ill, **at great financial cost**.

In more recent years, a class action and settlement agreement regarding prison medical care diverted attention and resources away from the mentally ill. *With the budget cuts suffered by the Department of Rehabilitation and Correction, all resources, including mental health resources have been negatively impacted. One of the first budget cuts in 2001 closed the Residential Treatment Unit at the Mansfield Correctional Institution.*

*There is a huge difference in the behavior of the mentally ill in prison when they have the benefit of treatment staff in a treatment environment, such as a Residential Treatment Unit. Without such resources, many are unable to adjust to prison, may be treated as a disciplinary problem, may move higher and higher in security level, and may eventually earn the label of being "dangerous" to themselves or others. The courts have already spoken through *Dunn v. Voinovich*. It is imperative to at least maintain the minimum constitutional standards met by *Dunn*, which happens also to be consistent with enlightened corrections.*

- **Mental Health Caseload:** Based on the monthly average in the biennium, there were **9,113 inmates on the mental health caseload in the prisons, comprising 17.7 percent of the population of 51,488.**
 - The *Southern Ohio Correctional Facility* has 428 on the mental health caseload, comprising **30 percent** of its population, the **highest percent on the caseload of all male prisons in Ohio.**
 - The three female prisons have from **41-50 percent of the population on the caseload.**
 - *Ohio Reformatory for Women* has the **largest number on the caseload of all the prisons, at 1,004** followed by *Chillicothe Correctional Institution* with 592.
 - **Of the 9,113 on the mental health caseload, 4,172 are “Seriously Mentally Ill,” comprising 45.7 percent of the mental health caseload.**

REPORTED CONCERNS REGARDING THE PRISONS:

The **4,221 persons, who contacted the CIIC** regarding the prisons in the biennium, reported **17,064 problems, issues and concerns.**

- **Staff Accountability:** The largest category of reported concerns is Staff Accountability, with **2,654**, including **516 regarding failure of staff to respond to communication and 184 regarding problems with access to staff.**
- **Force/Supervision:** There were **2,173** reported concerns in the Force/Supervision category, including: 424 reports of *Retaliation*, 419 concerns regarding *Harassment*, 269 concerns regarding *Intimidation/Threats*, 219 concerns regarding *Use of Force*, 198 reports of *Abusive Language*, and 65 reports of *Racial Slurs*.
- **Health Care:** CIIC received **1,707 reported concerns regarding Health Care**, with **462** reports of problems with **Access or Delay** in Receiving Medical Care, and **475** reported concerns regarding *Improper or Inadequate Care*.
- **Grievance Procedure:** CIIC received **1,414** reported concerns about the Inmate Grievance Procedure, with 527 relaying problems with the *Inspector*, 425 relaying problems regarding the *Informal Complaint*, and the remainder regarding the *Chief Inspector*.
- **Conduct Reports:** Of the category of concern titled “Non-Grievable Matters,” the largest subcategory of concern pertained to *conduct reports with 492* reported concerns.
- **Southern Ohio Correctional Facility:** Of the total reported concerns, the *largest number* pertained to the *Southern Ohio Correctional Facility with 3,315.*

- **Force/Supervision:** The largest category of concern at the prison was *Force/Supervision*, with **571** concerns, including **115** reports of *Harassment*.
- **Staff Accountability:** The second largest group of complaints regarding the facility is *Staff Accountability*, totaling **548**, including **101** reports of *failure to respond to communication* and **42** reports of *problems accessing staff*.

REPORTED CONCERNS REGARDING THE JUVENILE CORRECTIONAL FACILITIES:

In the biennium, the **69** persons who contacted CIIC relayed **273** *problems, issues or concerns* regarding juvenile correctional facilities, with the largest number regarding the *Ohio River Valley* Juvenile Correctional Facility with **105**.

- **Force/Supervision:** System-wide, the largest category of concerns is “Force/Supervision” with **58** concerns, comprising **21.3 percent** of all reported concerns regarding juvenile correctional facilities. The category includes *use of force, abusive language, racial slurs, conduct report for no reason, intimidation/threats, retaliation for reporting complaints, privacy and harassment*.
- **Staff Accountability, Medical Care:** There were **42** reported concerns regarding Staff Accountability, and **35** regarding Medical Care in the juvenile correctional facilities.

YOUTH GRIEVANCES: Youth filed **4,183** grievances from May 1, 2008 to December 31, 2008. The largest number of grievances pertained to the *Ohio River Valley Juvenile Correctional Facility* with **1,660** comprising **39.7 percent** of all grievances.

- **Actions of Staff:** The largest category of grievances pertained to Actions of Staff, with **1,609** grievances in the category, comprising **38.5 percent** of grievances. *Ohio River Valley Juvenile Correctional Facility* had the largest number of grievances in the category with **732**.
- **Institutional Operations:** There were **522** grievances filed regarding *Institutional Operations*.

CLASS ACTION SETTLEMENT: On May 21, 2008, the court approved a class action suit against the Department of Youth Services filed on December 4, 2004, which alleged:

...A system-wide failure regarding conditions of confinement with facilities...that endanger...physical health and safety; threaten...emotional and psychological well-being, deprive...adequate programming, education, medical and mental health care, and dental care, and deprive...due process of law.

On April 3, 2008, an agreement was filed on the class action. The DYS Director's announcement relayed that the agreement provides them with:

...Additional tools to increase programming and safety within facilities...infusing new resources into DYS operations, overseeing reform in release, and supporting evidence based community programs for lower-level offenders. Changes include hiring additional staff, increasing training and revising seclusion and discipline policies. The agreement also supports improved mental health services, and a capacity goal on our youth population.

On January 7, 2009, the DYS Master Plan for implementing the agreement was released.

DECREASING YOUTH POPULATION: *DYS decreased their facility population from an average of 1,843 in 2007 to an average of 1,555 in 2008.*

Facility populations range from 17 to 259. The DYS system-wide facility population on **January 9, 2009** was **1,387**.

MENTALLY ILL INCARCERATED YOUTH: Monthly Average in Biennium

- Based on the monthly average in the biennium, there were **532 youth on the mental health caseload** in juvenile correctional facilities, with the highest number at *Ohio River Valley* Juvenile Correctional Facility with **118** youth on the mental health caseload.
- System-wide, **33 percent** of the youth in DYS facilities were on the mental health caseload. However, **83 percent of the females** at Scioto Juvenile Correctional Facility and Freedom Center are on the mental health caseload, and **52 percent of the youth at Circleville** Juvenile Correctional Facility are on the caseload. The Circleville facility is unique in that all of their youth are **sex offenders**.

YOUTH INCIDENTS OF SELF-INJURY: May 1, 2008 to November 31, 2008

- There were **546 incidents of self-injury** by youth.
- **Ohio River Valley** Juvenile Correctional Facility had the *highest number of self-injury incidents of all facilities, with 140 in the period, an average of 20 per month.*
- System-wide, there were from **66 to 90 incidents of self-injury each month** in the period, *an average of 68 per month.*

YOUTH ON YOUTH ASSAULTS: May 1, 2008 to November 31, 2008

- There were **1,688 youth on youth assaults**, with the highest number at **Cuyahoga Hills** Juvenile Correctional Facility with **390**, followed closely by **Ohio River Valley** Juvenile Correctional Facility with **382**. Both *average 55 and 56 per month respectively.*
- System-wide the **monthly average was 241** youth on youth assaults in the period.

YOUTH ON STAFF ASSAULTS: May 1, 2008 to November 31, 2008

- System-wide, there were **434 youth on staff assaults, ranging from 42 to 84 per month.**
- **Marion** Juvenile Correctional facility had the highest number with **218 youth on staff assaults, where the monthly average was 31.**

STAFF ON YOUTH ASSAULTS: May 1, 2008 to November 31, 2008

There were **four** system-wide staff on youth assaults, with *two at Mohican* Juvenile Correctional Facility, and *one each at Cuyahoga Hills and Marion* Juvenile Correctional Facility.

YOUTH INJURIES FROM ACCIDENTS: May 1, 2008 to November 31, 2008

- System-wide, there were **552 youth injuries from accidents, an average of 79 injuries per month.**
- **Ohio River Valley** Juvenile Correctional Facility had the highest number of youth injuries with **169, comprising 31 percent of all injuries, followed by Indian River and Marion** Juvenile Correctional Facility, with **91 and 90** respectively.

GANG, SECURITY, DISTURBANCES IN YOUTH CORRECTIONAL FACILITIES: May 1, 2008 to November 31, 2008 - Of the substantiated unusual incidents system-wide, there were:

- **390 gang related incidents,**
- **251 security issue incidents and**
- **52 disturbances.**

- *Ohio River Valley Juvenile Correctional Facility had the highest number of gang related incidents with 165, followed by Marion Juvenile Correctional Facility with 96.*
- *Ohio River Valley Juvenile Correctional Facility had the highest number of disturbances with 24, followed by Marion Juvenile Correctional Facility with 10.*

DYS OPERATIONS, CONDITIONS, AND GRIEVANCE PROCEDURE:

CIIC reports to date have identified many deficiencies and have offered recommendations to assist in the development of improvements. There was disappointment to see *no visible improvements at the Marion Juvenile Correctional Facility between September 1, 2005 and July 14, 2008.* While the August 23, 2005 on-site visit to *Ohio River Valley Juvenile Correctional Facility revealed many positive aspects of the facility, the September 28, 2007 inspection of the facility revealed many problems, which reportedly developed over that period of time. Both facilities showed signs of increasing problems rather than improvements. The inspection of the Mohican Juvenile Correctional Facility on October 11, 2007 compared with the findings on August 10, 2005 similarly prompted concern about the extent to which a therapeutic community model can be adapted to a population with predatory gang presence including “Felons” and “Head Busters.” Some of the youth were afraid to even share the table with some youth in a group discussion with CIIC.*

Youth and staff have consistently relayed the same to the CIIC. ***Facility staff and youth want to be safe and feel safe.*** Both report that *out of control youth prey on other youth. Youth and staff have reported that youth prey upon the staff. At the very least, the institutions should do no harm.* With the DYS data cited above, plus verbal reports throughout the biennium from the facilities of several “mini-riots,” *there continues to be an urgency to improve the safety and security of the facilities, which will hopefully improve the reported 50 percent staff turnover rate.*

Staff should not only be *authorized, but should be required to intervene to protect youth from youth.* The methods such as verbal strategies may be helpful, but they clearly are not enough to ensure safety and security in the facilities. Facility staff have heard the message to *use no force and use no seclusion* (former practice of sending them to their room or confining them to their room). Now, it is reported that the focus is on positive reinforcement.

Section III.B. of the Court Stipulation on Guiding Principles includes:

- The goal regarding the existing facilities shall be that *no living unit in any DYS facility shall house a population that exceeds that unit’s rated capacity.*
- The goal of the regional plan is to *expand regional beds while downsizing or closing existing facilities.*

- *DYS secure facilities should normally be utilized to incarcerate and treat high-risk, serious and chronic juvenile offenders.*

Not unlike the Missouri model, DYS plans to create mini-Lighthouse Youth Centers run by private companies. Marion Juvenile Correctional Facility will reportedly close in July 2009, along with Freedom Center, a 24-bed substance abuse treatment center that could have easily been converted to a cognitive behavioral center cited in the Court Stipulation.

Until the reported goal of downsizing or closing existing facilities is reached, the main concern is that proper supervision and control be maintained in the institutions to *protect youth from each other, and from themselves and to protect the staff from assault.*

Safety and security could have been expedited if urgent priority had been given to providing a classification and reclassification system, and implementing recommendations offered by the CIIC in numerous reports since 2005. The institutions continue to lack a basic written foundation in the form of Administrative Rules, accessible to all incarcerated youth, employees, the public and the CIIC. The policies are reportedly to be re-written per the court settlement, policies that surely were written in accord with the American Correctional Association Standards.

As long as their grievance procedure has no Inspector charged with the responsibility to investigate and resolve grievances, *the grievance procedure at DYS facilities is fundamentally flawed.*

Evaluation of facility operations, conditions, programs and grievance procedure includes the identification of areas in need of improvement, per the CIIC statute. However, the nature of evaluation also involves identifying and acknowledging the positives. In that regard, *positive changes have occurred at the Scioto Juvenile Correctional Facility, with the help of a reduced population and infusion of activities and programs made possible due to volunteers. The November 20, 2008 on-site visit by the CIIC Director and DYS Director provided an opportunity to see visible changes in the environment, interaction and morale of youth and staff.*