

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE
125TH OHIO GENERAL ASSEMBLY

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RECOMMENDATIONS

OF THE

BIENNIAL REPORT

TO THE

126TH OHIO GENERAL ASSEMBLY

January 18, 2005

Prepared by the
Correctional Institution Inspection Committee Staff

**CORRECTIONAL INSTITUTION INSPECTION COMMITTEE
BIENNIAL REPORT RECOMMENDATIONS**

USE OF CONFIDENTIAL INFORMANTS

A) The Ohio Department of Rehabilitation and Correction (ODRC) should provide clear written guidelines to all Investigators on the use of confidential information, use of informants, and “dealing” as prohibited in the ODRC Employee Code of Conduct. [Page 77]

B) Serious consideration should be given to how best to increase support services, monitoring and supervision of Investigators throughout the prison system by ODRC Central Office staff. [Page 78]

INMATE POPULATION

A) ODRC should assess its existing bed space, and examine the current and potential use of that space, particularly for underutilized institutions, with consideration of how possible changes could accommodate special needs populations. [Page 83]

B) No greater improvement could be made to impact the entire operations, conditions and programs of the Level three facilities than to eliminate double celling not only in segregation, but also in general population. [Page 83]

MEDICAL SERVICES

A) Central Office staff should ensure the accuracy of the reported number of hours worked by contract employees. [Page 90]

B) It is strongly recommended that Central Office personnel ensure that complete and accurate monthly data is provided on the standardized form. [Page 90]

INFECTIOUS DISEASES

A) ODRC policies and procedures should be reviewed in regard to housing and job assignments of infected inmates, in an effort to alleviate inmate tension concerning these issues. The option of single celling inmates in the higher security institutions may be a viable alternative. [Page 97]

B) Additional education for institution staff and inmates concerning infectious diseases would also assist in addressing the reported issues of concern. [Page 97]

SUICIDES

A) A possible partial solution or proposed improvement is a renewed emphasis on a prompt mental health staff interview with the inmate who has verbalized a desire or intent to commit suicide. [Page 102]

B) The ODRC Suicide Prevention Committee should seriously consider changes in policy and practice to implement the following recommendations by Lindsay M. Hayes, a contracted suicide prevention expert:

- 1) Isolation should be avoided.
- 2) Whenever possible, house in general population, mental health unit, or medical infirmary, located in close proximity to staff.
- 3) Inmates should be housed in suicide-resistant, protrusion-free cells.
- 4) Removal of an inmate's clothing (excluding belts and shoelaces), as well as use of physical restraints (e.g. restrain chair/boards, strait jackets, leather straps, etc.) and cancellation of routine privileges (visits, telephone calls, recreation, etc.), should be avoided whenever possible, and only utilized as a last resort for periods in which the inmate is physically engaging in self-destructive behavior. [Page 103]

SEX OFFENDER TREATMENT PROGRAMS

A) The establishment and availability of sex offender treatment for all sex offenders is a primary need. [Page 107]

B) The ODRC should consider requiring a mandatory sex offender program for inmates who commit inmate on inmate sexual assaults, comparable to the mandatory substance abuse program that exists for substance abusers. [Page 107]

THERAPEUTIC COMMUNITIES (TC)

A) ODRC should give careful consideration to the merits of retaining not only the TC programs at the Grafton Correctional Institution, Pickaway Correctional Institution, Belmont Correctional Institution, and Ohio Reformatory for Women, but to seriously consider expanding availability of this program to higher security inmates. Level three inmates should be given an opportunity to participate in such a highly successful program. [Page 108]

GRIEVANCE PROCEDURE

A) A method should be devised by ODRC to verify receipt of Informal Complaint Resolution forms by staff. [Page 130]

B) ODRC should prevent retaliation and fear of retaliation by institutional staff if an inmate uses the inmate grievance procedure.

1) Comply with Vincent Nathan's Recommendation Four in his Evaluation of the Inmate Grievance System Report which states,

The DRC should begin to impose the most serious disciplinary consequences for acts of retaliation by staff against inmates as a result of the latter's use of any aspect of the grievance procedure.

As part of its effort to address this problem, DRC officials should ensure that training components at the training academy, new staff orientation at each facility, and annual in-service training emphasize strongly the utility of the grievance system, the DRC's commitment to that system, and the consequences that will flow from acts of retaliation. Institutional inspectors should be personally responsible for orienting new staff and providing the in-service training segment on the grievance system, and this subject should be a component of all in-service training curricula

Wardens should hold supervisors responsible for providing adequate supervision to line staff regarding the DRC's non-retaliation policy, and institutional inspectors should investigate allegations with special care and vigor.

2) It is imperative that the above information regarding the Department's commitment and activities regarding retaliation be shared with all inmates in their orientation at the reception centers to instill in all inmates that the inmate grievance procedure is an objective procedure, which prohibits and will aggressively investigate any retaliatory actions.

3) One of the best ways to send a strong message that retaliation in fact will not be tolerated, is by thorough investigations of alleged reprisals or threats of reprisals, and by taking corrective action specified in Administrative Rule 5120-9-31, one case at a time. [Page 142]

C) ODRC should alleviate the difficulties of inmates who are mentally ill, have low literacy levels, or have other disabilities, in using the inmate grievance procedure.

1) The institutional inspectors' workload at each institution should be evaluated to ensure that they have sufficient time to assist inmates who require assistance in using the inmate grievance procedure, and to facilitate all aspects of the grievance procedure.

2) Inspectors should make regular rounds in areas where their assistance is likely to be needed, including, but not limited to Residential Treatment Units for the mentally

ill. In cases when an inmate's grievance is difficult to read or to understand, the inspector should interview the inmate for clarification.

3) The grievance procedure should be reevaluated to ensure that the forms and processes are in the most simplified state to guarantee ease of use by all parties. [Page 143]

D) The Department should work to ensure that the inmate grievance procedure is not, and is not seen as, an adversarial procedure, with the Department of Rehabilitation and Correction versus the inmates. Rather, the grievance procedure should be, and should be regarded as, an objective problem-solving mechanism which is good for the ODRC, resulting in improvements in operations, conditions and programs, and which is equally good for the inmate population who will face problems in the best of institutions. Institutional inspectors need to be, and need to be perceived as, objective and non-adversarial. [Page 143]

E) The ODRC should improve the timeliness of inmates receiving grievance forms from staff and in responses by staff to informal complaints, notification of grievances, and appeals of the disposition of grievance.

1) The workload of the institutional inspectors at each institution should be evaluated to ensure that they have the ability to provide grievance forms in a timely manner, to monitor and act on delayed responses to the informal complaint resolution forms, and to respond to notification of grievance forms in a timely manner.

2) The Chief Inspector may need to evaluate the way that informal complaint resolution forms and the notification of grievance forms are responded to by staff. If the quality of responses can be improved, then the domino effect of informal complaints resulting in notification of grievances and notification of grievances resulting in appeals of the disposition of grievance can be reduced.

3) The Department should consider some "outside the box" solutions such as the Outside Review Committee, which was mandated by the U.S. District Court in the *Taylor v. Perini* case. The establishment of the outside review committee could assist the Chief Inspector's Office by providing an assessment and recommendation, in addition to the institutional inspector's input, prior to deciding the grievance appeal. This process would give greater credibility to the inmate grievance procedure.

4) The workload at the Chief Inspector's Office also needs to be evaluated to determine if additional staff is required to monitor the grievance procedure and provide quality and timely grievance appeal decisions. There should be enough staff to comply with the appeal response time requirements in the administrative rule on the inmate grievance procedure, without extensions caused solely by staff shortages and/or large workloads. [Page 144]

F) The Department should ensure that grievance dispositions result in “resolved” dispositions whenever warranted.

1) The Chief Inspector should ensure that the institutional inspectors and assistant chief inspectors are resolving grievances whenever warranted. The grievance procedure should in part be evaluated by the results. Only through a drastic increase in the number of grievance decisions in which problems are in fact resolved, will inmates gradually develop a more positive view of the grievance procedure. [Page 145]