

CORRECTIONAL INSTITUTIONAL INSPECTION COMMITTEE

INSPECTION REPORT

INSTITUTION: The Ohio State Penitentiary and  
OSP Correctional Camp

DATE: January 29, 2004

TYPE OF INSPECTION: Unannounced

CIIC MEMBERS PRESENT: Senator Mark Mallory, Chair  
Senator Robert Hagan  
Representative Michael DeBose  
Director Shirley Pope  
Inspector Gregory Geisler

INSTITUTION STAFF PRESENT:

The following staff were present during all or part of the inspection: Todd Ishee, Warden; Vernon Brown, Deputy Warden of Special Services; Eric Pierson, Deputy Warden of Operations; Betty McDonough, Deputy Warden of Administration; Keith Fletcher, Administrative Assistant; Gary Parker, Major; Harry Wilson, Investigator; Tracy England, Inspector of Institutional Services; and Theodore Jackson, Assistant Inspector of Institutional Services. Additional communication with staff occurred in their respective work areas, including but not limited to, Correctional Officers, Unit Staff and Medical Staff. The exit meeting was conducted at the Correctional Camp with the Warden, Deputy Warden of Operations and Deputy Warden of Special Services.

AREAS INCLUDED IN THE INSPECTION:

Ohio State Penitentiary:

Entry/Exit Area	Food Services
D-1, Inmate Health Services	Outside Recreation Areas
Cellblocks B, C, and D	C Block Control Center
Program Booths	Commissary
Audio Video Center	Medical Services/Infirmary

OSP Minimum Security Correctional Camp:

Visiting Room	Food Services
Library	Dormitory Housing

#### ATTENDANCE AT GENERAL MEAL PERIOD:

The preparation of the lunch meal by the minimum-security work cadre for OSP inmates was observed in the kitchen of the main compound. The meal included bread, peaches, salad, macaroni, and beef stew. The CIIC also observed meals being served to Level 4A inmates in the common areas of their cellblocks. The same meal prepared for the OSP inmates was provided to members of the inspection team in the employee dining room.

#### ATTENDANCE AT REHABILITATIVE OR EDUCATIONAL PROGRAM:

Although no rehabilitative or educational program was attended at the Correctional Camp, a Mental Health employee was observed counseling with an inmate in a private room.

No out of cell rehabilitative or educational programs were in progress at the time of the inspection at OSP. However, an area used for out of cell programs, including religious services and school, was observed. Specifically, program booths consist of six individual steel connecting cages or cells. Each booth provides a fixed stool and writing station. The inspection included discussion with staff who conduct out of cell programs for inmates using the program booths.

#### FINDINGS:

##### OVERVIEW:

The following includes information from the Ohio Department of Rehabilitation and Correction's (ODRC) website, the OSP "Reference Manual" provided on site, written follow-up information provided by the Warden, the ODRC document titled, "Three Decades of Progress: A Retrospective of Growth," as well as discussions with staff during the inspection.

The Ohio State Penitentiary is located on 240 acres in Youngstown, Ohio. OSP is reported to have been a "vision" that began in response to the 1993 Lucasville riot. It was regarded by ODRC as "a sorely needed solution to the rising number of offenders that continually demonstrated behavior detrimental to the security of the existing prisons." According to ODRC, careful consideration and research went into the concept, design, and function of OSP, including visits to Super-Max facilities in other states. OSP is modeled after the prototype and design of the Colorado State Penitentiary in Canon City.

The projected design and construction of OSP called for a three building complex at the cost of \$65 million. The complex consists of the main high security OSP compound, the minimum security correctional camp, and a support services building, which serves as a combination warehouse, laundry, central heating plant, maintenance garage and automotive garage.

The 500-bed High-Max facility, currently known as a Level 5 facility, was constructed with eight control centers that make up the core of the prison. From the central core, housing units radiate like spokes of a wheel, each containing up to 16 cells. State-of-the-art technology was included to ensure the highest level of security. The technology installation includes pneumatic locking devices throughout the prison, proximity card readers to control access to selected doors, touch screen computer technology, biometric hand reading system to identify staff and contractors, fiber-optic cable, personal alarm system, and an extensive video recording system. Construction of OSP was completed in April of 1998, and on May 4, 1998, OSP received its first inmates.

The OSP Correctional Camp was constructed in a dormitory style to hold 180 beds. The Camp includes a library, athletic/exercise equipment, kitchen and dining hall. The first inmates transferred to the minimum camp on February 9, 1998. The inmate cadre workers provide service functions for the main compound in the areas of sanitation, food services and grounds keeping. They may also participate in community services projects and programs. Staff relayed on site that the cadre inmates are considered short-term “transients” with an average length of stay of six months.

By August of 1998, ODRC and OSP security policies and procedures were reported to be in place. All High-Maximum security inmates were confined to their cells for 23 hours per day, with one hour permitted for individual recreation. The institution was awarded accreditation by the American Correctional Association (ACA) in 2001 and is currently accredited. David Johnson was the first OSP Warden, serving from 1997 to 2000, followed by Todd Ishee, OSP Warden from 2000 through 2004.

#### AUSTIN:

On January 9, 2001, Plaintiffs representing inmates at the Ohio State Penitentiary filed a class action suit pertaining to alleged inadequacies in classification decisions, medical and mental health care, citing the presence of mentally ill and suicidal inmates, and total absence of outdoor recreation. They also alleged inadequacies in information used to label inmates as members of security threat groups, lack of specific OSP placement criteria, and lack of due process afforded inmates in their transfer and retention at OSP. In January 2002 the trial commenced, and in February 2002, the first of four orders was issued. Classification issues continued to be scrutinized as a result of the Judge’s decisions. In April 2002, the Judge approved the settlement regarding medical and mental health issues, and outdoor recreation.

Through Court mandated reforms, ODRC has made significant improvements in policies, procedures, practices, and use of discretion, positively impacting the overall environment and conditions of confinement at OSP. Improvements include the criteria for level 5 placement, more systematic pre-screening and broadened exclusion criteria pertaining to the seriously mentally ill, and provision of increased access to mental health services for the OSP population. There is no question that the quality of life for OSP inmates has improved, and that the environment is far more conducive to enlightened corrections, without jeopardizing safety and security requirements of a level 5 correctional institution.

**COST:**

As noted above, the OSP complex was constructed at a cost of \$65 million. For FY 2004, the annual operating budget was \$29,912,340, with a reported annual cost per inmate of \$57,593.12, and daily cost per inmate of \$157.79. Excluding the Corrections Medical Center and Oakwood Correctional Facility due to their respective medical and mental health missions, OSP's cost per inmate was the largest of Ohio prisons. Although 20 other Ohio prisons have larger annual operating budgets than OSP, the smaller OSP population is believed to be the primary reason for the higher daily and annual cost per inmate at OSP. At the end of April 2004, the 20 other institutions with larger budgets housed from 1,000 to 2,600, while the population at OSP was reported to be 493.

The Southern Ohio Correctional Facility's annual and daily cost per inmate ranked second at \$37,893.32 and \$103.82 respectively. SOCF had the largest annual operating budget in FY 2004 at \$55,536,203. At the end of April, the SOCF population was reported to be 1,027.

The FY 2005 annual operating budget for OSP decreased to \$29,277,791, with a reported annual cost per inmate of \$57,549.20, and a daily cost per inmate of \$157.67.

**STAFF:**

As of January 28, 2004, OSP staff totaled 431, including 260 security staff. Staffing remained approximately the same as of September 1, 2004, with 432 total staff including 262 security staff. During the inspection, staff relayed that there are 30 staff vacancies at OSP, due in part to the closing of cellblock A.

It was reported that there is one Case Manager assigned to each cellblock at OSP. Case Managers reportedly have meaningful interaction with inmates on a daily basis, and make frequent rounds in each housing unit. They monitor each inmate's progress through privilege/security level reviews and individualized program plans, coordinate information on visiting lists, assist in preparing inmates for transfer, and assist with photocopying as required for access to Courts.

A Lieutenant is also assigned to each cellblock, and makes daily rounds in each pod on first and second shifts. They are generally assigned to a unit for an extended period of time, which allows them to have specific knowledge of individual inmates.

A Block Sergeant also makes daily rounds in each pod and handles any inmate issues regarding sanitation, property, and daily living concerns.

There are eight Correctional Officers assigned to each block on each of the first and second shifts, and three Officers assigned on third shift. Officers serve meals, issue kites, cash slips, informal complaints, pick up and deliver mail, distribute and collect razors and clippers, issue toilet paper and cleaning supplies, escort inmates to out of cell activities,

bring the phone to the inmate's cell, and escort staff inside the unit. Officers also are responsible for laundry exchange, conduct range checks at least every 30 minutes, and conduct count at least seven times per day.

Each unit has a Unit Manager who serves as the Supervisor of the unit, providing direct supervision of the Block Officers, Sergeant, Lieutenant and Case Managers. Per the follow-up communication from the Warden, it was reported that the Unit Manager spends approximately ten hours per week working with inmates in the housing units to address daily issues and concerns involving inmates.

The OSP Correctional Camp Staffing Levels were reported to be as follows:

<u>First Shift</u>	<u>Second Shift</u>	<u>Third Shift</u>
Five Correction Officers	Five Correction Officers	Four Corr. Officers
One Food Service Coordinator	One Unit Staff	
One Unit Manager		
One Case Manager		
One Correctional Counselor		
One Unit Secretary		
One Teacher		

#### INMATE POPULATION:

With the 504-bed capacity of OSP and 182 bed minimum camp, the designed capacity totals 686. On the day of the inspection, the total inmate population at both OSP and the minimum camp was reported to be 487. Of the total population, 287 or 58.9% were Black, 192 or 39.4% were White, seven or 1.4% were Hispanic, and one was classified as "Other."

It was reported that there are from 200 to 230 minimum security inmates housed in the Camp at any one time. On the day of the inspection, the population at the minimum camp was reported to be 221. The OSP high security (Level 4 and 5) inmate population was reported to be 266, far less than the reported 504-bed capacity. Inmates were only housed in three of the four cellblocks.

Of the OSP population, 195 inmates or 73.3% were classified as level 4, and 71 inmates or 26.7% were classified as level 5. Of the 195 inmates classified as level 4, there were 92 or 47.1% classified as level 4B, and 103 inmates or 52.8% classified as level 4A as detailed below:

<u>OSP Population</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Level 4A	103	52.8%		
Level 4B	<u>92</u>	<u>47.1%</u>		
Level 4 Total	195	100.0%	195	73.3%
Level 5 Total	<u>71</u>		<u>71</u>	<u>26.7%</u>
OSP Total	266		266	100.0%

#### LEVEL FOUR “VOLUNTEERS”:

OSP is a level 5 correctional facility, formerly known as High Max or Super-Max. It was intended initially to house only level 5 inmates. However, in addition to housing inmates classified as level 5, beginning in 2002, OSP began to also house inmates assigned to security level 4B, formerly known as Maximum Security, Administrative Control Status, and security level 4A, formerly known as Maximum Security, general population.

The Southern Ohio Correctional Facility is a level 4 facility, formerly known as Maximum, which houses level 4A and 4B inmates. OSP Inmates classified as 4A and 4B requested OSP placement instead of SOCF in spite of the more restrictive environment at OSP. They in effect “volunteered” to waive certain opportunities and privileges not available at OSP.

In follow-up communication with OSP staff, information was requested on what specifically the level 4 inmates at OSP do not have, that they would otherwise have at SOCF. Staff relayed that OSP has no inmate-dining hall. However, SOCF inmates in 4B do not go to the inmate-dining hall, but rather eat in their cells. In addition, some 4A inmates at SOCF do not go to the dining hall either, but rather eat in their blocks at tables provided within the block. Similarly, OSP staff relayed that inmates in 4A may eat at the tables in their pod. In addition, 4B inmates may eat in their pod in small groups.

OSP staff also relayed that initially, since OSP had no outdoor recreation space, the level 4 inmates were not provided with outdoor recreation. However, the outdoor recreation area is now open and accessible, and inmates are to be provided with five outside recreational opportunities per week.

As to whether level 4A inmates give up the opportunity to have job assignments at OSP, staff relayed that most of the 4A inmates either have jobs or are students in an educational program. Further, 4B inmates may work as porters within their pod. OSP staff indicated that they are working to develop additional job assignments connected with the library and food services within the pods. One staff member noted the plan for 4A inmates to have two community services artwork positions and 14 Library Aids.

Some inmates request to stay at OSP once they have received a reduction in security from 5A to 4B. Based on the inmate comments on site, some volunteered to be transferred to

OSP because they “feel safer” or “more protected” in the confined setting, they can “stay away from trouble”, and regard OSP as a place where inmates and staff are “more controlled” than at SOCF. One inmate stated that the “best part here - it’s controlled.” Some noted that OSP is closer to home, which allow visits from their family. One person relayed that OSP is preferred by some inmates, due to the alleged “craziness” at SOCF.

In the summer of 2004, several phone inquiries were made to SOCF in response to correspondence from inmates who in some cases expressed what appeared to be desperate pleas to be transferred to OSP. The waiting list at SOCF of those seeking transfer to OSP was consistently reported by staff to be from 200 to 300, accumulated over a period of approximately six months. However, some inmates reported that they were told that they would have to wait a year or more to be processed from the list. SOCF staff explained that the delay was due to the need to pre-screen the inmates to identify those who must be excluded due to mental illness.

#### MENTAL HEALTH RELATED EXCLUSION CRITERIA:

According to the OSP Exclusion Criteria cited in the ODRC Bureau of Mental Health Services Standard Operating Procedures effective August 8, 2001, inmates assessed and diagnosed with the following conditions are excluded from transfer to OSP:

1. Serious mental illness (C-1)
2. Mental retardation
3. Mental disorder including:
  - a. Being actively suicidal
  - b. Severe cognitive disorder (organic mental disorder) resulting in significant functional impairment
  - c. Severe personality disorder manifested by frequent episodes of psychosis, depression or self-injurious behavior, and results in significant functional impairment.

The above referenced Standard Operating Procedure states that, “All inmates being considered by the High Max Committee for transfer to OSP will receive a full mental health evaluation by the institutional psychiatrist.” This requirement was reportedly the main reason why such a waiting list accumulated at SOCF. There has never been an over-abundance of psychiatric services at SOCF, and such services are necessary to address the needs of those on the psychiatric caseload. If the SOCF Psychiatrist’s workload is such that the waiting list accumulated due to not having the time to also conduct the full mental health evaluations of all inmates on the OSP transfer request list, psychiatric services from Central Office or other institutions could be redirected to conduct the full mental health evaluations of the SOCF inmates requesting transfer to OSP.

Every inmate in the prison system is already classified by mental health staff as C-1, C-2, C-3 or “N”, i.e. no need for mental health services. As noted above, those classified as C-1 are ineligible for placement at OSP. However, those who are on the psychiatric caseload and classified as C-2, or who are on the mental health caseload classified as C-3,

could still be transferred to OSP, as long as mental retardation is not present, and there is no mental disorder present that includes being actively suicidal, or having significant functional impairment, or frequent episodes of psychosis, depression or self-injurious behavior. If other mental health staff are not already assisting the Psychiatrist by identifying those on the transfer request list whose records clearly document that they are ineligible for OSP transfer due to the exclusion criteria, their help could reduce the burden currently on the SOCF Psychiatrist.

#### LEVEL FIVE PLACEMENT:

Prior to changes prompted by Austin, OSP Level 5 placement decisions were alleged to be arbitrary and inconsistent, with near total discretion afforded to decision-makers. The Department has since refined and improved upon policies and practices to ensure due process, and to ensure that each level 5 placement is necessary and appropriate. ODRC policy on Level 4/Level 5 Classification states in section V. that, "Inmates shall be placed at the lowest level of security possible that is still sufficient to ensure the safety and security of persons, the institution and the community." That principle would, for example, prohibit institutional or ODRC need, such as crowding at one prison, or empty beds at another, from being the driving force in security level decisions.

Per ODRC policy 53-CLS-04, effective June 5, 2002, Classification Level 5 is defined as:

A security level for inmates who commit or lead others to commit violent, disruptive, predatory, riotous actions, or who otherwise pose a serious threat to the security of the institution as set forth in the established Level 5 criteria.

Per the above referenced policy, the substantive criteria governing placement at Level 5 Security Classification is as follows:

1. The inmate has demonstrated physically or sexually assaultive and/or predatory behavior resulting in either serious physical injury or death to any person, or in an attempt to sexually assault any person, or to cause physical injury or death to any person. An inmate has demonstrated such behavior when the inmate has:
  - a. Physically assaulted another resulting in serious physical harm;
  - b. Assaulted or attempted to assault another with a deadly weapon;
  - c. Compelled or attempted to compel another to perform sexual acts; engage in sexual conduct or sexual contact; or to submit to sexual contact; all by force or threat of force;
  - d. Compelled or coerced another, by force or the threat of physical harm or death, to provide anything of value, to perform any act, or to violate any rule.



2. The nature of the criminal offense committed prior to incarceration constitutes a current threat to the security and orderly operation of the institution and to the safety of others, for example, serious assaults against law enforcement, participation in organized criminal activity or actions indicating a serious escape risk.
3. The inmate has lead, organized, or incited a serious disturbance or riot that resulted in the taking of a hostage, significant property damage, physical harm, or loss of life.
4. The inmate has conspired or attempted to convey, introduce or possess major contraband which poses a serious threat or danger to the security of the institution, including but not limited to: deadly weapons, ammunition, escape instruments, drugs.
5. The inmate functions as a leader, enforcer, or recruiter of a security threat group, which is actively involved in violent or disruptive behavior.
6. The inmate escaped, attempted to escape or committed acts to facilitate an escape from a level three or four or equivalent close or maximum security facility or while under supervision outside of the facility, resulting in physical harm or threatened serious physical harm to others or caused serious destruction to the physical plant.
7. The inmate has demonstrated an ability to compromise the integrity of staff, which resulted in a threat to the security of the institution.
8. The inmate knowingly exposed others to the risk of contracting a dangerous disease, such as HIV or hepatitis.
9. The inmate, through repetitive and/or seriously disruptive behavior, has demonstrated a chronic inability to adjust to level 4B as evidenced by repeated class II rule violations.

Information was provided on the date of the inspection regarding the offenses that prompted the 77 offenders in level 5 to be placed in level 5. The placement offenses are reported to be as follows:

<u>Reasons for Level 5 Placement</u>	<u>Number</u>	<u>Percent</u>
Serious Assault of an Inmate	22	29%
Serious Assault of an Employee	20	26%
Murder of an Inmate	18	23%
Murder of Employee	6	8%
Hostage/Kidnapping of Employee	5	7%
Rape of an Inmate	2	3%
Serious Escape related Offense	2	3%
Conspiracy to Murder Inmate	1	1%
Pre-Incarceration Offenses	1	1%
Total	77	100%

#### LENGTH OF STAY:

One of the most significant improvements generated from Austin is that inmates must be provided an approximate “outdate” or expected length of stay. According to ODRC Policy 53-CLS-04:

At least twice a year, the classification committee shall notify each level 5 inmate in writing and orally of the inmate’s progress toward security level reduction. Such notification shall take place as a part of the regularly conducted privilege or security level reviews. Such notice shall advise the inmate of any specific conduct necessary for that prisoner to be reduced from Level 5 as well as the amount of time it will take before the inmate’s security level is likely to be reduced.

According to the Ohio Department of Rehabilitation and Correction Policy 53-CLS-04, “Inmates classified into Level 5B shall have an assessment completed every three months; inmates classified as Level 5A shall have an assessment every six months.” During these assessments, the following factors must be considered in the evaluation of the inmate’s readiness for reduction from Level 5 security classification:

- A. Reason for placement in Level 4 or 5 and relevant circumstances;
- B. Conduct Reports;
- C. Current Privilege Level;
- D. Time Served in current privilege level;
- E. Total time spent in Level 5 and/or Level 4;
- F. Time left to spend on current sentence;
- G. Time since last incident that resulted in inmate being designated Level 5 or 4;
- H. Program Involvement;
- I. Behavior in last five years; including prior to Level 4 or 5 classification;
- J. Security level prior to placement;

- K. Adjustment/behavior after placement;
- L. Factors which indicate a risk of future violence;
- M. Interaction with others (staff and/or inmates);
- N. Recognition and acknowledgement of the factors contributing to the commission of the placement offense and nature;
- O. The findings and recommendations of the previous assessment committees;
- P. Previous review committees;
- Q. The findings and recommendations of all assessment committees subsequent to the placement in Level 4 or 5; and
- R. The findings and recommendations of all supervision and privilege review committees subsequent to placement in Level 4 or 5.

According to communication received by the CIIC, there are reportedly eight “long-termers” at OSP. While the above referenced improvements on length of stay in Level 5 positively impact most at OSP, reportedly the “long-termers” have been told that they will not be reduced from Level 5, regardless of their conduct record. If in fact any one person has been told that they will be in Level 5 “forever,” it is suggested that such decisions and such communication be viewed in light of the above referenced principle in DRC policy to place inmates in the lowest level of security possible, and in light of the required reviews and criteria to be taken into account in those reviews.

Prior to the creation of Level Five, Administrative Control (AC) which is now the equivalent of Level 4B, used to be the classification and placement for those who committed the most serious acts while in prison, including but not limited to escape and murder. Such placements were by policy “indefinite” but status review with the possibility of release occurred every 90 days. In one known instance, an inmate served over six years in AC after an escape. In another known instance, multiple inmates who killed another inmate were in AC less than one year. Caution should be taken not to prematurely determine on any review that an inmate will “never” be released from Level 5, negating any good purpose served by subsequent reviews.

#### PRIVILEGE LEVELS:

Security Levels 5 and 4 are each further divided into privilege levels A and B, with level A having less restrictions and more privileges than B.

Level 5B: Per DRC policy 53-CLS-04, inmates classified as level 5B are subject to the most restrictions. They are permitted one 10 minute phone call per month. All others are per the request of the Attorney of Record, or after a confirmed death or serious illness in the family. Inmates in level 5B are allowed five one-hour periods per week of inside or outside recreation alone. They are permitted two non-contact visits per month with approved visitors for two hours and 30 minutes each. They are also allowed visits from their Attorney or Clergy of Record. Level 5B inmates have access to legal services and a Paralegal through kite request, and they are allowed to have up to three paperback books. Meals are served in their cells, and they are permitted to shower for fifteen minutes, five times per week. Shaving is conducted three times per week. Inmates are not permitted to

have a radio, but are permitted a personal or state issued television that only broadcasts institutional programming. Education and rehabilitative programming is either broadcast to the televisions or conducted in small group program booths. Commissary for level 5B inmates is limited to \$30.00 twice per month. The inmate's privilege status is reviewed every three months and a committee annually reviews their classification status.

**Level 5A:** Level 5A inmates are permitted two 10 minute phone calls per month. All others are by the request of the Attorney of Record, or confirmed death or serious illness in the family. The inmates are permitted five one-hour periods of inside or outside recreation per week with congregate opportunity with at least one other inmate. They are allowed to have two non-contact visits per month for up to three and one half hours. The inmates are also allowed to have visits from their Attorney or Clergy of Record. Inmates have access to legal services and to a Paralegal through kite request. They are allowed to possess up to four paperback books. Level 5A inmates are permitted to shower five times per week for 15 minutes, and to shave three times per week. They are permitted to possess a battery operated Walkman, but may not possess any cassette tapes. State issued or personally owned televisions are permitted. They can receive network and program broadcasting. Educational and rehabilitative programming is either broadcast on televisions or conducted in small group program booths. Inmate commissary is limited to \$50 twice per month. This privilege status is reviewed every six months and a committee reviews their classification status annually.

**Level 4B:** Inmates classified as Level 4B are permitted one 10 minute phone call per week. All others are by request of the Attorney of Record, or due to death or serious illness in the family. Five one-hour periods of recreation are permitted with at least one other inmate. Inmates in 4B are allowed two non-contact visits per month with an approved visitor for up to four hours. They are also allowed visits from their Attorney of Record and Clergy of Record. Inmates have access to legal services and to a Paralegal through kite request, and they are permitted to possess up to five paperback books. Inmates can shower and shave five times per week. They may possess a Walkman with a cassette player, and up to five cassette tapes. State issued or personally owned televisions are permitted and they can receive network and program broadcasting. Education and rehabilitative programming is either broadcast to televisions or provided in small group counseling with no more than 4 inmates. Inmate commissary is limited to \$70.00 twice per month. A privilege review is conducted every six months and an inmate's classification review is conducted annually.

**Level 4A:** Inmates classified as Level 4A have the least amount of restrictions of the inmates at OSP. Level 4A inmates may use the phone twice per day, and they are permitted to recreate with other inmates for one and one half hour, seven days per week. Two contact visits are permitted per month for up to seven hours at a time. These inmates are permitted a minimum of four hours per week of access to the library, which includes legal materials. They are permitted to purchase Walkmans and cassettes through the commissary or an approved vendor, and are permitted to have their own personal television. The rehabilitative sessions and educational programming is either broadcast on television or conducted in small group counseling. Inmates are permitted to spend up

to \$100.00 dollars twice per month in the commissary. There are no privilege reviews at this status, and the classification reviews are conducted annually.

The following table provides information on the privileges for Level 4 and 5 inmates for privilege level A and B:

Privileges	Inmate Security/Privilege Level			
	5B	5A	4B	4A
<b>Telephone</b>	One 10-minute call/month. Other calls at request of attorney or related to death or serious illness in family	Two 10-minute calls/month. Other calls by request of attorney or related to death or serious illness in family	One 10-min call/week. Other calls by request of attorney or related to death or serious illness in family	Two calls per day
<b>Recreation</b>	One hour/day, five days/week. Isolated (alone) inside or outside	One hour/day, five days/week. With at least one other inmate (congregate) option. Inside or outside	One hour/day, five days/week. With at least one other inmate (congregate), inside or outside	1.5 hours/day, seven days/week
<b>Visits</b>	Two non-contact visits/month, 2.5 hours each visit with approved visitors	Two non-contact visits/month, 3.5 hours each visit with approved visitors	Two non-contact visits/month, 4 hours each visit with approved visitors	Three non-contact visits per month per visitor for up to four hours. No restraints in visiting booth.
<b>Attorney &amp; Clergy Visits</b>	Permitted	Permitted	Permitted	Permitted
<b>Library Visits</b>	None	None	None	None
<b>Access to Legal Services</b>	Kite communication to paralegal services	Kite communication to paralegal services	Kite communication to paralegal services	Kite communication to paralegal services
<b>Reading Materials</b>	Up to three paperback books	Up to four paperback books	Up to five paperback books	Up to 10 paperback books
<b>Meals</b>	All meals in cell	In cell or on range	In cell or on range	In cell and on range in small groups
<b>Hygiene</b>	One shower of 15 min, five days/week, three shaves per week	One shower of 15 min, five days/week, three shaves per week	One 15 minute shower/day for five days/week, one shave/day for five days per week	Two showers/day for seven days/week, one shave per day for seven days per week
<b>Media</b>	State-issue TV with only institutional broadcasts, no radio	State-issue or personally-owned TV with both network and institutional broadcasts, battery operated Walkman, no cassette tapes	State-issue or personally-owned TV with both network and institutional broadcasts, Walkman permitted, 5 cassette tapes permitted	Personally-owned TVs permitted, Walkman (if purchased through commissary or approved vendor) and cassettes permitted
<b>Education &amp; Rehabilitation Programs</b>	Institution instruction via TV or small group instruction in program booth	Institution instruction via TV or small group instruction in program booths	Institution instruction via TV or small group instruction with max of four other inmates	Instructional broadcasts or small group counseling
<b>Commissary</b>	Twice/month, \$30 max each	Twice/month, \$50 max each	Twice/month, \$70 max each	Twice/month, \$80 max each

## PROGRAMS:

Per the website and written information provided on site and in follow-up to the inspection, OSP provides extensive programming in a wide variety of areas including but certainly not limited to community services, recovery services, and education. Programs provide an opportunity for inmates to use their time constructively, through efforts of self-improvement. The programs and staff contact encourage productive, socially acceptable behavior and assist inmates with education, limited work opportunities, wellness, and exercise to improve behavior, knowledge and skills. Per the written information provided in follow-up communication, OSP is dedicated to helping inmates to modify their behavior. Some of the programs are by video with follow-up cell instruction in front of the door. Other programs are conducted in groups of up to six inmates in the program booths.

## AUDIO-VISUAL DEPARTMENT:

The OSP Audiovisual Department handles the transmission of educational, religious, informational programming, mental health programming, wellness, exercise, and movies to each cell. It was reported that inmates are issued a 13-inch, black and white television, or they can purchase their own color television.

There is also a “general announcement” channel that includes important messages from the administration, changes to policies, menus, and other information pertaining to inmates that is broadcast 24 hours per day. Although there was no CIIC memo posted in the housing units, the Warden explained that the CIIC contact information is provided to inmates via the above referenced broadcast. While in the Audiovisual Department, the CIIC address was observed on the television screen, which verified that inmates are in fact provided with information necessary for them to contact the CIIC.

Inmates may participate in education sessions through the video network that is broadcast to each of their cells onto small, 13 inch, state issued or individually purchased televisions. The inmates complete coursework with the workbooks provided to them that correlates to the program being broadcast. The assignments are collected, graded and redistributed to the inmates.

According to literature provided by the staff, the audio/visual department has a combined total of 750 videotapes, which include educational studies, recovery and religious services, mental health programming, wellness, and exercise tapes for in-cell programming.

According to OSP staff, they frequently review new movies to be shown to the inmates.

## PROGRAM BOOTHS:

OSP was not designed to accommodate out of cell programming, so even the potential for program space is extremely limited. The program booths observed in the inspection

provide the inmates with the opportunity for out of cell programming and interaction with staff and inmates that otherwise would not be possible. This is a significant improvement compared with total cell isolation. Through the innovative use of the secure program booths, the basic human need for social interaction can in part be addressed, and the potential benefits of group communication and programming can be experienced without compromising the safety and security of the Level 5 prison. Per written information provided in follow-up communication, interaction between inmates and staff in the program booth setting allows for staff observation and evaluation of the inmate's behavior and progress, while also providing the inmate with meaningful face-to-face interaction with staff and inmates in a small group setting. It was also reported that OSP recently renovated certain areas of the prison to accommodate programming for up to six inmates at a time.

Communication to the CIIC staff reported that the program booths have allowed for improved access and communication between inmates and the mental health staff. Reportedly, the program booths are also used for Rules Infraction Board hearings.

In speaking with level 4 inmates in one block, inmates noted that where the program booths are located, water drips from the ceiling when it rains or snows. In the subsequent close up observation of the program booth area, it was necessary to cross over a bucket of water from the leaking ceiling.

Inmates noted that the booths are used for church, school and programs. They relayed the need for "new supplies, like pencils and books." Some asked why level 4 inmates have to be in "cages," that is, the program booths. However, when some inmates suggested that they have school in the block, some strongly objected, indicating that they would not want to give up the limited opportunity to leave the block.

#### EDUCATION PROGRAMS:

Employment and education programs include a Culinary Arts Apprenticeship as well as Adult Basic Education, PRE-GED, and GED education. The OSP Educational Department staff assist inmates in their effort to obtain their General Equivalency Diploma (GED). Pre-GED and GED testing is conducted by a Teacher who tutors the inmates in the program booths and/or interview booth in the block to facilitate monitoring and assistance. A Teacher also individually tutors inmates who passed their Pre-GED test and are preparing to take their GED test. To assist inmates with educational assignments, the Education Department staff also see inmates on rounds when homework is passed out and collected. In-cell educational instruction also takes place via videos selected by the Education Department and broadcast into each cell by way of a television.

A review was made of the Ohio Central School System Monthly Enrollment Report on combined statistics for OSP and for the OSP Correctional Camp. For the calendar year 2003, the educational participation was reported as follows:

<u>Program/Reading Level</u>	<u>Year To Date</u>	<u>Waiting List</u>	<u>Completions</u>
ABLE (0-6)	66	63	16
Pre-GED (6.1-9)	56	58	7
GED (9.1+)	49	47	13
GED Evening	77	14	3
Total	248	182	39

Also according to the above referenced report, six inmates in the year were in Special Education, including three in the month of December who were age 21 or under. Per written follow up communication provided by the Warden, the Special Education program identifies, locates and evaluates inmates below the age of 22 who have a confirmed or suspected disability. A regional Special Education Teacher identifies students with special needs and works with other Teachers at OSP to meet the unique needs of these individuals.

During the year, a total of 26 GED tests were given, and 18 inmates passed the test. There were two "Other Tutors" in the year and a total of 650 Tutor Hours. The monthly report also states that 225 children were served in the Reading Room and 299 Narrator Hours were logged in the year.

According to the OSP Education Department's May Monthly Report, there were 42 GED tests given in 2004, and 38 passed the test. April 2004 Academic Enrollment was reported to be 127, with a total of 205 for the year to date. April Tutor Hours were reported to be 100, with a total of 1055.5 Total Year To Date Tutor Hours.

#### SUBSTANCE ABUSE PROGRAMS:

The Recovery Services Department provides programming and assistance to inmates with an alcohol or substance abuse history. The staff have regular interaction with inmates enrolled in the programs. Inmates are expected to complete weekly homework assignments which include viewing videos, reading assignments, and worksheets. Recovery Services Staff critique the assignments and provide written and verbal feedback to the inmates. Inmates may request one on one counseling with Recovery Services staff. Substance abuse programs include:

Twelve Steps	Weekly AA/NA meetings
Life Without A Crutch	Smoking Cessation
Drug Awareness	Orientation & Recovery Services
Recovery Services	Nutritional Basics

Written information provided in follow up included programs offered by the Recovery Services Department geared toward release preparation. The program components include the following:



1. Orientation and Persuasion to participate in Recovery Services Programming
2. Drug Awareness: addiction, symptoms, effects
3. Criminal and Addictive Thinking
4. Twelve Steps
5. Anger: Creating New Choices in Recovery
6. Socialization Skills: Trust and Respect
7. Relapse Prevention: Personal Strategies
8. Houses of Healing: Causal Factors in Crime, Violence and Addiction
9. Recovery Journey

The Mandatory Substance Abuse Education Program is a pre-treatment program for inmates who have been convicted of a substance abuse rule violation. The program provides drug education, introduces inmates to the recovery process, and prepares drug dependent inmates for the more intense recovery program.

Lastly, a Dual Diagnosis Program is an innovative program for working with substance abusing, mentally ill inmates. With the broadened exclusionary criteria pertaining to the mentally ill, there are not likely to be many in the program. However, it was cited in the written follow up materials provided on January 30, 2004, which noted that a multidisciplinary Mental Health and Recovery Services team provides Dual Diagnosis integrated treatment approaches for mental health and substance abuse issues, and that the program is only by referral of the Mental Health Treatment Team.

#### DRUG TEST RESULTS:

Recovery Services Staff also administer programs and complete testing for illegal drug abuse. In follow up communication with the Drug Test Coordinator, it was reported that as of the end of October 2004, there were only two positive drug tests in the year, out of the total of 572 inmates tested. It was noted that the data includes testing at the minimum camp, and that usually any positive tests are at the minimum camp. In calendar year 2003, 680 inmates were tested, with 12 positive results.

It was also relayed that the highest number of positive drug tests specifically at the OSP main compound was five, and that occurred when OSP was first opened. It was relayed that they have had no such problems at the OSP main compound since that time.

#### COMMUNITY SERVICES PROGRAMS:

The Correctional Camp is reported to be highly involved in Community Service. The Level One (minimum security) inmates may participate in community service programs that benefit the surrounding community. An Inmate Speak-Out Program allows minimum-security inmates to speak to various schools within the Mahoning and Trumbull County area regarding poor decision-making and peer pressure. Inmates have spoken to over 5,000 students.

In the Adopt-A-School program, inmates read books on tape for students who cannot read. In addition, they design, draw and paint various pictures for classrooms. Other completed projects include drawing sign language flash cards for deaf students and tracing number lines. All projects are completed and dropped off weekly at Mary Haddow School.

In the Jubilee Garden Project, inmates grow and harvest various plants and vegetables for donation to local food shelters. OSP has donated more than 4,000 plants. Other community services programs and projects include:

Breast Cancer Necklaces  
MADD Speak-out  
Ohio Reads  
Crayons to Computers

Angels for Animals  
ODOT & Community Work Crew  
Various Art Projects  
March of Dime & Crop Walk

#### PERSONAL/EMOTIONAL PROGRAMS:

Programs in the Personal/Emotional category, include: Dynamics of Personal Goal Setting, Learning to Relax, House of Healing, Creating New Choices in Recovery, as well as the following televised programming:

Anger Management  
Coping with Stress in Prison  
Stress Management  
Beyond Anger

Commitment to Change  
Rational Emotive Therapy (R.E.T)  
Rage, Recidivism, and Recovery  
Congregate Programming (Available to Level 5 inmates) Controlling Anger and Learning to Manage It (CALM)

#### OTHER PROGRAMS:

In addition, programs pertaining to marriage, family, social interaction, community functioning, and attitude are also available at OSP and are listed below in their respective grouping.

##### Marital and Family Programs:

Maintaining Relationships  
Aunt Mary's Storybook

##### Associates/Social Interaction Programs:

Socialization Skills

##### Community Functioning Programs:

Victim Awareness  
Relapse Prevention

##### Attitude Programs:

Criminal and Addictive Thinking  
No Inmate Is an Island.

According to written follow-up information provided by the Warden, the above referenced "Aunt Mary's Storybook" program gives incarcerated fathers an opportunity

to make a special connection with their children through reading a storybook on tape and sending the book and tape to the child. Per the information, the connection can provide healing as the parent and child deal with separation. The program also promotes literacy and strengthens the ties of male inmates with their families.

The follow-up information also noted that the program titled, "No Inmate Is an Island," provides inmates with insight into decisions faced in an open prison.

#### RELIGIOUS SERVICES:

According to written follow-up communication from the Warden, the staff of the Religious Services Department make rounds in the housing units on a regular basis to provide religious accommodations and counseling. Staff also arrange for contract workers from religious groups to come into the prison to provide religious counseling and to administer sacraments in front of the cells, by video and/or in the program booths. Catholic Mass is offered to inmates twice per month, with approximately four to six inmates attending. Arrangements are made for inmates to receive the sacraments of Confirmation and Baptism from the local diocese. Inmates may also participate in Bible Study. Chaplains are available to all inmates to provide religious instruction, worship, religious literature, pastoral counseling, and accommodation of religious needs. Programs include Protestant Worship Service, Catholic Worship Service, Islamic Prayer, Islamic Scripture Study, Bible Study and Catholic Communion and Confession.

#### INMATE HEALTH SERVICES:

Inmate Health Services includes dental, podiatry, optometry, a negative airflow chamber, and three temporary or holding cells. The dental clinic contains two dental chairs. With the exception of an empty pudding cup and Kleenex on the floor of the negative pressure cell, all other areas were observed as very clean and well maintained.

Staff relayed that the Optometrist and Podiatrist see patients one day per month. Inmate Health Services is equipped with TeleMed connected to the Ohio State University Hospital. TeleMed allows inmates to be assessed remotely by OSU Physicians in Columbus without the inmate ever leaving the prison. However, the inmates are transported to necessary trips to University Hospital, or the Corrections Medical Center.

In the discussion with medical staff during the inspection, it was relayed that OSP is a "better institution than it was two years ago." One staff person added, "We want to make it 100%." One staff person relayed that it would be easier for medical staff and the inmates if they could make "more use of the local hospitals rather than using OSU Hospital for everything." It was noted that emergency cases are taken to the local hospital's emergency room, while surgery is performed at Ohio State University Hospital. Regarding staffing, one staff person relayed that the greatest need was for additional nurses. One nursing position was reported to be in the process of being filled. Agency contract nurses were reportedly being used to make up for the two nurse vacancies.

Per written follow up communication provided by the Warden, inmates have in cell, face to face contact with Medical Staff twice per day, seven days per week.

#### COMMISSARY:

Three minimum-security inmates supervised by a staff member were observed working in the Commissary. Workers explained that Level 4 and Level 5 inmates fill out a commissary request slip. Using the completed forms, the inmate workers were observed placing the requested items in yellow mesh bags for delivery to inmates in the main compound. It was relayed that inmates may order a color TV if they choose. All areas were reported to be under video surveillance, including the back loading dock. Staff noted that TV reception includes the major networks and Fox, as well as five in-house channels, a wellness channel and school is provided on an education tape.

According to follow up information provided by the Warden, Commissary staff deliver and pick up order forms at each inmate's cell every other week, then deliver the commissary to each inmate's cell the following week. Level 5B inmates have a spending limit of \$30 twice per month, while Level 5A may spend up to \$50 twice per month. Level 4B inmates may spend \$70 twice per month, and Level 4A inmates may spend up to \$80 twice per month.

#### LIBRARY:

A unique position was created in April 1998 with the residual SOCF riot legal issues in mind, when a Paralegal was hired in the Legal Services Department. The law library was completed and made available to inmates in September of 1998. Legal Services staff make rounds and speak with inmates on request.

The library includes computerized research capabilities, books and forms. Every other week, the Library staff deliver books directly to inmates at their cell doors and retrieve books when they are due. Inmates have access to the book collection by kiting the librarian. The OSP libraries have an inter-library loan borrowing arrangement with the Ohio State Library and Hubbard Public Library.

Per follow up communication from the Warden, in 2002, staff delivered over 9,300 books to OSP inmates, compared to 15,000 books in 2001. Further, the library is cited as an important component of the OSP program to successfully integrate offenders into society. The library seeks to meet the information, leisure, education and personal development needs of inmates.

#### ENTRY/EXIT:

Initially, the Officer was unable to locate the CIIC list. On locating the list, the Officer processed the CIIC members and staff promptly. As appropriate, coats and jackets were required to be removed and were checked. The Visitor's Processing Building was clean

and orderly. The Screening Officer was courteous and thorough. Screening by the Officer at the camp was also thorough.

#### FOOD SERVICES:

The OSP food preparation area was found to be clean and the equipment appeared to be in overall good repair. There were seven inmate workers and a Supervisor. The inmates working to prepare the meals for inmates were closely monitored by the Food Services Coordinator to ensure that proper portions were served to each inmate. The meal consisted of bread, peaches, salad, macaroni and beef stew.

Staff relayed that they are trying to repair the floor, which was described as “new, expensive Nature Stone.” They relayed that they are requesting replacement flooring in light of the current problems.

Correspondence to the CIIC regarding food services consisted of only five contacts from three inmates. Areas of concern reported by inmates described their difficulty in receiving the proper vegetarian meals, high caloric meals, and issues related to reported difficulties communicating their concerns to Food Service staff. The institution staff have responded to the concerns by examining the policies and procedures and adopting new protocol to fulfill the special dietary and medical needs of inmates.

#### HOUSING UNITS AND RECREATION:

B, C, and D blocks were included in the inspection. Staff noted that there are 126 inmates per block. Cellblock A was unoccupied and under renovation/construction. The block has reportedly been closed for two years. At the time of the inspection, work was underway to complete the construction of security cages for staff to prevent the staff from ever being taken hostage as in the 1993 riot at Lucasville.

In addition to the construction of the security cages for staff, the construction of 12,000 square feet of outdoor recreation cages was underway. The tall seamless cement walls are enclosed at the top with thick wire. In addition, the area includes a catwalk and cameras for security staff to observe inmates during recreation. Construction of the cages was the result of Austin. The Court determined that the recreation area built in the initial construction of the prison was inadequate in size and could not qualify as “outside” recreation. OSP was also reportedly non-compliant with an ACA audit standard in regard to the ceiling height and in the space previously designated as “outside” recreation. The original recreation space consisted of a room no larger than a cell, with a six-inch by four-foot slot to the outside that would reportedly give the inmate the sensory impression that he was outside while in a closed room.

Staff relayed that the Recreation Department visits housing units on a regular basis to provide inmates with games and puzzles for use in their cells. The inmates can also have the opportunity to create community service projects in their cells, such as artwork for local schools, churches and homeless shelters. It was noted that inmates, while confined

in their own cells within small pods of 15 to 16 inmates, talk with each other through the cell doors, and may play chess, checkers or cards, etc. at any time as long as inmates are not disrespectful or disruptive.

Per written follow up information provided by the Warden, a Level 5B inmate receives a total of one hour and 15 minutes per day, five days a week, of out of cell time to recreate and shower. Level 5A and 4B inmates may participate with another inmate in contact congregate recreation. Inmates may participate in handball, jogging, walking, or checkers, and may use exercise equipment and flex bands. A Level 5A inmate may receive one hour and 15 minutes per day, five days per week of out of cell time to recreate and shower. A level 4B inmate receives a total of two hours per day, five days per week of out of cell time to recreate and shower.

Per the information provided on January 30, 2004, Level 4A inmate recreation was reported to be in the developmental stages. It was anticipated that Level 4A inmates would receive five hours per day of out of cell time including recreation and showers, with the opportunity to recreate in groups with up to eight inmates. It was noted that these inmates also have access to a designated recreation area to allow participation in organized activities, and they may participate in a variety of arts and crafts projects.

In the discussion with inmates, one Level 4A inmate cited the concern of idleness. Two Level 5 inmates relayed concerns about memos regarding those who could not congregate at recreation. They stated that the memos were taken down just prior to the inspection. In follow-up communication from the Warden, it was relayed that the memos were removed by the Major because they were outdated. It was explained that the memos are posted in the blocks to list inmates who are approved to participate in congregate recreation. Some inmates choose to recreate alone, while some inmates are required to recreate alone. The Warden speculated that inmates relayed concerns about the memo being taken down because they possibly thought it meant that they would have no recreation, which was not the case.

One inmate alleged that when an Officer finds contraband, such as a magazine or book that does not have the inmate's name on it, the inmate is told that they can choose to receive a conduct report, or choose to have the contraband "thrown away" at the Officer's discretion. The inmate expressed resentment for the alleged practice, in which contraband is reportedly confiscated and disposed of at the Officer's discretion, rather than documented and fully accounted for via proper RIB procedures.

#### MENTAL HEALTH ISSUES:

Serious mental illness is defined in DRC Policy 67-MNH-11 as:

A substantial disorder of thought or mood which significantly impairs the judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the prison environment and is manifested by substantial pain or disability. Serious mental illness requires a mental

health diagnosis, prognosis and treatment, as appropriate, by mental health staff.

Inmates who have a serious mental illness are classified by mental health professionals as C1. Per the above referenced policy on Mental Health Classification, C1, C2 and C3 are defined as follows:

C1: Psychiatric Caseload (Serious Mental Illness) -The inmate is on the psychiatric caseload and meets criteria for SMI designation: a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality or cope with the ordinary demands of life within the prison environment and which is manifested by substantial pain or disability. Serious mental illness requires a mental health diagnosis, prognosis and treatment, as appropriate, by mental.

C2: Psychiatric Caseload (non-SMI) –The inmate is on the psychiatric caseload but does not meet the criteria for SMI. Inmate is receiving mental health care and supportive services, which include medication prescription and monitoring, individual and group counseling and therapy, crisis intervention and behavior management.

C3: General Caseload – The inmate is receiving group or individual counseling, therapy and skill building services. He/she has a mental health diagnosis and treatment plan and is being treated by mental health staff other than the psychiatrist.

Inmates classified as C1 are ineligible, and have always been ineligible for transfer to OSP. Further, the Department previously took steps to prevent the transfer of seriously mentally ill inmates to OSP per the exclusion criteria, and if diagnosed at OSP as seriously mentally ill at any point in time, the inmate was reportedly returned to the Southern Ohio Correctional Facility (SOCF). However, prior to Austin, inmate communication to the CIIC from or on behalf of reportedly seriously mentally ill inmates at OSP prompted numerous inquiries to the OSP Warden and Central Office Mental Health staff. There have been no such reported concerns since the CIIC restart in October of 2003.

Per the current mental health criteria pertaining to OSP, inmates designated as C-2 and C-3 in the mental health classification system, are permitted to be transferred to OSP as long as they are not mentally retarded, or do not have a mental disorder that includes being actively suicidal, having a severe cognitive disorder with significant functional impairment, or severe personality disorder with frequent episodes of psychosis, depression or self-injurious behavior, which results in significant functional impairment.

In recent years, SOCF converted J-4 into what is titled an “Intensive Mental Health Unit.” J-4 was initially described as an aid in consolidating the mentally ill at SOCF who are in lock down or Level 4B status, into one cellblock to ensure easy access between the

mentally ill and the mental health staff. J-4 provides housing for inmates with serious mental illness who fail to or are unable to adjust to general population or the Residential Treatment Unit. However, J-4 does not house all of the mentally ill who are in lock down or Level 4B status. J-4 inmates may attend out of cell programs using the same type of program booths which are used at OSP. SOCF also has a Residential Treatment Unit in K-5.

#### MENTAL HEALTH CASELOAD:

During the inspection, staff relayed that there have been three suicides at OSP since their opening, but no suicides since April of 2000. Staff relayed that OSP has no inmates who are seriously mentally ill, but they have about 15 inmates classified as C3.

On the last day of August 2004, OSP reported having 10 inmates on the mental health caseload. Five of the inmates were on the psychiatric caseload, including three inmates classified as C1 and two inmates classified as C2. The other five inmates were classified as C3. Based on the August data from other prisons, the OSP caseload was the lowest, except for Dayton Correctional Institution and Montgomery Education and Pre-Release Center, which both had no inmates on the mental health caseload.

An inquiry was made regarding the presence of three inmates classified as C1, since the Standard Operating Procedures of the ODRC Bureau of Mental Health Services clearly exclude those with serious mental illness categorized as C1 from transfer to OSP. From follow-up communication with the Psychology Services Supervisor, the inmates classified as C1 were incarcerated at the OSP minimum camp. However, the mental health caseload statistics do not distinguish between the Level 1 inmates and Level 4 and 5 inmates. It was reported that the C1 inmates have been transferred to other institutions, and the decision has been made not to house any C1 inmates at the OSP minimum camp.

Based on the August data cited above, the Southern Ohio Correctional Facility had 242 inmates on the psychiatric caseload, including 132 inmates classified as C1, and a total mental health caseload of 258. The largest mental health caseload in the prison system is at the Ohio Reformatory for Women, with 654 on the psychiatric caseload, and 777 on the total mental health caseload, including 433 classified as C1. The Chillicothe Correctional Institution currently has the largest caseload of the prisons for men, with a total mental health caseload of 541, including 523 on the psychiatric caseload, of which 383 inmates are classified as C1.

#### MENTAL HEALTH PROGRAMS:

Per written follow up communication, OSP Mental Health Services Programs are offered on a rotating schedule over the course of a year. Inmates are encouraged to notify mental health staff if they are interested in participating. Inmates must kite the staff to relay the specific program of interest. The inmates are placed in the program based on their interests and are expected to complete weekly homework assignments. Mental health staff critiques the homework assignments and provide written and verbal feedback to the



inmates. Group Mental Health Programming is conducted in the program booths with four to six inmates at a time.

All Level 5 and Level 4 inmates who are on the Mental Health Caseload may receive mental health programming which includes:

Anger Management	Commitment to Change
Coping with Stress in Prison	Rational Emotive Therapy
Stress Management	Why am I so Angry/Anger
Rage, Recidivism and Recovery	Beyond Anger
Calm.	

#### MENTAL HEALTH MONITOR:

As a part of Austin, a federally appointed Mental Health Monitor submitted his final report dated April 6, 2004. According to the report, the most severely mentally ill inmates have been transferred to other institutions, while inmates with less severe mental illness assigned to OSP are receiving good psychiatric care. It was noted that most of the mentally ill were transferred out of OSP before the Mental Health Monitor was assigned, and that the litigation alone acted as a “catalyst for change.”

The report contained praise for changes made at OSP affecting the overall environment such as, “Some of the more ‘toxic’ effects of the ‘supermax’ environment at OSP had been muted by an increase in a number of activities and privileges available to inmates.” It was also noted that reclassification efforts allowed for a large number of inmates to be reduced in security level.

The Monitor recommended that an individual from Central Office, not necessarily an attorney, should be appointed to function as an ombudsman to advocate for inmates’ mental health needs.

The report praises mental health staff for taking “an energetic and pro-active stance towards the task of evaluating and treating inmates at OSP.” It was noted that by December 2003, a new plan for the evaluation of mentally ill inmates was implemented and the staff’s new evaluation notes were excellent.

According to the report, the search for alternative treatment sites for mentally ill inmates had been “frustrating.” The Monitor cited a need in the Ohio prison system for an institution that could provide long term psychiatric care for inmates who require a high level of security. He added that a long-term treatment facility should allow inmates to stay “for years, if necessary.”

The report also cited the need to plan to meet the medical needs of an aging mentally ill prison population. According to the report, as more inmates approach their geriatric years, more medical facilities than are currently available will be needed to meet their needs.

The Monitor also cited the need for more correctional research on the psychological issues created by a “supermax.”

In the final report, Warden Ishee, Dr. Beven and Dr. Moomaw are highly praised. In order to maintain the “current level of excellence” at OSP, the Monitor recommended that, if any of these individuals step down, they should be replaced with persons who have the “same level of commitment, energy and skills.” Similarly, CIIC staff have received communication from others citing high praise for Warden Ishee’s efforts, attitude and problem-solving approach in bringing about significant change at OSP. As one person commented, he definitely “left OSP better than he found it.”

#### THE MINIMUM CAMP:

During the inspection at the Minimum Camp, it was reported that there are four Officers on both the first shift and second shift for 220 to 230 inmates. Staff relayed that the Officers at the Camp pick permanent posts. Substitute or Relief Officers are assigned to the Camp when regular Officers are not at work. Staff relayed that Officers have learned and are aware of the significant difference between the inmates assigned to the Minimum Camp and those at the main compound at OSP. Staff relayed that improvements have been made at the Camp which affect the quality of life.

The visiting room was included in the walk-through, as well as the food services area. CIIC spoke with Officers and Unit staff on site. One inmate was taking a GED test in the library, and a mental health staff person was speaking to an inmate in a private room. The CIIC Re-start Memo was posted in a central area. The dorm was found to be clean and quiet, with some inmates playing chess.

In the discussion with inmates, two relayed concerns about Hepatitis. One alleged that inmates with Hepatitis C are working in food services on the breakfast shift, and another stated that inmates with Hepatitis are working in food services at the main compound. The concerns were relayed to staff prior to leaving the institution.

In follow up communication with the OSP Infectious Disease Coordinator, it was reported that inmates with Hepatitis C cannot be excluded from kitchen work unless the inmate has a cut or open sore. Transmission is reportedly from blood to blood contact. If a cut occurs on the job, they are immediately to report to medical staff. All kitchen workers must wear gloves as a health precaution. It was also relayed that a Nurse provides medical education classes to the minimum security inmates. In response to the suggestion that more information on the medical rationale for not excluding inmates with Hepatitis from working in Food Services should be provided to the inmates at the minimum camp, the Infectious Disease Coordinator indicated that such would be communicated to the Nurse who provides the education classes.

One inmate commented, “They run this like a supermax.” Another stated, “We’re in a minimum camp but they treat us like we’re high security.” The most serious concern expressed by the largest number of inmates pertained to problems with Officers.

Reportedly, two specific Officers “treat us like we’re supermax. They try to push us, and try to get us to fight. We don’t report it. They threatened us if we do.” One inmate relayed that he “kited” the Chief Inspector about the problem, but was told that there was “no paperwork” showing that he used the grievance procedure. He said, “I know I did the paperwork.” Another inmate relayed that a specific Officer threatened him and “called me racial names. He won’t stop. I reported it, but never saw the Inspector.” The above concerns were relayed to the Warden and Deputy Wardens in the exit interview. It was recommended that the Inspector or Assistant Inspector make frequent visits to the minimum camp to make themselves easily accessible to the inmates who express being afraid to report the problems with Officers due to alleged threats.

The other comments from inmates pertained to less serious problems. Some inmates spoke of the need for an iron to iron their clothes. Staff relayed on site that three irons have been ordered. One inmate stated that they have been without a microwave for two months and have no ice machine. Another stated that they have had no microwave for seven weeks, that the staff “kept saying they ordered one. Well, they just ordered it yesterday.”

#### INMATE ASSAULTS ON STAFF:

According to ODRC statistics, there were 24 inmate on staff assaults at OSP in the 2003 calendar year, an increase over the 13 such assaults in 2002. There were 17 such assaults in 2001, a decrease from the 30 assaults in 2000, which was a decrease from the 36 such assaults in 1999. In 1998, there were 11 inmate on staff assaults. However, the compound was operational only part of the year in which OSP was opened. The data is presented chronologically below:

<u>Year</u>	<u>Inmate on Staff Assaults</u>
1998	11
1999	36
2000	30
2001	17
2002	13
2003	24

#### INMATE ON INMATE ASSAULTS:

According to the ODRC data, there were six inmate on inmate assaults recorded in 2003 at OSP. The low number of such incidents is believed to be due in part to the very restricted environment, which limits the opportunity for inmates to have contact with one another. Reportedly, inmates who engage in physical violence with or against other inmates have their level 4 privileges revoked, and are automatically reclassified as level 5. The relatively low number of inmate on inmate assaults may also be due to the incentive for increased privileges through good behavior.

In the 2003 calendar year, five prisons reported having no inmate on inmate assaults, including Pickaway Correctional Institution, Montgomery Education and Pre-Release Center, Hocking Correctional Facility, Dayton Correctional Institution and the Corrections Medical Center. Six other prisons reported having from one to five inmate on inmate assaults. The largest number of assaults occurred at the Southern Ohio Correctional Facility at 139. The second highest number of assaults occurred at the Oakwood Correctional Facility with 38 inmate on inmate assaults.

According to the ODRC data for previous years, there was only one such assault at OSP in both 1998 and 1999. No assaults were reported to have occurred in 2000, 2001 or 2002. The increase to six could be attributed to the increased number of Level 4 inmates and increased opportunity for such inmates to have contact with other inmate.

#### CIIC DATABASE OF CONTACTS AND CONCERNS:

From January 6, 2004 through August 10, 2004, the CIIC received 59 contacts from or regarding OSP, relaying 182 concerns. The 59 OSP contacts comprise 5.2% of the 1,123 total contacts from or regarding one of the Ohio prisons. OSP contacts rank 6<sup>th</sup> in volume compared to other prisons, exceeded by Lake Erie, Trumbull, Mansfield, Pickaway Correctional Institutions, and the Southern Ohio Correctional Facility which ranked 1<sup>st</sup> in volume of contacts. SOCF contacts totaled 185, representing 16.5% of all contacts.

Of the 182 concerns reported from OSP, the category "Force/Supervision," contains the largest number of complaints at 35, and includes concerns pertaining to the following sub-categories: Use of force with no report, abusive language, racial or ethnic slurs, conduct report for no reason, intimidation/threats, retaliation for filing a grievance, lawsuit, or for voicing complaints, privacy violations, and harassment.

The category "Staff Accountability," contains the second largest number of complaints at 31. The category includes access to staff, failure to perform job duties, failure to respond to communication, and failure to follow policies.

The category "Personal Property" contains the third largest number of complaints at 20. The category includes concerns about property lost, damaged or stolen by staff, stolen or damaged by inmates, and denied permission to receive/possess. The category "Inmate Grievance Procedure," also ranks third in the number of complaints at 20. It includes inmates concerns about the grievance process. Subcategories include Informal Complaint, Institutional Inspector, and Chief Inspector.

Of significance, there were absolutely no reported concerns regarding Dental Care, Psychological/Psychiatric Services, Safety and Sanitation, Laundry/Quartermaster, Commissary, Job Assignments, Library, Telephone, Legal Services or Records.

The following table provides the breakdown of the number and type of complaints or concerns relayed to the CIIC during the above time period:

OSP COMPLAINT/AREA OF CONCERN	NUMBER	PERCENT
Force/Supervision	35	19.2%
Staff Accountability	31	17.0
Personal Property	20	11.0
Inmate Grievance Procedure	20	11.0
Food Service	17	9.3
Non-Grievable	11	6.0
Security Classification	9	5.0
Mail/ Package	7	4.0
Protective Control	5	2.8
Discrimination	4	2.2
Education	3	1.7
Special Mgmt. Housing	3	1.7
Health Care	2	1.1
Inmate Account	2	1.1
Religious Services	2	1.1
Visitation	2	1.1
Institution Assignment	2	1.1
Other	2	1.1
Facilities Maintenance	1	.5
Inmate Groups	1	.5
Recreation	1	.5
Recovery Services	1	.5
Housing Assignment	1	.5
TOTAL	182	100.00%

#### THE DIFFERENCE IN OSP COMMUNICATION IN 2001 AND IN 2004:

There has been a tremendous decrease in the volume of contacts from or regarding OSP since the CIIC restart in October 2003, compared with communication received up to June of 2001 when the CIIC staff office closed. At one point, more communication of concerns had come to the CIIC from OSP than from any other institution. In fact, for the first time in CIIC history, SOCF no longer ranked first in volume of contacts with the CIIC.

There is no reason to believe that the decrease in communication from OSP is due to fear of retaliation or lack of knowledge as to how to contact the CIIC. As noted elsewhere in the report, during the inspection, the CIIC observed the information broadcast to the inmates on their televisions, which included the CIIC address. Therefore, there is reason to believe that in this instance, the decrease in communication compared to the period up to June of 2001 is a reflection of the fact that significant improvements have occurred.

Of equal, if not greater importance than the change in volume of communication, is the major change in the type of problems relayed up to June of 2001, compared to those relayed since the October 2003 restart. The past communication relayed problems,

situations and concerns which were extremely serious in nature, requiring frequent inquiries to the institution regarding mental health issues, placement issues and perhaps most frequently, serious staff/inmate relations issues. Although the category of Force/Supervision contains the largest volume of concerns from OSP in 2004, the volume and nature of such concerns pales in comparison to the volume and seriousness of such complaints up to June of 2001.

The communication to the CIIC in 2004 provides strong indication that a major positive change in the environment has occurred. Perhaps most significant is what is regarded as a change in staff attitude, words and actions towards inmates which ultimately improves inmate attitudes, words and actions, and replaces mutual hatred, hostility, aggression and fear, with mutual respect. As to how such a major positive change was made, according to one staff person, the Warden did a lot of "one-on-one work" with the staff. However the transformation was made, all those who worked to change the environment for staff and inmates, should be commended for the effort and the success.

While some inmates reportedly view the OSP changes as "tolerable from intolerable," the number of level 4 inmates who have "volunteered" for placement at OSP tends to demonstrate the fact that major changes for the better have taken place. Since inmates are known to communicate with other inmates at other institutions, the number of SOCF inmates on the waiting list seeking transfer to OSP is another positive indicator that OSP is clearly viewed in a more favorable light.

#### INMATE GRIEVANCE PROCEDURE:

Staff relayed on site that the institution has added an OSP Assistant Inspector to work with the Inspector in investigating grievances. Staff relayed that the additional position has made the Inspector's office more accessible and responsive to the needs and concerns of the inmate population. As referenced above, it was recommended by CIIC staff that, in view of the reported concerns of the inmates at the Minimum Camp, that the Inspector or Assistant Inspector increase their accessibility on site.

During the period of October 2003 through January 2004, a total of 2,273 grievances were filed in Ohio prisons. There were 101 grievances filed at OSP in the time period, or 4.4% of all grievances. OSP ranks 8<sup>th</sup> in the number of grievances filed compared to other Ohio prisons. The seven prisons with more grievances filed in the period include Lebanon Correctional Institution with 114, and the Southern Ohio Correctional Facility with 180 grievances.

A review was made of the OSP Monthly reports from the Inspector from October 2003 to January 2004. The grievance category with the highest number of grievances was Force/Supervision, with 21 or 20.8% of all complaints for the period. The second highest areas, Food Services and Personal Property complaints, each comprised 16 or 15.8% of OSP grievances, followed by Health Care, which received 11 or 10.9% of all OSP grievances.

The following table provides information on the number and type of grievances filed from October of 2003 through January of 2004 at OSP.

Grievances Filed October 2003 through January 2004

Grievance Subject	October 2003	November 2003	December 2003	January 2004	Total	Percent
Force/Supervision	3	6	6	6	21	20.8%
Food Services	2	5	7	2	16	15.8
Personal Property	5	2	2	7	16	15.8
Health Care	3	4	2	2	11	10.9
Recreation	1	0	1	4	6	5.9
Religious Services	0	1	1	3	5	4.9
Staff Accountability	2	1	1	0	4	3.9
Laundry/Quartermaster	0	2	1	1	4	3.9
Mail/Package	1	1	0	1	3	2.9
Discrimination	2	0	1	0	3	2.9
Records	0	2	0	1	3	2.9
Facilities Maintenance	0	0	1	2	3	2.9
Commissary	1	0	0	0	1	.9
Safety and Sanitation	0	1	0	0	1	.9
Education/Vocational Training	0	1	0	0	1	.9
Security Classification	0	0	1	0	1	.9
Special Management Housing	0	0	1	0	1	.9
Non-Grievable Matters	0	0	0	1	1	.9
<b>TOTAL</b>	<b>20</b>	<b>26</b>	<b>25</b>	<b>30</b>	<b>101</b>	<b>100%</b>
*UNRESOLVED	13	21	19	16	69	68%
*RESOLVED	7	5	6	14	32	32%

As noted above, of the 101 grievances in the period, 69 were reported by the Inspector to be “Unresolved.” That is, per the Inspector’s Monthly Report, grievances are considered “Not Resolved” if they fall in one of the following categories: Contrary to Ohio Revised Code, Administrative Rule, Department Policy or Institution Policy; Staff action was a valid exercise of discretion; Insufficient evidence to support claim; False claim; Failure to use informal complaint procedure; Not within scope of grievance procedure; Not within the time limits.

Also as noted above, 32 of the 101 grievances in the period were reported by the Inspector to be “Resolved.” Based on the Inspector’s Monthly Report, a grievance is considered “Resolved” if the problem was corrected, noted with correction pending, or if the problem was noted with a report/recommendation to the Warden.

According to monthly reports on OSP grievances from February through June of 2004, a total of 170 grievances were filed, with a low of 16 in April to a high of 69 in February. The largest number of grievances pertained to personal property, with 55 grievances, followed by 37 grievances in the Force/Supervision category. Food Services ranked third in volume of grievances at 19, followed by Health Care with 10 grievances in the period. The complete data regarding grievances filed in the period is provided below:

OSP Grievances Filed February through June 2004

Grievance Subject	Feb	March	April	May	June	Total	Percent
Personal Property	20	6	3	10	16	55	32.4
Force/Supervision	14	6	4	6	7	37	21.8
Food Services	9	2	2	5	1	19	11.2
Health Care	3	2	2	1	0	10	5.9
Non-Grievable Matters	3	1	1	3	1	9	5.3
Staff Accountability	3	1	2	0	1	7	4.1
Recreation	1	1	0	1	1	4	2.4
Facility Maintenance	4	0	0	0	0	4	2.4
Inmate Account	1	0	0	2	0	3	1.8
Legal Services	2	1	0	0	0	3	1.8
Housing Assignment	2	0	1	0	0	3	1.8
Laundry Quartermaster	0	3	0	0	0	3	1.8
Education/Vocational Training	2	0	0	0	0	2	1.2
Mail/Packages	1	0	0	0	1	2	1.2
Telephone	1	1	0	0	0	2	1.2
Safety and Sanitation	0	1	0	1	0	2	1.2
Commissary	1	0	0	1	0	2	1.2
Religious Services	1	0	0	0	0	1	.6
Visitation	1	0	0	0	0	1	.6
Security Classification	0	0	1	0	0	1	.6
<b>TOTAL</b>	<b>69</b>	<b>27</b>	<b>16</b>	<b>30</b>	<b>28</b>	<b>170</b>	<b>100.0%</b>
<b>UNRESOLVED</b>	<b>54</b>	<b>20</b>	<b>7</b>	<b>19</b>	<b>19</b>	<b>119</b>	<b>70.0%</b>
<b>RESOLVED</b>	<b>15</b>	<b>7</b>	<b>9</b>	<b>11</b>	<b>9</b>	<b>51</b>	<b>30.0%</b>