



Ohio Department of Rehabilitation and Correction

1050 Freeway Drive North
Columbus, OH 43229

Ted Strickland, Governor

www.drc.state.oh.us

Terry Collins, Director

TO: Governor Ted Strickland

FROM: Terry J. Collins, Director
Ohio Department of Rehabilitation and Correction

DATE: September 9, 2009

RE: Cincinnati Volunteers of America Progress Report

On March 31, 2009, I submitted a report of findings regarding the Cincinnati Volunteers of America (VOA), in response to the events surrounding Anthony Kirkland's release from confinement and his placement and discharge at the Cincinnati VOA halfway house. As requested in the initial report, Deputy Director Linda Janes has submitted a progress report detailing the actions taken in response to the recommendations.

I have had the opportunity to review the report and found it to be comprehensive in detailing the progress made to address the earlier recommendations. Both the Southern Ohio Rehabilitation Treatment Services, Inc. (formerly known as the Cincinnati Volunteers of America) and the Adult Parole Authority have made significant strides in improving the accountability and management of offenders at the facility.

In recognizing the positive improvements accomplished by SORTS, the report also describes those areas where we expect additional, significant improvements to operations and management. Of note, while the facility has succeeded in decreasing their AWOL rate overall, continued progress in this area must be made. The Division of Parole and Community Services will continue to actively monitor SORTS' operation and progress and provide me with updates to ensure that our expectations are fully met regarding the management of halfway houses in Ohio.

I would like to recognize the Ohio Community Corrections Association (OCCA) for their assistance in addressing this event. OCCA was an active and collaborative partner in communicating systemic changes to all halfway houses across the state, which will serve to improve Ohio's overall system of community corrections.



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TO: Terry J. Collins, Director

FROM: Linda S. Janes, Deputy Director, Division of Parole and Community Services

SUBJECT: Cincinnati Volunteers of America Progress Report

DATE: September 9, 2009

On March 13, 2009, Department of Rehabilitation and Correction (DRC) Director Terry J. Collins commissioned an Executive Committee to review the events and factors surrounding Anthony Kirkland's release from confinement and his placement and discharge at the Cincinnati Volunteers of America (VOA) halfway house. The Executive Committee conducted personal interviews on March 19, 2009 and a thorough review of all relevant documents from the VOA, DRC and the Adult Parole Authority (APA).

The Executive Committee submitted a report to Director Collins on March 27, 2009 concluding with thirteen (13) recommendations to enhance operations of the VOA halfway house and communication with the local Cincinnati Regional Adult Parole Authority staff. Seven of the recommendations are identified as the sole responsibility of the VOA (#1, #2, #3, #6, #7, #8 and #10) The remaining six recommendations are the shared responsibility of the VOA and the DRC/APA. Linda S. Janes, Deputy Director of the Division of Parole and Community Services was designated as the monitor of said recommendations with instructions to provide a written progress report to Director Collins. The recommendations are listed verbatim in the body of this report with specific progress towards each.

It should be noted that the VOA made the decision to reorganize their structure and create a new subsidiary not-for-profit corporation with the intention of focusing more exclusively on criminal justice issues and community correction programs. The name was officially changed to Southern Ohio Rehabilitation Treatment Services, Inc. (SORTS) and a new Board of Directors was established.

The Board is chaired by Satch Coletta, a retired suburban police chief, and includes a police captain with the Cincinnati Police Department, a physician, an attorney and management consultant. The Board intends to add four to five other members to represent victims, the treatment field, university academia and possibly a former client. The Board met once in June 2009 and once in July 2009.

The VOA Halfway House will be referred to as their new subsidiary name SORTS throughout the remainder of the report except for as cited in the original recommendation language.

1. Review and clarify VOA policies and procedures: The VOA policy chapter which describes “resident accountability” (2:06) was found to be confusing and contradictory in several areas. By reading the policy, it is unclear under what circumstances action should be taken “immediately” or “by the next business day” when an offender is observed leaving the facility without authorization. Further, the policy specifically states “if a resident is observed leaving the facility without authorization, the supervising authority shall be notified immediately.” Also in the same policies, it states: “Criminal violations shall be reported to law enforcement authorities and the supervising authority as soon as they become known.” These VOA policies were not followed related to the Anthony Kirkland incident on February 27, 2009 when he was evicted from the facility. The VOA staff cited “unwritten” procedures indicating the Adult Parole Authority is not contacted under any circumstances during non-business hours. This policy chapter and all other policies must be reviewed for accuracy and clarity with a follow-up training plan for all VOA staff.

Progress: SORTS forwarded a draft of their revised policies to DRC for review and comment. They also contacted other halfway houses to obtain sample policy language. Upon review, it was determined that the most critical policies lacked clarity and still were somewhat confusing. In collaboration with SORTS, DRC should continue to identify problematic policy areas so that adequate revisions can be made. Well written policies would go far to convey administrative goals to operations staff.

SORTS’ policy describing procedures and time frames for notifying APA staff of serious incidents and offenders absconding from the facility is in need of additional revision, with subsequent training for SORTS staff. Since the Executive Committee published its report on March 27, 2009, SORTS has made some progress in regards to providing proper notification to the APA. However, there was one (1) incident of failure to notify the APA and four (4) incidents of untimely or inaccurate information upon notification. The incidents are described in the chart below. SORTS should continue to improve in the area of timely and accurate notification to the APA.

Last Name	First Name	Inst #	Offense	Notification failure description
Williams	George	A589959	Unlawful sexual misconduct with a minor	4/15/09 search of SORTS found offender in possession of pornography; APA never received incident report; 5/11/09 APA read monthly report and learned of incident; finally received incident report 5/13/09.
Ashley	Grady	A568322	Drugs	5/27/09 offender released from prison; failed to report to SORTS; APA never notified of failure to report. APA learned of offender's failure to report 5/28/09 when he reported to APA office.
Young Jenney	Ty Patrick	A273760 A567330	Rape GSI	6/9/09 Offender Young and Offender Jenney were in a physical altercation at SORTS. Offender Jenney significantly injured his hand after punching Offender Young. Incident not reported to APA until APA questioned SORTS about it on 6/18/09.
Harley	Kevin	A478804	Involuntary Manslaughter	6/15/09 SORTS reported offender was out of place for 4 hours. APA responded by taking offender to a hearing to address his violations. During the hearing, offender presents the APA hearing officer with an amended incident showing he was NOT out of place. APA never received copy of amended report or advised of change in violation.
Tolbert Mitchell Harley Foster Jones Ashley	Larry Larry Kevin Daniel Eddie Grady	A548497 A526891 A478804 A478982 A508221 A568322	<u>Tolbert</u> : Sexual Battery <u>Mitchell</u> : GSI <u>Harley</u> : Unlawful Sexual Conduct with a Minor & Involuntary Manslaughter <u>Foster</u> : Felonious Assault <u>Jones</u> : Felonious Assault <u>Ashley</u> : Drug Trafficking	07/30/09 ORTS notified APA that a serious incident had occurred, but two days after the incident. On 07/28/09 it was discovered during a review of security tapes that offender was leaving the facility after the shift change between second and third shift and a staff member had knowledge of the offender doing so. It was determined the staff member was accepting monetary bribes in exchange for allowing the offenders to leave the facility without legitimate authorization. SORTS terminated the staff member.

2. Clarify VOA admission and rejection criteria: The VOA acceptance criteria do not clearly identify a specific target population. The criteria should be rewritten to provide more specific detail about VOA's practice to review each referral on a case-by-case basis. Because of the individual consideration, VOA should be cautious about listing certain offenses or offender types as exclusionary criteria.

Progress: SORTS revised their admission and rejection criteria in order to more clearly define their target population. The referral catchment area specifically states 75% of the offenders will be from Butler, Brown, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery,

Preble or Warren Counties and only 25% may be from other counties. Further, the new criteria indicate that each referral case will be assessed individually.

3. Decrease Absent Without Leave (AWOLs) cases from the VOA: Between July 1, 2007 and June 30, 2008, nearly one third (32%) of the offenders terminated from the VOA occurred as a result of offenders leaving the facility without authorization. This is more than double the average AWOL rate for other halfway houses across the state. Measures should be taken to better engage the offender in programming and develop other strategies for retaining a greater percentage of the offenders referred to the VOA.

Progress: Between July 1, 2008 and June 30, 2009, 26% (77) of the offenders terminated from SORTS occurred as a result of offenders leaving the facility without authorization (AWOL). This is a sharp and positive decrease from the previously assessed AWOL rate of 32% (118) offenders. SORTS is aggressively addressing the AWOL rate and has performed well in decreasing the number of offenders leaving the facility AWOL. AWOL rates at the facility do, however, remain above the statewide average of 14% for this same time period.

SORTS installed additional security cameras, increased population counts and enclosed an additional control booth to better monitor client whereabouts. The agency indicates they intend to add a Client Systems Software program which will alert staff immediately when an offender fails to return to the facility in a timely manner. SORTS must continue their efforts to further lower their AWOL rate.

4. Modify VOA and APA procedures for evictions and AWOLs: No APA supervised offender should be evicted from the VOA facility without first notifying the Adult Parole Authority designee. Further, the VOA must immediately notify the APA upon discovering an offender is absent without authorization from the facility. The VOA and APA should review procedures quarterly to ensure appropriate notification occurs on all AWOLs and evictions from the VOA facility. An updated APA contact list must be maintained and provided to the VOA Program Directors at least quarterly. Both APA and VOA should establish clear protocol and train staff regarding halfway house contacts during atypical hours.

Progress: Procedures for notification were updated for all state funded Halfway Houses and all APA units statewide to ensure practices are consistent for informing the APA of an offender being evicted or declared AWOL and that appropriate actions are taken to address the offender behavior. All Halfway Houses have a current contact list for APA personnel, which includes after hours contact information. It should be noted that there are three (3) ways in which an offender may be considered AWOL from a Halfway House: Not returning from a community appointment or work assignment, leaving the facility without permission or failing to arrive at the facility upon being released from prison.

If an offender does not return from a scheduled appointment or work assignment, the Halfway House is required to immediately make attempts to determine his/her whereabouts. If the offender cannot be located within four (4) hours, the APA must be contacted. The APA may request to be notified sooner based upon the offender's criminal history, risk level and/or supervision adjustment. The Halfway House must complete an incident report documenting all attempts to locate the offender as well as when the APA was contacted.

The APA shall be contacted immediately if the Halfway House staff has knowledge that an offender left the facility without permission.

Offenders instructed to report to a Halfway House directly upon release from prison must report to the facility as soon as possible, considering time of release and transportation arrangements. If the offender does not arrive timely, the Halfway House must notify the APA immediately.

Regarding evictions, the Halfway House may not discharge any offender without prior notification to the APA. If the offender is seriously assaultive or facility staff or other offenders are in danger, the first contact should be to local law enforcement with a subsequent call to the APA.

In the event the offender returns to the Halfway House in any of the circumstances outlined above, APA shall be notified immediately.

Upon receiving notification from a Halfway House, the APA immediately reviews all offender information, including criminal history and risk level to determine the appropriate action. During normal business hours, an arrest warrant is immediately entered into the Law Enforcement Automated Data System (LEADS) if the offender is deemed to be higher risk and/or high profile. Other actions for lower risk offenders may include, but are not limited to, arrest by the APA, instructing the offender to report to the APA office, transporting the offender to another Halfway House or proceeding with an administrative violation hearing.

To address notification from the Halfway House received during atypical work hours, DRC is currently partnering with the Ohio State Highway Patrol to institute a Caution Ohio Police (COP) broadcast. A COP broadcast would immediately notify all law enforcement that the offender is wanted by the APA. This process will be implemented by September 25, 2009.

5. Develop electronic detainers: The APA should collaborate with the city police to establish a mechanism for the APA to provide the police with an electronic APA detainer for the arrest and hold of an offender being evicted from a halfway house. This provides clear instructions to the police that the offender should be arrested and detained until the APA conducts an investigation of the incident.

Progress: Attempts have been made to develop an electronic detainer to provide local police with a mechanism to take offenders who are evicted from SORTS into custody immediately upon APA's knowledge. Due to various technical restrictions, an electronic detainer is not possible in Cincinnati and some other areas of the state. However, SORTS has been provided with paper copies of APA detainer orders that can be issued with telephone approval from the appropriate APA designee. Local law enforcement has agreed to arrest an offender upon receiving the hard copy of the approved APA detainer order. Similar agreements are in the process of being developed with law enforcement officials in other cities where Halfway Houses are located.

Additionally, DRC is currently partnering with the Ohio State Highway Patrol to institute a Caution Ohio Police (COP) broadcast. A COP broadcast would immediately notify all law enforcement that the offender is wanted by the APA. This process will be implemented by September 25, 2009.

6. Review and update VOA sex offender program: The VOA New Life sex offender program does have a research based foundation, but the curriculum has not been reviewed or updated in several years. A current review and analysis of the program is necessary to ensure that it incorporates the latest research and techniques for the most effective treatment of sex offenders.

Progress: SORTS has worked closely with David Berenson, DRC Director of Sex Offender Services to explore options for updating their sex offender curriculum and to prepare the agency for DRC sex

offender programming certification. A particular area of concern was the use of polygraph as a treatment tool. On Mr. Berenson's recommendation, SORTS benchmarked with the Colorado Department of Corrections to ensure that they are utilizing the most effective techniques and protocol with the polygraph. SORTS selected four (4) new curricula including Footprints, The Adult Relapse Prevention Workbook, The Road to Freedom, and Try: Treatment Readiness for you: A Workbook for Sexual Offenders. SORTS adequately updated their sex offender program and utilizes curricula that are evidence based for treating sex offenders.

7. Improve VOA transition planning: In many cases, offenders are leaving the VOA with outstanding needs and less than adequate aftercare plans. The program completes a discharge plan and summary for each resident, however the plan does not include specific recommendations for further programming. Linkages are not made to community resources that can address outstanding needs, nor is an in-house formal after-care component provided for residents completing the program. Offenders must be prepared with a community transition plan to include housing, employment and a specific plan for any needed follow-up programming or social service linkage upon completion of the VOA program. The Bureau of Community Sanctions should continue to monitor the development and progress toward VOA's action plan in this area.

Progress: DRC conducted a site visit on July 27, 2009 and determined that SORTS aftercare plans have improved dramatically and now provide adequate direction for offenders leaving the program. The aftercare plans provide clear instructions for those offenders in need of other community linkages upon exiting the SORTS program.

8. Increase VOA positive marketing and public relations: The VOA through CEO/President, Chris Lohrman, should be more proactive with educating the neighborhood and elected officials about the benefits of the VOA programs. This is particularly important since the VOA serves a sex offender population that brings forth much emotion and negativity from the community. Positive public relations help promote the benefits of the program to the community and enhance understanding of the critical needs of returning citizens.

Progress: SORTS is in the process of instituting a two-year Community Education Plan. The plan includes conducting presentations about the agency to community groups. Second, they are planning to hire a consultant to design a SORTS web page and to institute an electronic newsletter. Last, SORTS intends to initiate several community service projects. SORTS did create and publish a Fact Sheet describing the agency and has a brochure in draft format. Several speaking engagements are scheduled for Fall of 2009 to various Kiwanis Clubs and Neighborhood Associations.

SORTS has made attempts to work on public and media relations. When a planned media event occurs, they respond fairly well. However, SORTS should continue to practice managing spontaneous media contacts rather than deferring to DRC.

9. Improve communication between the Adult Parole Authority and the VOA: The VOA and APA must develop regular meetings to discuss procedures for notification of offender behavior and special and standard reports. Written reports should be e-mailed to an APA unit supervisor and parole officer rather than the current practice of sending reports via fax. Significant events should be addressed with an immediate telephone call. Further, the communication as it relates to offender progress and programming should improve. The VOA and APA should gain a better understanding of each other's mission and purpose so that both are working collaboratively and towards the same outcomes when working with offenders under supervision.

Progress: Frequent and regular meetings are occurring between SORTS and APA staff to discuss both general procedures and specific client progress. However, there is still not a clear understanding of when SORTS should contact the APA and what is considered a significant incident. The relationship has improved but both SORTS and the APA should continue frequent contact to ensure good communication and enhanced collaboration.

10. Establish a VOA community advisory board: The VOA should establish a community advisory board. Other halfway houses across the state have similar boards which have proven to be valuable forums for engaging and educating the community. Boards typically provide feedback to the halfway house programs while having the opportunity to promote the facilities' contribution to the successful transition for returning citizens.

Progress: Rather than establishing an Advisory Board, SORTS approached this issue by creating a new not-for-profit subsidiary of the parent VOA Corporation, named Southern Ohio Rehabilitation Treatment Services, Inc. (SORTS). The newly formed subsidiary will focus solely on community correction programming. This is a positive step, but it is unknown at this point in time exactly how community members and concerned citizens will have an opportunity to provide feedback to SORTS, which is the primary goal of a Community Advisory Board. DRC intends to meet with the new SORTS Board to ascertain its specific role and duties.

11. Create additional DRC audit standard for all halfway houses: DRC's Bureau of Community Sanctions should develop a new audit standard to ensure all halfway houses across the state are properly and immediately notifying the APA when an offender is evicted or absconds from the facility. Further, all annual audit reports should be shared with the APA so they have knowledge of identified halfway house deficiencies and corresponding action plans for improvement.

Progress: DRC's Bureau of Community Sanctions created new audit standards to ensure all Halfway Houses across the state properly and immediately notify the APA when an offender is evicted or absconds from the facility. The standards were implemented July 1, 2009 for the current annual audit schedule. Additionally, all audit reports generated by the Bureau of Community Sanctions are now shared with the appropriate APA Region.

12. Involve the Ohio Community Correction Association (OCCA): The mission of this association is: "OCCA offers to member community correction service providers the opportunity for advocacy and professional development, which enhances the ability to reduce repeat criminal offending." All DRC funded halfway houses are current members of OCCA. The association should take an active role in communicating the relevant recommendations for all facilities across the state in order to continuously improve the entire system of halfway house providers.

Progress: DRC has communicated with both the membership of the OCCA and its Executive Board. OCCA has been very helpful in advising their members to develop and maintain clear and concise policies and procedures, to ensure proper communication is occurring with customers, such as the APA and providing training on relevant topics such as media relations.

13. Special consideration: The Executive Team reviewed a publication titled, "Sex Offenders and Communities, Community COMPASS Special Research Report NO. 3-10," published by the Hamilton County Regional Planning Commission, April 2008. This report is full of insightful information and recommendations related to safe and effective approaches for reintegrating sex offenders returning to

Cincinnati. Of particular note, is a recommendation to form a multi-disciplinary sex offender task force. This publication should be reviewed and the recommendations considered for implementation.

Progress: SORTS and the APA are members of the Hamilton County Sex Offender Task Force. The report published by the Hamilton County Regional Planning Commission is one of the many documents being reviewed and considered by the Task Force.

Summary and Conclusion

Though this report focuses on the progress made by the SORTS agency since the DRC Executive Committee's issuance of the Fact Finding Report on March 27, 2009, it is noteworthy to mention the statewide systemic improvements that have occurred. For example, new procedures were developed so that all Halfway Houses consistently and timely notify the APA of offenders absconding or being evicted from the facilities. DRC developed audit standards to ensure compliance with notification requirements. The APA clarified internal procedures for notification received from Halfway Houses during atypical hours. Further, the Ohio State Highway Patrol is collaborating with the APA to ensure that statewide law enforcement are notified if an offender is wanted by the APA. These operational changes have resulted in improved collaboration between Halfway Houses, APA and law enforcement entities thereby increasing opportunities for enhanced public safety.

More specific to SORTS, the agency has made some definite improvements. They have clarified the admission criteria, decreased their AWOL rate, improved their sex offender treatment curriculum, corrected deficiencies in aftercare transition planning, developed a marketing plan and created a new subsidiary and Board of Directors to focus solely on community corrections. Areas still needing improvement are policy clarification, ensuring that all required notification to the APA is timely and accurate and continuing to reduce the SORTS AWOL rate.

DRC will continue to closely monitor SORTS to ensure their positive efforts continue and that areas still needing improvement are addressed. Additionally, DRC will initiate a meeting with the newly formed SORTS Board to review the content of this report and to gain an understanding of the Board's mission, role and responsibilities.