



October 1, 2009

Monitor of Ohio youth prisons quits, blames feds

COLUMBUS, Ohio (AP) -- The court-appointed monitor of Ohio's troubled youth prisons is resigning and blaming what he calls the federal government's frivolous demands.

Fred Cohen oversees a federal consent decree aimed at improving conditions for the worst of imprisoned Ohio teenagers. He outlines his concerns in a Tuesday court filing.

Cohen says U.S. Justice Department lawyers have made incessant and petty demands on him while not contributing to efforts to make detention facilities better.

Justice Department spokesman Alejandro Miyar says the agency is working to find a replacement for Cohen and has no comment on Cohen's charges.

Cohen's generally good relationship with the Ohio Department of Youth Services soured recently when he issued a scathing report on what he called continuing problems in facilities.

Editorial: At last

Governor finally forced to face budget reality; legislature should, too

Thursday, October 1, 2009 3:29 AM

Despite his best efforts to evade fiscal reality and the demands of leadership, Gov. Ted Strickland -- cornered -- finally has faced up to both.

On Wednesday, he called on the legislature to join him in suspending the 4.2 percent tax cut that went into effect at the start of 2009. This cut was the final installment of a 21 percent reduction in income-tax rates that has been phased in over the past five years.

The legislature should move quickly to enact the change, without grandstanding or gamesmanship.

Whether or not the move is a tax increase is a side issue. As a practical matter, the governor and Ohio Tax Commissioner Rich Levin say, cancellation of the tax cut will be offset by an increase in the personal exemption, leaving most Ohioans with no greater tax bite than they endured in 2008, other factors being equal.

What's important is that the plan sets up a relatively stable and predictable source of revenue -- an estimated \$844 million over two years -- for at least a small part of the state's \$50.5 billion biennial budget. This would strengthen an otherwise rickety and reckless fiscal plan that relies on one-time federal money and accounting gimmicks that will leave the state with a yawning fiscal chasm of more than \$5 billion when it comes time to craft the 2012-2013 budget.

The tax revenue the new plan would generate compensates for the money the governor had hoped to raise with his ill-conceived and high-handed effort to install video slot machines at Ohio's seven horse racetracks. That plan sold out the interest of taxpayers to track owners at bargain-basement rates and snubbed Ohio voters, who have rejected casino-style gambling four times in the past two decades.

Fortunately, this gambit was fatally wounded recently when the Ohio Supreme Court ruled that the slot plan was subject to referendum and would have to be delayed while the referendum attempt is being mounted.

The wisest course now would be for the governor to abandon the slots plan for good. Ohioans should not be forced into a giveaway to track owners, who outfoxed the governor at every turn to craft a deal to enrich themselves and stiff taxpayers. Ohio needs a dependable revenue stream that isn't derived from fleecing Ohioans.

But instead of abandoning slots, the governor said on Wednesday that he intends to seek a declaratory judgment on whether the Ohio Lottery Commission has the authority to operate video slot

machines. In the event of a favorable ruling, he hopes to keep the slots plan on the table.

But perhaps this shouldn't be a surprise. Despite a promising start, the Strickland administration has turned out to be one of the most dysfunctional in Ohio history. The advice and counsel the governor is receiving has been abysmal, most obviously from his budget chief, Pari Sabety, who has handed him one embarrassment after another by overestimating state revenues and committing political gaffes, such as raiding a fund to prevent blindness.

His political advisers are no better. Someone should have warned him of the peril of going against the express wishes of Ohioans who have repeatedly voted against casino-style gambling. This error was compounded by the arrogant attempt to put the slots plan off-limits to a statewide vote. And if he was going to sell out, his advisers should have insisted that he not do so cheaply.

If Ohio is to accept gambling in order to raise state revenues, then it should do so from a position of strength.

The state should put gambling licenses out for bid and award them to the highest reputable bidder, not give them away for a song. It should dictate the terms and conditions to the bidders, not be dictated to by those seeking the licenses.

The state should take for itself and the people of Ohio the bulk of the proceeds. And those proceeds should go into the general-revenue fund, where they can be used for any purpose, not earmarked for a specific spending category.

Saddest of all is that a governor who entered office as man of principle, opposed to expanded gambling, ended up caving when the going got tough.

Fearing that his political career and his party's power would be jeopardized if he raised taxes, he instead opted to make drastic cuts in services to Ohio's poor and disadvantaged, while trying to cut a deal with the gambling devil to make ends meet.

He diminished himself and he diminished Ohio, only to find himself forced to do what principle should have dictated that he do from the start: make the hard choices that a leader is supposed to make.

This is not to let legislative leaders off the hook. Senate President Bill M. Harris, R-Ashland, and House Speaker Armond Budish, D-Beachwood, share the responsibility for providing Ohio with a solid financial underpinning.

They, too, failed to offer a sound plan, preferring to let the governor assume all the risk. Their performance has been shameful.

To all three goes the blame for the June downgrading of Ohio's bond rating, from second-highest to third-highest, and an August assessment by Moody's Investors Service that said the state's financial outlook is negative because of budget gimmicks and reliance on gambling revenue.

At no time in memory has Ohio been so poorly served by its elected leaders.

They now have the opportunity to begin correcting their mistakes. They should do so expeditiously.

THE PLAIN DEALER

Job fair gives ex-offenders hope their rough road can stay straight, narrow

Thursday, October 01, 2009

Stan Donaldson

Plain Dealer Reporter

Parma- Michael Townsend caught a ride to Parma on Wednesday with a few copies of his résumé in hand and the hope to do better.

The 29-year-old Cleveland resident, who works part time in retail, said he's been trying to find a second job so he can take care of his two children.

But in the eight years he has worked various odd jobs there is one thing that he feels has held him back: His status as a felon.

Townsend, who said he served a year in prison for theft, was one of more than 850 people who attended a daylong job fair in Parma to help ex-offenders find a job.

The event was organized by Breaking the Cycle Inc., a Cleveland organization that offers support services to ex-offenders.

Michael Jones, the group's director, said some of the jobs ex-offenders were once offered are no longer around. The group held the program to help prevent recidivism.

"I've served time and I worked penny jobs and anything in between until I was able to bounce back, but as I worked with people through the organization, I began to see the frustration on their faces because they couldn't find work," Jones said.

The Ohio Department of Rehabilitation and Correction said 25 percent, or about 6,750, of Ohio's approximately 27,000 inmates found verifiable employment during the last fiscal year, according to spokeswoman Julie Walburn.

She said the department offers voluntary education programs to inmates.

"There are all types of barriers that prevent people from getting jobs, especially with the economy," Walburn said. "The inmate has to have the motivation and desire to participate in programs that can help them once they are released."

Some of the businesses interviewing included Popeye's Chicken, McDonald's, Revol Wireless, Eye Wireless, Cook Construction, Sodexo and JLS Financial.

Besides offering job interviews, the fair provided information on educational programs, free behavior assessments and legal aid.

Townsend walked out a little more hopeful. He said he has filled out more than 30 applications this year and has received only two job interviews.

"A lot of times people don't call you back," he said. "It's like I'm still being punished eight years later, but I'm not going to give up."

Tamara Philpot, 35, of Cleveland, who served six months in prison in 2006 for a drug offense, wanted to get

more information about going to college.

"I work as a nurse's assistant, but I want to become an RN," Philpot said. "I love what I do, but it is hard to advance in the health-care field if you have a felony."

The job fair was the organization's first, and Jones said he hopes to hold another event before the end of the year on the East Side.

At one point, Jones noticed a few of the tables where fast-food vendors conducted interviews were empty.

He hopped onto a chair and spoke to the crowd loudly and encouraged participants to take advantage.

"I did 4½ years in prison and worked everywhere from Burger King to General Motors," Jones said. "You can't be the next Calvin unless you can be a fry cook. You have to build yourself up to something."

To reach this Plain Dealer reporter:

sdonalds@plaind.com, 216-999-4885

©2009 Plain Dealer

© 2009 cleveland.com All Rights Reserved.

Governor eyes freeze on tax cuts

Postponing last year of reductions would raise about \$850 million

Published on Thursday, Oct 01, 2009

Associated Press

COLUMBUS: Gov. Ted Strickland on Wednesday proposed freezing income-tax cuts for two years to fund education in the wake of a court decision that halted his plan to put lottery slot machines at racetracks.

Strickland suggested postponing the final year of the overall 21 percent tax cut, a move that would raise about \$850 million. The cuts were scheduled to be phased in over five years at a rate of 4.2 percent a year.

The governor, who pushed this year for an overhaul in school funding and curriculum, said leaders face three choices: raising taxes, cutting education funding or postponing the final year of income-tax reductions.

Strickland's request must be approved by the state Legislature, where the House is controlled by follow Democrats and the Senate is controlled by Republicans. The governor did not request that lawmakers act on his proposal within a certain amount of time, but said "the sooner the better."

Last week, the Ohio Supreme Court ruled that the slot-machine proposal Strickland first turned to during the budget pinch is subject to voter approval. Strickland, who reversed himself on expanding gambling to propose the slots plan, had been counting on it to contribute about \$850 million to help balance the two-year education budget.

Find this article at:

<http://www.ohio.com/news/63076877.html>

Check the box to include the list of links referenced in the article.



September 30, 2009

Retired jailer gets big income boost

By Jessica Brown
jlbrown@enquirer.com

Hamilton County Sheriff Simon Leis approved the retirement and then rehired his fourth highest-paid employee.

That decision comes as the sheriff's office looks at more layoffs due to budget problems.

Joseph M. Schmitz, director of the corrections division, retired from his \$96,239-a-year job Sept. 1 after 22 years at the sheriff's office. He was rehired almost immediately to the exact same position making \$95,240 a year plus his retirement benefits, according to spokesman Steve Barnett.

Schmitz oversees the county's jail system and the system's 401 workers.

How much Schmitz's income will now be is unclear.

Barnett did not have information on how much Schmitz is collecting in retirement.

Representatives from the Ohio Public Employees Retirement System did not return calls.

According to the county's human resources office, a general pension formula says that for each year the person was employed, he can collect an annual retirement payment of 2.2 percent of whatever he averaged during his three highest-paid years of service.

For Schmitz's sheriff's career - assuming his last three years were his highest-paid - that calculation would give him \$46,562 a year. But it is impossible to say what he is actually getting because there are numerous ways a person can choose to collect their pension, penalties for withdrawing it early and so on.

That number also does not include Schmitz's previous career with the Ohio Department of Corrections. He also has worked as a jail consultant.

The practice of retiring and being rehired to the same job while collecting a pension is commonly called as "double-dipping." It has drawn criticism from the sheriff's front-line workers, who have seen their numbers depleted by 218 positions over the past year and are bracing for more cuts in 2010.

Leis is considering laying off 50 of his 807 workers, including 22 patrol deputies and 11 corrections officers, to balance his 2010 budget.

The reductions could mean an entire floor or more of the jail would close. Patrol deputies made an average of \$62,000 this year and corrections officers made an average of about \$37,000 according to public salary records.

The proposed cuts come after the late-2008 layoffs of 152 workers, most of them corrections officers, and the closing of the county's second-largest jail.

A year earlier, the sheriff, to save money, eliminated the popular patrol program in Over-the-Rhine that policed the neighborhood and supervised litter clean-up. The litter-patrol program has since been reinstated using grant money.

The 2010 budget is scheduled for approval by Hamilton County commissioners Oct. 28.

An Enquirer analysis earlier this year revealed the vast majority of the layoffs in 2008 and 2009 were lower-paid front-line workers rather than higher-paid administrative staff. At the time the sheriff also employed nine double-dippers making an average of \$84,000. It had previously laid off three others.

Leis defended his decision to rehire Schmitz, saying the job is essential so it couldn't be left empty, but no one else at the department is qualified to do that job. He said it made more sense to keep Schmitz than to hire someone from the outside who didn't know the history of corrections in Hamilton County.

Hiring someone with Schmitz's experience level likely would have cost just as much or more than Schmitz makes, Barnett said.

"It would be crazy to hire anyone else," said Leis through Barnett. "He's been in the field a long time and knows all the issues and history of the department."

Schmitz is considered an expert in the field, has a master's degree in corrections and is the longest-serving director of corrections at any one location in the country, Barnett said.

But the move still doesn't sit well with the union members, said Dave Stanley, staff representative for FOP Ohio Labor Council.

Stanley takes no issue with Schmitz or his qualifications, but said the rehire is another example of a culture at the sheriff's office that values administration over the front-line workers.

"Joe Schmitz may be a very capable person but the timing sucks," said Stanley. "Our members jokingly talk about when a day comes when there is no one (working) on road patrol or jails or anyone in the courtroom but the sheriff still has a huge administrative staff," he said. "They don't feel their interests are being taken care of."

"It's too top-heavy," he said. "There's no upward mobility. Joe had to gain that experience in some fashion. We just feel the sheriff isn't taking into consideration the officers when he makes these decisions."

One of the three Hamilton County Commissioners, David Pepper, had suggested earlier this year that the sheriff reduce the level of pay for higher-paid employees who are collecting a pension.

Report: Inmate Was Denied Access to Medication

St. Albans, Vermont - September 30, 2009

Police say Ashley Ellis, 23, of Castleton, died in the state prison in St. Albans six weeks ago, about a day after she started serving a sentence for a probation violation.

She reportedly weighed only 87 pounds because she suffered from the eating disorder anorexia.

The state police investigation is not yet complete but Tuesday the state medical examiner ruled the cause of death as hypokalemic induced cardiac arrhythmia due to anorexia/bulimia nervosa and denial of access to medication.

She reportedly was supposed to be taking prescribed Potassium to treat her anorexia.

"Under no circumstance does a corrections employee, DOC employee, dispense medication or care to an offender," Vt. Corrections Commissioner Andy Pallito said.

Pallito says a private contracted health company Prison Health Services Incorporated from Tennessee is responsible for providing 100 percent of all health services including medications to Vermont inmates. Pallito says he has seen no evidence so far that DOC employees were involved in any way in treating Ellis or providing her medications.

Reporter Brian Joyce: Are you confident the department was in no way responsible for what happened to this young woman regarding her death?

Pallito: You know the investigation will yield things, I'm sure, that I don't know about. But standing here today I'm pretty confident that the Department of Corrections followed through on the information and passed that information along that we were supposed to.

Vt. Law School Professor and legal expert Cheryl Hanna said, "After reading the medical report on the cause of death, it suggests that there could be financial liability either on behalf of the company that was contracted to provide medical services at the prison. Or the state itself, depending on how the facts unravel in this case. The state itself could be liable for her death."

Hanna says criminal charges are also possible-- depending on the outcome of the police investigation.

State police say they expect to complete their investigation by the end of the week and turn over their findings to the Franklin County prosecutor. He will determine whether any criminal charges are warranted in this case.

The corrections department says under its contract with Prison Health Services, the state is indemnified against any lawsuits. But Hanna says despite any contractual arrangement, it's possible a court could find that the state shares in the financial liability.

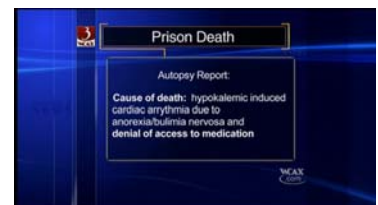
Brian Joyce - WCAAX News

Related Stories:

[Records show Vt inmate had eating disorder](#)



Ashley Ellis





ISU official: IDOC 'playing games' on inmate education

By Sue Loughlin
The Tribune-Star

TERRE HAUTE September 30, 2009 09:31 pm

— Indiana State University on Wednesday made its pitch to continue providing post-secondary education — including associate degrees — to Indiana's state prison inmates.

"I don't feel very good about it," ISU Provost Jack Maynard said after the 10-minute presentation before the State Student Assistance Commission of Indiana (SSACI). "It seems to me the IDOC (Indiana Department of Corrections) has made its decision and we're playing games here today."

SSACI wants to reduce the amount it spends on post-secondary education of prison inmates — and Ivy Tech Community College has indicated it can get the job done less expensively.

The Department of Corrections and Ivy Tech previously presented a joint proposal on how to accomplish this. Now SSACI is considering capping the amount of money it spends on state prison inmates at \$120 per credit hour.

Last year, Ivy Tech was funded at \$76 per credit hour. Five other colleges that provide education, including ISU, were paid from \$144 to \$293 per credit hour.

The new rate would enable Ivy Tech to expand programming in the state's correctional institutions. Last year, it had programming in only three of the state's institutions.

State officials say the move would save the state money, free up more state financial aid for non-offenders and provide inmates with skills that could help them find jobs when they get out of prison — hopefully reducing recidivism.

On Wednesday, ISU made a presentation indicating it can provide education at the associate degree level for \$120 per credit hour, and bachelor's level education for \$150 per credit hour. Its proposal calls for a minimum of four sites and 400 student-inmates at the associate and bachelor's level. ISU has provided corrections education in state prisons since 1988.

It currently has 347 students in four state prison facilities: Wabash Valley-Carlisle, Plainfield, Putnamville and Rockville. About 80 percent of the course work is at the associate degree level.

This year, ISU projects its income from the program will be \$1.2 million, but it also projects a budget shortfall of \$180,000.

Other colleges that provide education in the state's prisons also made presentations Thursday, but Ivy Tech did not.

SSACI officials said no decision has been made, but Maynard suggested the decision "will be made by someone else."

"We left not very optimistic and with lots of questions," Maynard said. The concern remains that the intent is for Ivy Tech to provide associate-degree and vocational education in the state's prison system, he said.

"I said we need to know by Christmas at the latest so we can plan what we will do next year," Maynard said. ISU does have money invested in books and computers for its corrections program.

There would be many transitional issues if Ivy Tech becomes the provider of two-year and vocational education in Indiana prisons, Maynard said.

If ISU no longer provides associate degree education in the prisons, it stands to lose enrollment and income, and ISU employees who teach the courses will be affected.

Claudia Braman, SSACI executive director, said the next step is to obtain a legal opinion. "From a legal perspective, we don't know whose responsibility this is" to make the changes proposed by the Department of Corrections and Ivy Tech, she said.

She doesn't believe any changes could be implemented before next fall. SSACI will compile its information and present a report to legal staff within three to four weeks, she said. "The bottom line is we don't know who has power and who has oversight of this program," Braman said.

"We're trying to decide if we can legally make a decision on this, or does it need to be decided from a legislative standpoint."

Sue Loughlin can be reached at (812) 231-4235 or sue.loughlin@tribstar.com.

Copyright © 1999-2008 cnhi, inc.

Corrections gets grant to address Native American recidivism

By

Published: 09/30/2009

The U.S. Department of Justice has approved a \$925,000 grant to the Montana Department of Corrections for hiring and training eight specialized probation and parole officers to focus on reducing recidivism among Native American offenders and those offenders plagued by both mental health problems and addictions.

Most of the additional officers will be assigned to Montana's more rural areas, particularly those near several of the state's Indian reservations.

The grant, using federal economic stimulus funds, will pay for five officers stationed in reservation-area communities of Cut Bank, Glasgow, Hardin, Havre and Polson. They will develop programs and strategies attuned to the needs of American Indian offenders who have a recidivism rate that is 33 percent higher than non-Indian offenders.

Three new officers will be located in Butte, Hamilton and Livingston to deal with the large population of offenders whose problems with mental illness and chemical dependency make it difficult for them to succeed in the community. An estimated 42 percent of offenders supervised by the department have such co-occurring disorders.

The project will require the officers to develop best practices to deal with these challenging offender populations, coordinate a broad array of community-based services, and strengthen relationships with local and tribal partners.

"Not only is it more difficult to manage caseload in rural areas due to the vast distances we face and the social-economic conditions facing residents, but it also takes substantial time and dedication to address cultural and medical issues that may contribute to recidivism," said Ron Alsbury, chief of the department's Probation and Parole Bureau. "This grant will allow us to provide more personalized attention to those with the highest risk of committing future crimes.

"The result will be a safer Montana and more effective supervision of important offender populations," he added. "The grant is far-reaching. We'll target drug addictions, mental health problems and the unique cultural challenges of Native American offenders. This truly does touch all of Indian country in Montana."

The data made it clear that these two groups of offenders represented a need that must be addressed in innovative ways in order to make a difference, Alsbury said. "This is an example of proactively seeking solutions to tough problems."

Myrna Kuka, the DOC's American Indian liaison and a member of the Blackfeet Tribe, sees the grant-funded project as having potential beyond helping offenders.

"There is great opportunity to increase collaboration between DOC and its tribal partners," she said. "Many offenders return to the system due to technical violations that are preventable. Without a doubt, cultural misunderstandings contribute to this, and DOC is working to address the hurdles some offenders may face. We're all on the same team to help offenders succeed while making Montana communities stronger and safer."

Corrections Director Mike Ferriter said the grant is an acknowledgement by the Justice Department that an important issue in Montana needs an innovative response.

"The funding allows us yet another opportunity to achieve the DOC's goal of reducing recidivism by providing additional support and services to offenders," he said.

Each officer will receive specialized training on how to most effectively manage their caseloads, including how to intervene when offenders are not compliant with their release plans. Emphasis will be placed on treatment programs that address root causes rather than prison.

Corrections officials will measure the project's success by tracking recidivism rates, as well as the number of offender evaluations, community referrals, disciplinary actions and community partnerships.

The grant application was supported by the Crow Tribe, Confederated Salish and Kootenai Tribes, Montana Board of Crime Control, district judges and law enforcement. The grant, which will cover all costs of the project for two years, is funded by the American Reinvestment and Recovery Act under the Assistance to Rural Law Enforcement to Combat Crime and Drugs Program.

Comments: