



Department of Rehabilitation & Correction

Mike DeWine, Governor
Annette Chambers-Smith, Director

To: Kimberly Murnieks, Director
Office of Budget and Management

From: Annette Chambers-Smith, Director
Department of Rehabilitation and Correction

Re: Fiscal Years 2022-2023 Biennium Operating Budget Request

Introduction

The Department of Rehabilitation and Correction (the Department) is the state agency charged with incarcerating convicted adult felons for which the statutory minimum sentence is at least six months, providing programming and health services to ensure their safety and well-being, and supervising individuals on parole or post-release control. The mission of the Department is to “Reduce Recidivism Among Those We Touch.”

On August 1, 2019, Director Chambers-Smith released a Roadmap,¹ committing agency efforts to six core themes:

- Investing in staff
- Holistic programming
- Family involvement in offender success
- Improving operational efficiencies
- Modernizing parole and community services

Supporting these six themes are four core values:

- Take care of our staff; they will transform our offenders
- One team – one purpose
- Civility towards all
- Hope is job one

The themes of the Roadmap built on the Department’s previous work and the budget initiatives supported by House Bill 166. Highlights of those initiatives, the impact of COVID-19, and other key updates are included in the following sections. Finally, the letter discusses budget prioritization and cost-savings options as a starting point for more detailed policy discussions.

¹ The [Roadmap](#) follows this letter.

Current Budget Status

During the fiscal years 2020 and 2021 budget, the Department planned to improve family engagement and healthcare for mentally ill patients, reform restrictive housing, and decrease the workload of parole officers. Some of these initiatives were implemented prior to COVID-19 and the budget reductions that accompanied it, while others were put on hold to meet necessary budget reductions.

- **Visitation** – The Director set a goal of expanding visitation hours across the state to include nights and weekends. After the passage of the budget, the Department negotiated implementation at prisons in accordance with the Pick-A-Post provision of the OCSEA contract. Between the prisons that had already expanded visitation and the ones added during the last fiscal year, we now offer night and weekend visitation at half of our facilities. To assist in meeting cost-savings goals, visitation did not expand at the remaining facilities.
- **Hope House** – In September 2019, the Department opened the newly constructed Hope House, a residential nursery at the Ohio Reformatory for Women for incarcerated women and their children. The Hope House teaches new mothers parenting life-skills, fosters their bond with their children by keeping them united, and houses them in a setting with the necessary supports to attend to their other needs (such as education). The move to Hope House also made available the existing nursery for general population housing, which was beneficial for social distancing.



Hope House exterior prior to ribbon-cutting on September 9, 2019.



OBM Director Murnieks (3rd from left), Director Chambers-Smith (4th from left), and First Lady DeWine (5th from left) at the Hope House ribbon-cutting.



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- **Family Advisory Council** – The Department re-constituted the Family Advisory Council, comprised of family members of incarcerated people, as an avenue for communication with agency leadership and mutual problem-solving. Issues raised in these meetings can now be addressed more quickly, both for resolution and awareness.
- **Psychiatric Inpatient Hospitalization** – As a cost-savings measure, the Department canceled a planned re-establishment of accredited, hospital-level psychiatric beds at Franklin Medical Center but is now exploring a partnership with the Ohio Department of Mental Health and Addition Services to provide similar services.
- **Restrictive Housing of Mentally Ill People** – A major focus nationally in the last few years has been the harmful effects of restrictive housing on the wellbeing of incarcerated people, especially those who are mentally ill. The current budget included funds to establish a program to divert mentally ill people from restrictive housing through targeted programming and increase out-of-cell time for mentally ill people in high security. Though many of the planned staff additions were cancelled as a cost-savings measure, the Department has reduced the use of Restrictive Housing for mentally ill people, with only 20 currently in a Restrictive Housing status. Further, only the three highest security prisons (Ohio State Penitentiary, Southern Ohio Correctional Facility, and Toledo Correctional Institution) still utilize Restrictive Housing – the rest allow at least two hours of out of cell time for incarcerated people in a segregation unit.
- **Parole Officer Workloads** – The average parole officer workload decreased from 81:1 in December 2018 to 65:1 in September 2020. This is still above the stated goal of 50:1, but the progress due to additional funds being committed through HB 166 are apparent. Further progress will likewise require additional funds.
- **Employee Support Unit** – In November 2019, the Department created an Employee Services Team which develops initiatives to increase staff wellness, support services, and strengthen the practice of trauma-informed care. The section also encompasses the Employees Support and Assistance Program, which includes general staff peer support and specialized support for current and former members of the military.
- **Education Expansion** – The Department set goals for the expansion of education opportunities in the budget and Roadmap at high-security facilities, the deployment of technology to extend educational opportunities and attainment, and the increase in Earned Credit programming for incarcerated people. The number of students served through college-level classes increased by 15% from fiscal year 2019 to 2020. The use of technology in education will leap forward this fiscal year. The Department purchased 10,000 Chromebooks for incarcerated students with the help of CARES Act funds and has begun the process of deploying a secured student network – the largest single investment of its kind in the Department’s history.

In summation, though some areas of the budget were reduced in order to meet state budget needs, and though COVID-19 has affected nearly all areas of operations, the Department has continued to pursue the same general goals and has made progress toward them.



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Challenges for the 2022-2023 Biennium

1) COVID-19 Prevention and Response

For the foreseeable future, COVID-19 prevention and response will continue to be the top priority of the Department. In order to promote transparency, the Department has posted COVID-19 information daily on the state's main COVID-19 portal at coronavirus.ohio.gov. The Department tests staff and incarcerated people according to a robust protocol developed by the Chief Medical Officer in consultation with the Ohio Department of Health, Ohio Department of Medicaid, The Ohio State University Wexner Medical Center, and other health experts. Following this section is a chart showing cumulative testing information, including tests per month and positive and negative cases. Also attached to this letter is the status of COVID-19 in prisons as of October 13, 2020.

The Department has implemented numerous response measures because of COVID-19, several of the most crucial of which are listed below:

- I. Staff safety has been improved by limiting unnecessary travel, promoting hand-washing and social distancing, implementing technological solutions to decrease large gatherings, suspending non-essential in-person staff training, implementing a text messaging system for staff to check in with families, allowing staff to work from home when appropriate, providing personal protective equipment to the fullest extent available, creating a Department leave bank and granting additional leave specifically for COVID-19, making hotel accommodations available for staff at heavily effected institutions either to shower and change or proactively isolate, and testing regularly for COVID-19.
- II. The incarcerated population are protected by dedicated prison sanitation crews who regularly disinfect common surfaces with chemicals identified by the US EPA for their efficacy, suspension of most off-grounds work assignments, waiver of medical co-pays for sick call appointments for flu-like symptoms, limitations on outside staff and contractors entering prisons, a new requirement for testing at jails prior to prison intake, distribution and regular replacement of washable cloth masks free of charge, cohorting by housing assignment, regular symptom screening based on prevalence of COVID-19, construction of barriers between beds and "head to toe" sleeping to maximize social-distancing in open-bay dormitories, and testing as ordered by their doctor.
- III. Families and friends have access to a new phone number and email address to communicate their concerns regarding the impact of COVID-19 on operations and their loved ones, free communication options are in place – including one free video visit and two free phone calls per week – along with the existing practice of eight free emails per month. The Department has re-established visitation at locations where it is safe to do so, modifying the physical layout by using barriers, strengthening cleaning procedures, and requiring personal protective equipment. Expansion of visiting will continue as conditions allow.

In addition to these tactics, the Department has invested in improving the physical environment to reduce the risk of COVID-19 spread. The challenge of providing a safe environment is more complicated in Ohio, compared to other states, such as Pennsylvania, which have a higher proportion of incarcerated people living in cells rather



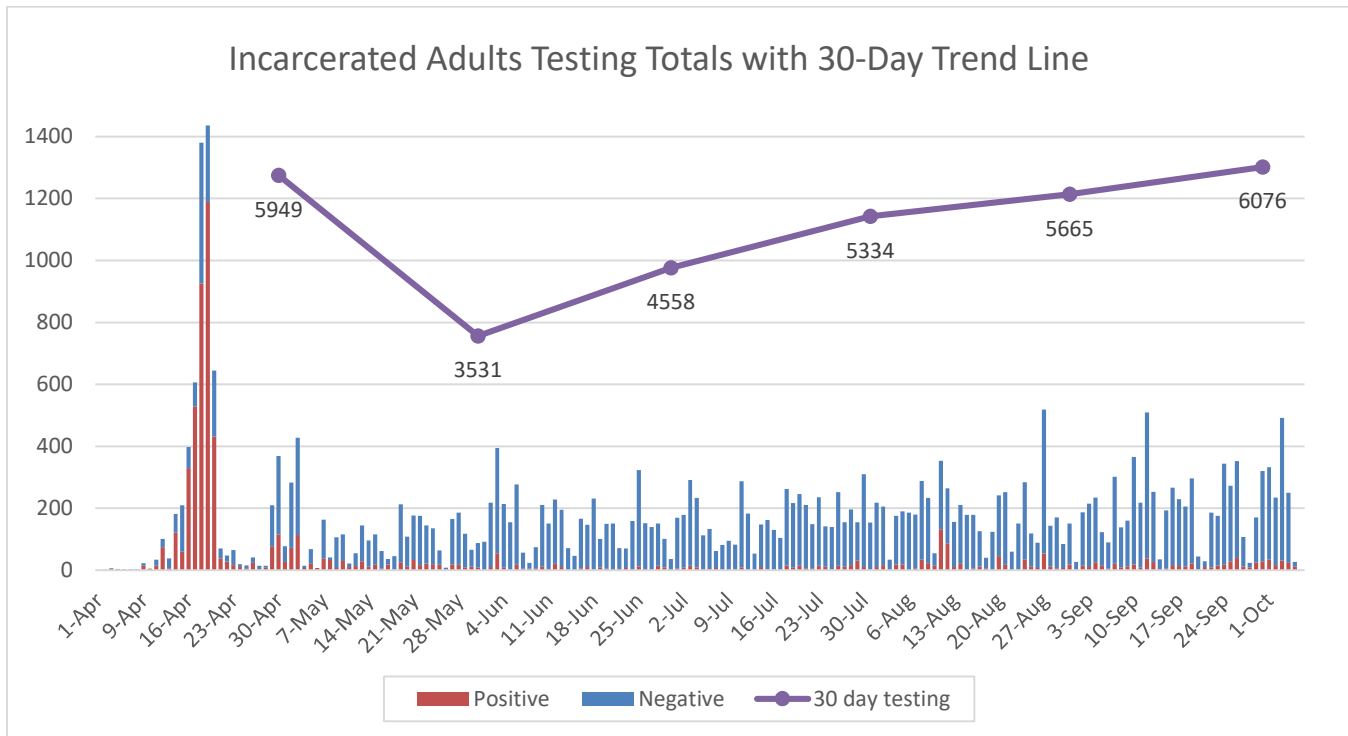
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than open-bay dormitories. Maintenance staff replaced over 10,000 air filters throughout the prison system with the highest-rated air filter that each HVAC system can accept. The Department installed new bi-polar air ionization systems at five locations that are effective in deactivating airborne viruses and bacteria, which are being evaluated in partnership with The Ohio State University.

Procuring personal protective equipment has, at times, been challenging for the Department. However, throughout the pandemic, the Department has followed Centers for Disease Control and Ohio Department of Health guidelines. Personal protective equipment needs have been met through joint efforts with the Emergency Operations Center, Department of Administrative Services, and Battelle, among others.

Finally, the Department contracted with Pace Analytical, a national analytical testing laboratory, for collection and testing for COVID-19 viral RNA fragments in wastewater from all locations. Research indicates that wastewater is both an initial warning of early-stage outbreaks and an indicator of asymptomatic cases. Results are being shared and/or interpreted in consultation with the Ohio Department of Health, Ohio Environmental Protection Agency, and The Ohio State University to inform policy and operations, including the determination when staff testing is required.





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2) Prison Population and Crowding

When the current budget was being considered, the Director's letter accompanying the request noted a 2.8% decline in prison population from January 23, 2017, to January 23, 2019. After submission and prior to COVID-19, the population stabilized at just under 49,000. The population briefly peaked at the beginning of the COVID-19 pandemic on March 24, 2020, at 49,111 incarcerated people. The COVID-19 pandemic dramatically altered police, jail, and court operations, required changes to prison intake, led to a careful review of the existing population for targeted early release and refocused attention toward programs that could proceed safely, resulting in awards of Earned Credit. Following these changes, the population fell to 44,644 on October 6, 2020 – a reduction of 4,467 (9.1%).

The future impact of COVID-19 cannot be predicted, nor can the future prison population. There are three reasonable expectations, each with underlying assumptions about COVID-19 and the functioning of the criminal justice system:

- I. The current, decreased population is maintained over the upcoming budget due to changes to the criminal justice system and Department operations to mitigate the impact of COVID-19.
- II. The population slowly rises over the coming budget as the criminal justice system returns to normal.
- III. The population rapidly increases as increased demand for prison beds are satisfied.

This budget assumes that II is the most likely option, as population has increased three of the last four weeks. If this is the case, it will be difficult for the Department to operate within either budget Scenarios A or B, as both require staff and bed reductions, resulting in greater crowding.

In order to set an appropriate operational capacity that allows social-distancing, the Office of Prisons, in consultation with the Bureau of Medical Services, is reviewing open-bay dormitories (typically, level 1 – minimum and level 2 – medium security). These reviews have been completed for three institutions: Marion Correctional Institution, Pickaway Correctional Institution, and Southeastern Correctional Institution. On average, the findings were that they should reduce from the pre-COVID count of 1,882 to 1,673 beds, a reduction of 11%. Almost 72% of Ohio's incarcerated population is classified to a security level that results in their placement in a dormitory setting. An 11% reduction in dormitory-style housing statewide equates to 3,520 beds – the equivalent of two prisons.

This review of capacity is the most detailed internal study of the issue in recent memory and accounts for new protocols established to slow or prevent the spread of COVID-19. It will result in an evidence-based capacity during the COVID-19 pandemic. While this is certainly an improvement, it does not address the long-term trend toward greater social density in prisons, which complicates social-distancing efforts. The figures make that clear, but an object lesson is appropriate. In 1966 the Department activated the Chillicothe Correctional Institution, a former Federal industrial reformatory, in part to decrease crowding at the now-closed Ohio Penitentiary. On the following page are photographs comparing the same housing units at Chillicothe Correctional Institution to visually demonstrate current bed utilization.



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Chillicothe Correction Institution

Open-Bay Dormitory Utilization



D Unit, 1954



F Unit, 1960's (undated)



D Unit, September, 2020



F Unit, September, 2020



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3) Federal Funding for COVID-19

Unknown currently is the impact of COVID-19 in prison and parole settings during the 2022 and 2023 fiscal years. Going hand-in-hand is the question of the continuing availability of Federal funds beyond December 30, 2020. During fiscal year 2020, the Department utilized \$9,131,008 in CARES Act funding for collectively-bargained hazardous pay for employees, supplemental costs for prison services based on changed method of provision or to allow social-distancing, and the purchase of personal protective equipment, testing, and cleaning supplies. The Controlling Board approved \$75,193,444 for the Department's COVID-19 activities in 2021. Almost half (\$35,106,335) was allocated for hazardous duty pay and overtime during staff shortages due to illnesses and quarantine. Another sizable portion (\$705,901.58) is committed to testing wastewater at all prisons from September 4, 2020, through the end of the calendar year. This data is being utilized, in consultation with The Ohio State University and the Ohio Department of Health, to inform appropriate prison operations and staff testing protocols.

Because COVID-19 outbreaks are caused by an outside source bringing the disease into prisons, Director Chambers-Smith signed Director's Executive Order 20-03 on September 29, 2020, ordering new staff, contractors, and volunteers to take a COVID-19 test before beginning work, and existing staff, contractors, and volunteers to take a COVID-19 test weekly based on symptom screening and the prevalence of COVID-19. At a cost of \$65 per test, COVID-19 testing may exceed \$9 million per week if it is necessary to require statewide. As previously mentioned, hazardous duty pay for employees who work in a role where they are may be exposed to, or have a potentially increased risk of contracting, COVID-19 receive a pay supplement. At present, the hazardous duty supplement exceeds \$1.5 million per pay period. Finally, the cost of personal protective equipment for staff and the incarcerated population are substantial and beyond current state appropriations. If Federal funding is not available after December 30, 2020, and the COVID-19 pandemic continues, the Department will need to return to the state for additional funds to meet critical expenses.

Setting Priorities

The Department's budget request meets the guidance provided by OBM of a 90% Scenario A, requiring sizable cuts across agency operations, and a 100% or continuation Scenario B, under which the Department proposes smart cost-savings measures. In preparing these budget scenarios, the Department engaged staff for their cost-savings ideas, requesting ideas be submitted as part of the "Every Dollar Counts" campaign. Staff members have responded with 257 suggestions, which were vetted by leadership and sent to specific areas for implementation. The Director also challenged Deputy Directors with identifying savings.

Employees produced the following ideas, which are indicative of the quality of recommendations, and are being pursued for implementation: 1) tailoring release packets with resources specific to the county of reentry, saving printing costs, 2) developing an electronic health services request, reducing paperwork while improving accountability, 3) increasing the availability of low-cost electronic library materials, which also increases access, 4) utilization of 340b pricing for HIV and Hepatitis drugs, which are two of the most expensive drug categories,



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and 5) changes to the menu, which preserve nutritional guidelines and popular food items, while lowering the cost of meals.

The Department and DAS have renegotiated contracts with major vendors as part of the DAS's request for a 15% reduction. Operational changes initiated by the Department allowed the reduction, either completed or in process, of the food service contract and all three private prison contracts. Many other contracts were either reduced due to DAS's request or cancelled by the Department.

In preparation for a difficult budget in fiscal years 2022 and 2023, the Department has curtailed almost all hiring, other than critical security and direct care positions. When vacancies occur, they are reviewed internally at multiple levels, resulting in many positions either being held vacant or eliminated.

The current fiscal year General Revenue Fund (GRF) budget, excluding amounts in holding accounts, is \$1.884 billion. Of that, \$73 million is in the Debt Service line item and is restricted to paying the cost of previously issued construction and improvements bonds. The remaining balance is dedicated to payroll (\$1.157 billion or 63.9%), supplies and maintenance (\$286 million or 15.8%), contracts (\$201 million or 11.1%), subsidies to local communities (\$166 million or 9.2%), and equipment and all other expenses (\$1 million or <0.1%).

Scenario B (100% or continuation) can be accomplished through reasonable cost-savings ideas with manageable operational impacts. Payroll reductions will be necessary in prisons, parole, and central office, but can be accomplished through attrition. Residential diversion programs – such as halfway houses and community-based correctional facilities – will receive reduced funding, reflecting current underutilization due to COVID-19 and lower-than-normal sentencing, with a slow recovery in 2022 and 2023. Finally, fewer local governments will receive the Justice Reinvestment Initiative grant.

Scenario A (90%) would require reductions to all program areas – prisons, parole, community grants, and administrative operations. Managing a deficit as large as what is projected will require all agencies to bring their best ideas to the table. Together, we will meet the financial and operational challenges posed by COVID-19 and build a better, more resilient Department serving Ohioans.