

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO DEPARTMENT OF REHABILITATION & CORRECTION
FILE ID NO.: 2015-CA00015
(2015-CA00001, 2015-CA00010, 2015-CA00011, 2015-CA00012)
DATE OF REPORT: DECEMBER 29, 2016

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“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2015-CA00015

PRELIMINARY INQUIRIES 2015-CA00001
2015-CA00010
2015-CA00011
2015-CA00012

SUBJECT NAME: Michael Jones
Andrew Watson
Abdul-Aleem Ali
James Campana

POSITION: Adult Parole Officer(s)

AGENCY: Ohio Department of Rehabilitation and Correction

BASIS FOR INVESTIGATION: Office of the Ohio Inspector General Initiative

ALLEGATIONS: Failure to Establish Adequate Internal Controls for
Agency/Department Functions

INITIATED: April 13, 2015

DATE OF REPORT: December 29, 2016

INITIAL ALLEGATION AND COMPLAINT SUMMARY

Beginning in January of 2015, the Ohio Department of Rehabilitation and Correction (ODRC) issued a complaint to the Office of the Ohio Inspector General alleging four instances of possible wrongdoing by employees of the Ohio Adult Parole Authority (APA). The wrongdoing that was alleged in all four instances involved parolees being held in correctional facilities on APA orders of hold beyond timeframes allowed by APA policy.

BACKGROUND

The Ohio Adult Parole Authority (APA) is responsible for the release and supervision of adult felony inmates returning to local communities from prison, as well as assisting the Ohio courts of common pleas with supervision duties for felony offenders. The APA was created in 1965, and is comprised of the Parole Board and Field Services. The agency is responsible for the duties addressed in Chapter 5149 of the Ohio Revised Code.

The mission of the Ohio APA is to “... aid in the reentry of offenders by partnering with community stakeholders and law enforcement agencies to preserve public safety by holding offenders accountable through diverse supervision strategies and technology.” The philosophy of supervision statement for the Field Services section of the APA is to “... effectively supervise and provide opportunity for offenders to reenter into law abiding citizenship and to reward, encourage, and promote positive behavior, while holding offenders accountable for negative behavior.” The APA determines release of inmates from prison to parole or transitional control, sets supervision conditions for inmates released on post release control, coordinates placement of offenders in the community, and supervises offenders upon their release from prison. In addition, the APA assists counties in the development of basic felony supervision services upon request for the Ohio courts of common pleas. The APA administers Ohio’s interstate compact agreement for probation and parole, coordinating movement of supervised offenders among states. The APA has staff located in six regions with numerous district and satellite offices throughout the state, and supervises more than 27,000 offenders.¹

¹ ODRC website.

Definitions

An “order of hold” is an

... order or act of a parole officer, unit supervisor, or other APA official that causes an offender^[2] under the jurisdiction of the APA to be detained or held in custody for alleged violations. The order or act may be placed into effect by use of an APA order of hold, an APA arrest order, a teletype, fax, or a verbal order.

The Field Officer Tablet (FOT) is

... computerized data maintained by the parole officer assigned to the case that contains the chronological details involving contact with the offender, social services agencies, law enforcement, etc. The tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

The Community Corrections Information System is “... a computerized information system used to track the criminal history and progress of offenders under the supervision of the Ohio Adult Parole Authority. Access to the Community Corrections Information System is restricted to essential users only.”

Policies

APA Policy 100-APA-05, *VI. Procedures, section I.3 In-Custody Status Checks and Staffing* states, in part:

The supervising officer shall check the status of all in-custody cases that are not serving a local sentence on a weekly basis and document these checks in the FOT notes. For in-custody cases that are serving a local jail sentence, the supervising officer shall register with Vinelink and document the offender’s in-custody status monthly (rather than weekly) in FOT. The supervising officer shall report any change in an offender’s in-custody status within two business days of knowledge to the unit supervisor/designee and the unit supervisor/designee shall document the changes in NOTEC.^[3] This process is not necessary for offenders serving prison sanction time.

² Parolee or person on parole.

³ NOTEC - A section in the Community Corrections Information System to record information regarding offenders’ activity while under supervision.

VINELink is the online version of VINE (Victim Information and Notification Everyday), the National Victim Notification Network. This service allows crime victims to obtain timely and reliable information about criminal cases and the custody status of offenders 24 hours a day. Victims and other concerned citizens can also register to be notified by phone, email, text message, or TTY device when an offender's custody status changes.

APA Policy 105-PBD-09 *Violation Hearing Process, VI. Procedures section, E. Violation Hearing Timeframe* states, in part:

... a violation hearing shall be conducted no later than twenty (20) business days from the date the offender becomes available, unless the offender thereafter becomes unavailable as described in paragraph F.5. of this policy or a continuance is granted by the hearing officer.

APA Policy 100-APA-14 *Sanctions for Violations of Conditions of Supervision* includes the definition on *Availability of Offenders* and states, in part:

An offender shall be considered available and time limitations for imposing sanctions shall be in effect in the following circumstances:

- a. The offender is under APA supervision and is being held in custody with an active APA Hold Order;
- b. The offender is being held in a DRC institution;
- c. The offender is under transitional control;
- d. The offender has posted bond;
- e. The offender has pending charges and has been released to electronic monitoring status;
- f. The offender had a previously pending criminal charge or charges; was sentenced to a period of incarceration in the local jail, community-based correctional facility, or other locked facility on that charge or those charges; and has fully served that period of local incarceration.

INVESTIGATIVE SUMMARY

Incident One

The facts of this incident were first examined in the Office of the Ohio Inspector General Preliminary Inquiry 2015-CA00001.

On January 9, 2015, the Office of the Ohio Inspector General received a complaint of alleged wrongful activity from the Ohio Department of Rehabilitation and Correction stating that paroled inmate Howard Brockman had been held in the Summit County Jail beyond the time allowable by the Ohio Adult Parole Authority. The Office of the Ohio Inspector General requested and received from ODRC the APA Incident Report, Field Officer Tablet notes (FOT), and Community Corrections Information System log involving Brockman, and the ODRC *Violation Hearing Process* policy. A review of the documents revealed that on July 2, 2014, inmate Brockman was granted parole and was assigned to the supervision of Parole Officer Mike Jones of the Akron District APA office. On November 9, 2014, parolee Brockman was arrested by the Akron Police Department for having weapons while under disability.⁴ On November 10, 2014, Parole Officer Jones was notified of Brockman's arrest. Jones' FOT notes indicate that he met with his supervisor, Parole Services Supervisor Tiffany Lightfoot, and decided that Jones would "... request the incident report, register all parties for VINELink, investigate the matter, issue an order of hold, and then re-staff upon completion of investigation." Jones' FOT notes indicated he made several computer inquiries of Brockman's status and documented that Brockman remained incarcerated in the Summit County Jail.

On January 5, 2015, ODRC Parole Services Supervisor Jennifer Boswell received a telephone call from Chris Csonka of the registrar's office at the Summit County Jail. Csonka discovered that inmate Brockman had been held solely on a APA order of hold since he posted bond on November 10, 2014. APA faxed an order of release to the Summit County Jail. On January 6, 2015, Brockman was released from the Summit County Jail. Brockman, after posting bond on the new charges from November 9, 2014, would have "become available" on November 10, 2014, for the APA parole violation hearing process.

⁴ Ohio Revised Code §2923.13.

ODRC Division of Parole and Community Services Investigator Heather Smith notified the Office of the Ohio Inspector General that Brockman posted bond on the weapons violation charge on November 10, 2014, but because he was being detained under the APA order of hold, Brockman remained incarcerated. Community Corrections Information System log notes indicated that Brockman “became available” to APA on November 10, 2014. From that date, APA should have scheduled a parole violation hearing for Brockman. APA violated ODRC Policy 105-PBD-09 *Violation Hearing Process, VI. Procedures section, E. Violation Hearing Timeframe* which states a violation hearing shall be conducted no later than 20 business days from the date the offender “becomes available.” APA’s failure to meet this timeframe voided any action by the APA to revoke the parolee’s parole or impose sanctions.

Incident Two

The facts of this incident were first examined in the Office of the Ohio Inspector General Preliminary Inquiry 2015-CA00010.

On March 26, 2015, the Office of the Ohio Inspector General received a referral of wrongdoing from ODRC stating that paroled inmate Kenneth Pickering had been held in the Southeastern Ohio Regional Jail beyond timeframes permitted by the Ohio Adult Parole Authority. Pickering was under the supervision of Parole Officer Andrew Watson. The Office of the Ohio Inspector General requested and received from ODRC a copy of the APA Incident Report, parole officer note sheet logs, order of hold, order of release and Community Corrections Information System log involving Pickering and the ODRC *Violation Hearing Process* policy. A review of the documents revealed that on November 3, 2014, Glouster police responded to a call from Pickering’s grandfather who reported that Pickering was using drugs, and the grandfather wanted Pickering to leave his home. A Glouster police officer contacted Parole Officer Watson by telephone. Watson gave the Glouster police officer a verbal order to arrest Pickering, who was then incarcerated in the Southeastern Ohio Regional Jail (SORJ).⁵ Watson issued an order to hold Pickering in the SORJ. The Field Officer Tablet notes indicated that Pickering’s parole violations consisted of moving his residency without permission, and failing to report to APA

⁵ The Southeastern Ohio Regional Jail serves Athens, Hocking, Morgan, Perry, and Vinton counties.

after his last release from jail on October 23, 2014. There were no other original charges against Pickering.

On November 6, 2014, the FOT notes indicated that Pickering's grandfather said Pickering could not live with him again when he was released from jail. There were several FOT notes indicating an effort was made to place Pickering in an Alvis House⁶ facility.

At 9:35 a.m. on December 4, 2014, Parole Services Supervisor Christopher Schorr of the Athens, Ohio, APA office sent an email to Parole Officer Watson, Parole Services Supervisor Daniel Smith, and Senior Officer Timothy Adams. Schorr noted he had reviewed the Athens County Jail roster and found that Pickering had been in the SORJ on an APA order of hold since November 3, 2014, and had "become available" to APA since that date. Watson sent an order of release to the SORJ that included an instruction to Pickering to report to APA at 9:00 a.m. on December 5, 2014.

Community Corrections Information System log notes indicated that Pickering "became available" to APA on November 3, 2014. From that date, APA should have scheduled a parole violation hearing for Pickering. APA violated ODRC APA Policy 105-PBD-09 which states a violation hearing shall be conducted no later than 20 business days from the date the offender "becomes available." APA's failure to meet this timeframe voided any action by the APA to revoke the parolee's parole or impose sanctions. APA also violated ODRC APA Policy 100-APA-05 which states, in part: "The supervising officer shall check the status of all in-custody cases that are not serving a local sentence on a weekly basis and document these checks in the FOT notes."

Incident Three

The facts of this incident were first examined in the Office of the Ohio Inspector General Preliminary Inquiry 2015-CA00011.

⁶ Residential reentry program to help people transition from correctional supervision to the community.

On February 11, 2015, the Office of the Ohio Inspector General received a complaint of alleged wrongful activity from ODRC, stating that paroled inmate Alfred Morris had been held in the Franklin County Jail beyond timeframes allowed by the Ohio Adult Parole Authority.

The Office of the Ohio Inspector General requested and received from ODRC a copy of the APA Incident Report, parole officer note sheet logs, order of hold, order of release and Community Corrections Information System log involving Morris, and the ODRC *Violation Hearing Process* policy. A review of the documents revealed that Morris, who was being supervised by Parole Officer Kyra Godwin, failed to appear for a APA meeting scheduled on July 14, 2014. Because Morris is homeless and has no contact information, his whereabouts were unknown and he was declared a violator at large. Once Morris' status changed to violator at large, his supervision was transferred to Parole Officer David Webb whose duty it is to search for parolees who are designated as violators at large.

On November 24, 2014, Morris was arrested by the Columbus Police Department on charges of Theft and Falsification. On November 25, 2014, Parole Officer Webb was notified of Morris' arrest and an APA order of hold was placed on Morris to the Franklin County Jail. On November 26, 2014, the supervision of Morris was transferred back to Parole Officer Godwin. On December 1, 2014, Abdul-Aleem Ali was promoted to parole services supervisor and became Parole Officer Kyra Godwin's supervisor.

On December 3, 2014, Community Corrections Information System log notes indicated that when Morris "became available" to APA, Godwin was to schedule a parole violation hearing.

The ODRC APA Policy 105-PBD-09 *Violation Hearing Process, VI. Procedures section, E. Violation Hearing Timeframe* sets timeframes for APA to hold a parole violation hearing. A violation hearing shall be conducted no later than 20 business days from the date the offender "becomes available." Failing to meet this timeframe voids any action by the APA to revoke the parolee's parole or impose sanctions. The ODRC APA 100-APA-05 *Search and Arrest Procedure policy, I.3.a. In-Custody Status Checks and Staffing* states, in part: "The supervising

officer shall check the status of all in-custody cases that are not serving a local sentence on a weekly basis and document these checks in the FOT notes.”

On December 17, 2014, Parole Officer Godwin was placed on administrative leave for an unrelated matter.

On December 19, 2014, Morris appeared in the Franklin County Municipal Court and was found guilty of Theft by Deception, sentenced to a fine of \$250, given 180 days in jail with 155 days suspended, and credited with 25 days served. According to the *APA Violation Hearing Process* timeframe, Morris “became available” on December 19, 2014, for a hearing to be scheduled to impose sanctions for a violation of parole. However, Morris remained in jail solely on the order to hold issued by the APA.

On January 27, 2015, the supervision of Morris was reassigned to Parole Officer Kyle Jackson. On January 28, 2015, Jackson contacted the Franklin County Jail and was notified that Morris “became available” to the APA on December 19, 2014.

Parole Services Supervisor Abdul-Aleem Ali failed to assure in-custody status checks for Morris’ availability and to reassign the supervision of Morris from Godwin to another APA officer in compliance with APA 100-APA-23 *Field Officer Tablet and File Policy - VI. Procedures, A.4.*, which states: “If a supervising parole officer is off work for more than two (2) weeks, the unit supervisor shall transfer all supervised cases to another parole officer(s).”

Incident Four

The facts of this incident were first examined in the Office of the Ohio Inspector General Preliminary Inquiry 2015-CA00012.

On April 10, 2015, the Office of the Ohio Inspector General received a referral of wrongdoing from ODRC. APA reported that parolee Michael Ratliff was paroled from the state of Pennsylvania and his supervision was transferred to the Ohio Adult Parole Authority through the

Interstate Compact Offender Tracking System.⁷ Ratliff was under the supervision of Parole Officer James Campana.

On December 27, 2014, paroled inmate Ratliff was arrested by the Salem Ohio Police Department on a charge of Tampering with Evidence with a bond set at \$25,000. Pennsylvania parole authorities were advised of Ratliff's arrest and a response was requested. On January 5, 2015, Campana issued an order of hold on Ratliff to the Columbiana County Jail. On January 6, 2015, Pennsylvania responded to Campana, "Please monitor charges and notify upon disposition." On January 9, 2015, Campana learned that Ratliff had been bound over to the grand jury and his bond was set at \$10,000. Campana wrote in his FOT notes that the order of hold was placed on Ratliff, "... due to the offender possibly being released by the Columbiana County Jail due to bed space."

On January 21, 2015, Campana received an Interstate Compact Offender Tracking System response from Pennsylvania instructing "... Ohio to continue to monitor the offender's court proceedings in Columbiana and report any information that is received." Campana asked "... if they would be issuing a detainer in another Compact Action Request."

On January 23, 2015, Campana's FOT notes indicated that Pennsylvania "... advised that they will not be issuing a detainer but to keep apprised of progress of court case."

On March 9, 2015, Campana's FOT notes stated Ratliff had been through an arraignment hearing and his case was set for a jury trial on June 22, 2015. Campana continued to log weekly notes that Ratliff remained in jail on the unposted \$15,000 bond.

On April 7, 2015, Parole Officer Jason Hawkins was at the Columbiana County Jail when approached by jail staff who informed him Ratliff was being held solely on an APA order of hold since the time Ratliff had been given a recognizance bond on March 6, 2015, for the

⁷ The Interstate Compact Offender Tracking System is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another.

tampering with evidence charge. Hawkins reported that jail staff showed him the "... O/R^[8] bond for \$15,000 on 3/6/15 and they faxed that information to APA." The notice shown to Hawkins that Ratliff was free on bond was a copy of the order of hold with a handwritten note that "... Michael Ratliff signed o/r bond waiting on APA to visit." Also attached was the fax confirmation showing the fax was sent by the jail staff to the APA on March 6, 2015, at 1716 hours. Ratliff would have "become available" to APA on March 6, 2015.

On April 8, 2015, Campana's FOT notes indicated he met with Ratliff at the Columbiana County Jail and he submitted a release order for Ratliff and also instructed Ratliff to report weekly to the APA office until his case was closed. According to APA policy, a parole violation hearing must be conducted within 20 days of "becoming available." Failing to meet this timeframe voids any action by the APA to revoke the parolee's parole or impose sanctions.

Office of Ohio Inspector General Meets with Ohio Adult Parole Authority Officials.

On May 20, 2015, the Office of the Ohio Inspector General met with ODRC APA officials. ODRC officials explained that while their policy states that a parole violation hearing must be held within 20 days of a parolee "becoming available," court rulings in Ohio allow for a reasonable amount of time before holding a parole violation hearing. APA also required all parole officers review APA Policy 100-APA-14, *Violations of Parole*, and APA Policy 105-PBD-09, *Violation Hearing Process*. Each parole officer signed acknowledgement of the orders of hold and timeframes policies.

CONCLUSION

The Ohio Department of Rehabilitation and Correction reported to the Office of the Ohio Inspector General the possibility of suspected wrongdoing on the part of Ohio Adult Parole Authority employees who allowed parolees under their supervision to be held in corrections facilities beyond APA policy timeframes allowed to conduct parole violation hearings. When a parolee commits a violation of their parole, APA policy requires a parole violation hearing be conducted within 20 business days of "becoming available."

⁸ O/R – Own recognizance.

Investigators determined there were many reasons why parole officers missed or were unaware that parolees were being held solely on APA orders of hold, and missed the APA policy timeframes set in place to schedule the parolees for a parole violation hearing. One reason was that the parolee may be arrested on new charges and is released on bond, or after serving a sentence; however, the parolee is held in jail because of the APA order of hold. Jails are not required to notify APA when parolees post bond or complete a jail sentence.

Current APA policy requires parole officers to check, on a weekly basis, the status of all in-custody offenders that are not serving a local sentence, and to document these checks in FOT notes. For in-custody offenders that are serving a local jail sentence, the supervising parole officer is required to register with VINELink and document the offender's in-custody status monthly (rather than weekly) in the FOT notes. However, the use of VINELink to notify the parole officer upon a custody change of status is not an effective tool when APA places an order of hold on the parolee. VINELink cannot be used to verify orders of hold on parolees.

Checking the status of an incarcerated parolee by viewing a computerized list of jail inmates will not identify why the parolee is being held. While parole officers may have checked jail rosters to verify that a parolee was still being held, there were instances where the parole officer did not check as to why the parolee was being held.

The Ohio APA, parole officers, and the supervisor involved in these incidents failed to follow established APA policies requiring the scheduling of hearings for parole violations within 20 business days of the parolee "becoming available" for a hearing and assure weekly in-custody status checks.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe a wrongful act or omission occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Department of Rehabilitation and Correction to respond within 60 days with a plan detailing how the recommendations will be implemented. The Ohio Department of Rehabilitation and Correction should:

1. Consider revising policy 100-APA-14 requiring parole officers to register with VINELink.com to be notified of an incarcerated parolee's custody status change if an APA order of hold is going to be placed on the parolee.
2. Consider modifying the APA Policy 100-APA-14, *Violations of Parole*, and Policy 105-PBD-09, *Violation Hearing Process* in accordance with court rulings if 20 days is not feasible.

The Office of the Ohio Inspector General acknowledges the actions taken by ODRC APA in reviewing the *Violations of Parole* and *Violation Hearing Process* policies with APA officers.

REFERRALS

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



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NAME OF REPORT: Ohio Department of Rehabilitation & Correction
FILE ID #: 2015-CA00015
(2015-CA00001, 2015-CA00010, 2015-CA00011, 2015-CA00012)

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
December 29, 2016

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