

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.: 2016-CA00001
DATE OF REPORT: APRIL 20, 2017

The Office of the Ohio Inspector General ... The State Watchdog

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Randall J. Meyer
Ohio Inspector General



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REPORT OF INVESTIGATION

FILE ID NUMBER: 2016-CA00001

SUBJECT NAME: Michele Miller

POSITION: Warden, Belmont Correctional Institution

AGENCY: Ohio Department of Rehabilitation and Correction

BASIS FOR INVESTIGATION: Agency Referral

ALLEGATIONS: Failure to Comply with State or Department Rules, Procedures or Policies

INITIATED: January 7, 2016

DATE OF REPORT: April 20, 2017

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On January 7, 2016, the Office of the Ohio Inspector General received an email from Joanna Saul, former executive director of the Correctional Institution Inspection Committee,¹ regarding an anonymous complaint it received from an inmate housed at Belmont Correctional Institution (BeCI). The inmate provided a copy of a flyer that had been posted at BeCI entitled “Make the Warden Walk!” (**Exhibit 1**) The flyer stated for every donation of \$1, an inmate would be credited with 100 hours of community service. The inmate felt this was unfair to those who could not afford to donate money from their account. Saul stated in her email she believed community service hours were reported to the court and “... it is possible that some reports have been sent with false community service hours and that that information has been used to make release decisions.” Saul also stated she had informed the Ohio Department of Rehabilitation and Correction (ODRC) of the same complaint.

Upon receipt of Saul’s email, the Office of the Ohio Inspector General contacted ODRC and it was confirmed the agency had received the same complaint from Saul on January 6, 2016, and had assigned the complaint to the ODRC chief inspector’s office for investigation. The Office of the Ohio Inspector General immediately opened an investigation and ODRC was advised to suspend their internal review.

On January 8, 2016, in compliance with the governor’s memorandum outlining reporting of possible wrongful or illegal activities by state employees, ODRC submitted a notice of suspected wrongful acts committed by Michele Miller, the warden at BeCI, regarding the crediting of community service hours to inmates for monetary donations received.

BACKGROUND

Ohio Department of Rehabilitation and Correction

The Ohio Department of Rehabilitation and Correction is charged with the supervision of felony offenders in the custody of the state, including providing housing following their release from incarceration, and monitoring the individuals through the parole authority. The department also

¹ According to their website, the CIIC is “... a legislative committee that provides oversight to Ohio's prisons and youth services facilities.”

oversees the community control sanction system that provides judges with sentencing options to reduce the inmate population. There are currently 27 correctional institutions throughout the state with one being Belmont Correctional Institution, located in St. Clairsville, Ohio (approximately 115 miles east of Columbus). It houses mostly minimum and medium security level inmates.²

Applicable Rules, Policies, and Procedures

Ohio Department of Rehabilitation and Correction's policy number 04-CMJ-03, *Community Service* (effective September 23, 2014), establishes guidelines the institutions are to use regarding the community service program involving inmates. The policy defines community service as "Productive and meaningful work provided by offenders benefiting 501(c)(3) tax-exempt organizations." Section D of the policy involves inside community service projects,³ and states, in part:

- The Community Service Coordinator (CSC) who receives a request for community service support from a new or established community service partner⁴ shall forward the Community Service Application (DRC4261) to the partner for completion. The partner shall complete and return the application with verification of tax-exempt status, if applicable, to the CSC.
- The CSC shall review the application to ensure completion. If incomplete, the CSC shall forward the incomplete application to the partner requesting additional information. The partner must complete the cost savings analysis section of the application (DRC4261). A community service project shall not be approved if the application is incomplete and the verification of tax-exempt status is not supplied, if applicable.

² Source: ODR website.

³ Inside community service projects are projects where the inmate does not leave the institution and has no interaction with the public.

⁴ Community service partners are defined in the policy as "A school, government agency, church, or non-profit/charitable organization that can verify its 501(c)(3) or other tax-exempt status with either the Office of the Secretary of State or with the Internal Revenue Service of the Federal Government."

- If complete, the CSC shall forward the application with a recommendation to the Managing Officer/designees for approval/disapproval. The Managing Officer/designee shall approve/disapprove the community service application.

The hours individual inmates work on each project are tracked via the Community Service Hours Tracking form (DRC4368) and the information entered into the ODRC Departmental Offender Tracking System (DOTS).

ODRC policy number 73-GRP-01, *Inmate Groups*, describes regulations and guidelines related to inmate groups organized within an institution. Of particular focus for this investigation were the guidelines related to fundraising activities. The policy defines fundraising activities as, “Any activity designed to raise funds for the group that may include dues, the sale of items for profit, the collection of goods and donations for resale, and the solicitation of funds when approved by the Managing Officer.” Section D.4. states in part, “Community service hours shall be granted to group participants who are active in fund raising activities for charities.”

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General received an email from Joanna Saul with an attached link to the “Prison Community Service Monthly Report.” This report is published by the Ohio Department of Rehabilitation and Correction and is available on its website. Saul noted that the report for November 2015 (the month after the charity walk referred to in the flyer), Belmont Correctional Institution “... reported a massive increase in community service hours that month.” Investigators reviewed the report and found BeCI reported 266,051 hours of community service, which was 43 percent of the total hours reported by all institutions in November 2015.

Investigators also reviewed the year-to-date figures and found BeCI reported 912,087 hours for calendar year 2015. In comparison, the second highest total hours of community service obtained by an institution was Grafton Correctional which reported a year-to-date total of 544,720 hours.

⁵ On the actual application, the signature line for this approval is listed as “Warden/designee.”

The community service report for calendar year 2014 was also reviewed and it was noted BeCI again ranked first in the state, reporting a total of 953,489 community service hours. The second highest total for 2014 was the Ohio Reformatory for Women which reported 679,637 community service hours.

In addressing the specific allegation regarding the charity walk, the Office of the Ohio Inspector General requested and received from ODRC the total dollar amount donated by inmates for the event. The report showed \$565 was collected, equating to 56,500 hours of community service credited to more than 100 inmates. However, BeCI reported 266,051 hours of community service for November 2015, which left over 200,000 community service hours unaccounted for.

Given the large amount of hours reported by BeCI compared to the other institutions, investigators requested and received monthly printouts for calendar years 2014 and 2015 from DOTS⁶ listing the hours credited to each inmate by organization and project. Immediately upon reviewing the January 2014 report, investigators found several inmates who were credited an excessive amount of hours for one project. As an example, two inmates were credited with 744 hours for painting signs and banners for a local high school. These credited hours equaled in total the hours for all 31 days of the month at 24-hours-per-day. A review of the other reports showed a similar pattern with the same inmates serving the same organizations and projects throughout the calendar year.

Investigators compiled the hours by inmate by month and found 15 inmates were credited an excessive amount of community service hours during the two years under review. The following table shows the total amount of hours and the equivalent number of days and years received by each inmate:⁷

⁶ The Departmental Offender Tracking System, or DOTS, provides personal information regarding inmates and tracks them through the ODRC system including the institution they are assigned to, transfers, medical history, disciplinary issues while incarcerated, community service hours, and their supervised release upon leaving an ODRC institution.

⁷ The equivalent amount of days was calculated by taking the total hours and dividing by 24. The equivalent years was calculated by taking the equivalent days and dividing by 365.

Community Service Hours Credited to Select Inmates for CY2014 and 2015

<u>Inmate</u>	<u>Total Hours</u>	<u>Equivalent Days</u>	<u>Equivalent Years</u>
Inmate A	457,782	19,074.25	52.26
Inmate B	310,326	12,930.25	35.43
Inmate C	98,040	4,085.00	11.19
Inmate D	64,418	2,684.08	7.35
Inmate E	25,098	1,045.75	2.86
Inmate F	35,040	1,460.00	4.00
Inmate G	35,040	1,460.00	4.00
Inmate H	59,244	2,468.50	6.76
Inmate I	13,032	543.00	1.49
Inmate J	10,872	453.00	1.24
Inmate K	48,801	2,033.37	5.57
Inmate L	15,680	653.33	1.79
Inmate M	11,838	493.25	1.35
Inmate N	11,778	490.75	1.34
Inmate O	6,022	250.92	0.69

Note: Inmates I-O were not credited community service hours for every month of the two years under review.

From a review of the inmates’ offender search records publically available on the ODRC website, investigators found the inmates could be categorized in one of four sentencing circumstances:

- Inmates who had long prison sentences with eligible parole dates many years in the future;
- Inmates who had parole hearings that determined they should remain incarcerated until their maximum sentence had been served;
- Inmates who were sentenced to life in prison; or
- Inmates who were given fixed sentences where no parole hearing would be held and who would be released upon completion of their entire sentence.

It should be noted that Ohio does allow inmates to earn credit that can be used to reduce their prison sentence. This program is governed under Ohio Administrative Code 5120-2-06, *Earned credit for productive program participation*, and ODRC Policy Number 78-REL-07, *Risk Reduction Sentence Monitoring and Release*. To earn credit inmates must “... productively participate in any academic or vocational program, prison industry, or alcohol and drug treatment, sex offender program, unit management program, or mental health program

specifically approved by the director.” However, community service hours cannot be used to reduce an offender’s sentence.

From a review of the Community Service Inside/Outside Work Listing, which is a report from DOTS showing the involved organizations and projects for the month, investigators identified 16 organizations where a donation of some type occurred and the inmate was credited community service hours. Two of the organizations were later determined to be inmate groups.⁸

The Office of the Ohio Inspector General requested and received from ODRC external audit copies of the Community Service Applications (DRC4261) and Community Service Hours Tracking forms (DRC4368) for the recurring organizations that were associated with the inmates who were credited excessive hours and those where hours were granted for donations received. Included with the documents was a memo dated March 14, 2016, from BeCI Warden Michele Miller to ODRC Deputy Director of Administration Kevin Stockdale. In the memo, Miller explained the applications were completed by both a staff member and community partner. Miller noted that it was her understanding that applications for recurring projects did not need to be completed every year. She added the community service coordinator (CSC) position had gone through several transitions, and documents prior to November 2014 could not be located. Miller also noted in her memo community service hours having been credited to inmates in 2014 and 2015 for organizations who did not have any projects completed by inmates in 2014 and 2015.

Because of missing documentation and notes made by Miller on the memo to Stockdale, the Office of the Ohio Inspector General issued subpoenas to 11 organizations on March 18, 2016. The subpoenas requested any documentation or records related to community service work performed by inmates at BeCI on their behalf. For one organization, Colonial Manor Nursing Home, investigators identified several organizations with a similar name throughout the state and

⁸ An inmate group is defined as “... authorized associations, affiliations, or clubs that are organized and operated by inmates under the supervision of an assigned staff member ... and are designed as an activity or service to the member and/or general inmate population.” Inmate groups are governed by Ohio Administrative Code 5120-9-37, *Inmate group activities*, and ODRC policy number 73-GRP-01, *Inmate Groups* (last effective date of March 29, 2016).

were unable to determine the correct nursing home to send the subpoena request to due to the lack of documentation at BeCI.

Another 12 subpoenas were sent to organizations listed as having received donations from BeCI. All but one organization, Wigs for Kids, responded to the subpoena requests. Investigators later determined the donations to this organization were not monetary and further action was not taken to obtain the information from the organization as required in the subpoena.

On June 20, 2016, the Office of the Ohio Inspector General interviewed BeCI Warden Michele Miller. As part of the interview, investigators requested documents related to food sales held at BeCI benefiting various organizations that were listed as receiving donations. These documents included payments to the vendor for the food sale, the donation payment to the organization, and a list of the inmates who participated and the amount of money they spent during the food sale. During the interview, Miller indicated Robin Jackson, administrative professional 1, was responsible for entering, and for some projects, calculating the amount of community service hours credited to inmates. Jackson declined to meet with investigators and instead consented to a recorded phone interview that was conducted on July 26, 2016. Additionally, interviews were conducted with Edwin Voorhies, managing director of Operations (working title), on August 11, 2016, and Rob Jeffreys, southeast regional director (working title), on August 17, 2016. Jeffreys is Miller's direct supervisor.

The following are the results of the review of documents received and interviews conducted by the Office of the Ohio Inspector General.

Purpose of Community Service Hours

Investigators asked Miller to describe the purpose of the community service program and she stated the "... whole idea behind community service hours is to give back to the community." When asked what benefits or incentives the inmates received, Miller explained the institution had recently received documents from the courts stating community service could be used to offset the balance due on court costs. Miller then provided a copy of a court order from Summit County date-stamped May 16, 2016, stating a specific inmate could use 40 hours of community

service a month to offset his court costs. Miller could not recall if the institution had received in the past more than one of this type of court order. After the interview, a review by investigators found the inmate listed had been credited a total of five community service hours during 2014 and 2015.

Miller further stated inmates had been requesting copies of reports detailing their community service hours and she believed the inmates were providing the information to their attorneys. When asked how often this was occurring, Miller stated she did not know and that investigators would need to speak with Robin Jackson, who maintained this information.

Investigators asked Miller if she, as the warden, or the institution received any benefits or incentives for being first with the number of community service hours achieved. Miller stated neither she nor the institution received any benefit, or even recognition from the director. In the past, the director would acknowledge the institutions who achieved their community service hour goals but this had not occurred for several years. When asked if the inmates received any incentives for the number of community service hours achieved, Miller replied they did not. Investigators wanted to know why Miller was granting 100 hours for a \$1.00 donation, if neither the inmates nor the institution received any benefit or recognition for achieving such a high number of community service hours. Miller did not directly address this issue and instead began discussing the reintegration program. She stated that as part of the program, inmates must obtain a certain amount of community service hours. Miller did not recall the specifics of the program but did note the inmates would not be removed if they failed to achieve the required hours. Miller also explained the idea for the 100 hours originated from a presentation Richland Correctional Institution gave at a reintegration conference held in September 2015.

Throughout the interview, investigators repeatedly asked Miller why she was granting excessive hours if neither the inmates nor the institution was benefiting. Miller replied the "... charities are benefiting" and that she thought it would make the inmates donate more money. When it was pointed out that the charities were only receiving \$1.00 and were not benefiting from the 100 hours, Miller said "... but that's how it is perceived."

After her interview, Miller emailed to investigators summary information about The Ohio Plan for Productive Offender Reentry and Recidivism Reduction (Ohio Plan) issued in July 2002.⁹ According to the summary Miller provided, inmates are to select two or more paths in which to participate, including well-being, education, vocational, career/apprenticeship, pro-social, recovery, community service, family connection, and faith based. If inmates participate in the community service path, they are required to obtain 90 hours a quarter.

The Office of the Ohio Inspector General obtained a copy of the Ohio Plan located on the ODRC website. A review of the plan found a section regarding the recommendation to create an “Ohio Offender Performance Merit System.” This system allows inmates to earn points for program performance and participation, including earning points for the amount of community service hours an inmate is credited. The points can be redeemed for incentives including, but not limited to, “... additional visits, extended visits, an increased commissary spending limit, and after hour phone privileges.” Additionally, successful participation in the programs may allow for the decrease in an inmate’s security level. Investigators located on the ODRC website policy number 80-INC-01, *Offender Performance Merit System* (last updated September 6, 2013), indicating ODRC implemented the recommendations in the Ohio Plan.

Further research conducted by investigators on the ODRC website found information related to the Certificate of Achievement and Employability, governed by ORC §2961.22, OAC 5120-14-01, and ODRC policy number 02-REN-05. Inmates who are one-year out from their release date may apply for a certificate they can then present to an appropriate state licensing board or commission in a vocation they trained for while incarcerated. According to the certificate application, “This allows exemplary, rehabilitated former offenders to access jobs in industries in which they are qualified to work.” It also protects employers who hire individuals who obtained the certificate from negligent-hiring liability. Inmates must complete one program within four tracks, including vocational, cognitive/behavioral, community service, and achievement and

⁹ According to the Ohio Plan located on the ODRC website, the report “... provides a comprehensive set of recommendations addressing the transition of offenders from reception to their parent institution to supervision in the community.”

rehabilitation. In the community service track, inmates must successfully complete 120 hours or more.

During the interview with Jackson, investigators inquired about Miller's statement that inmates had been requesting copies of their community service hour reports. Specifically, investigators asked Jackson whether she maintained a log of who requested the reports and when. Jackson stated she did not start keeping a log until earlier in 2016. When asked if the number of requests for the reports increased after the warden began granting 100 hours of community service for every \$1.00 donated, Jackson confirmed the requests had increased. Jackson also stated beginning this year the warden had requested to review the reports before they were given to the inmates. Jackson was asked if the warden requested any changes to the reports after the warden's review and she replied Miller had not made any changes.

In the interviews conducted separately with Voorhies and Jeffreys, investigators asked if inmates were given any incentives or perks for community service hours earned. Both stated incentive programs would be managed by each institution and they did not know if BeCI was using the program related to the crediting of community service hours. Additionally, both stated neither the warden nor the institution receives any incentives for achieving a high amount of inmate community service hours, and the amount of hours is not a factor in their annual performance evaluations or is a statistic considered for job promotions.

On September 28, 2016, the Office of the Ohio Inspector General separately interviewed four inmates currently housed at BeCI who were reported to have donated between \$50 and \$100 each to two charities in October 2015. When questioned why the inmates donated significant amounts of money, three of the four inmates stated they donated to obtain the offered community service hours. Of the three inmates, only one stated he had done so specifically to obtain the hours to provide to the court in hopes of reducing the amount of court costs he owed. This inmate further stated the 100 hours for \$1.00 "sounded too good to be true" and he was "surprised the institution could do that." All of the inmates stated other inmates had informed them that community service hours earned while housed at an ODRC institution could be used to

reduce court costs imposed as part of their sentence. They also knew they could request a printout of their credited community service hours and provide it to their respective attorneys.

While Miller stated inmates received no incentives for the amount of community service hours they were credited, the inmates interviewed stated they could reduce their court costs through the hours they obtained. In conducting research into the matter, the Office of the Ohio Inspector General located on the Supreme Court of Ohio’s Office of Judicial Service website a publication regarding “Collection of Fines and Court Costs in Adult Trial Courts.” The publication contains, in part, the statutory authority for community service as payment for court costs, and the community service schedule based on the level of the criminal offense.

Community Service Hours Policy

BeCI provided 18 applications for seven of the 12 organizations the Office of the Ohio Inspector General identified where the inmates were credited an excessive amount of community service hours. A review of the applications compared to ODRC policy number 04-CMJ-03, *Community Service*, found the following number of applications failed to meet certain policy requirements:

Number of Applications Failing to Meet ODRC Policy Requirements

<u>Policy Requirement</u>	<u># of Applications Not Meeting Requirement</u>
Completed by Community Partner	5
Signature of Community Partner	5
Signature of Community Service Coordinator	13
Signature/Approval by Managing Officer (Warden)/Designee	10
Documentation of Tax Exempt Verification Included	4
Cost Savings Analysis Completed	5

Note: Some applications may have failed multiple policy requirements and therefore the total number of applications is greater than the number received from BeCI

Investigators asked Miller what her understanding of the policy was and she replied, “... any staff member or organization that wants a community service project, they need to fill out an application” and verify the organization was a non-profit. The application was also to list any items the organization would need to provide to complete the project, the savings to the

organization, any equipment or items the institution would have to provide, and the due date. When the application was received by BeCI, an employee would sign-off on the project, then forward it to the community service coordinator, and then to the warden.

Miller confirmed to investigators her statement that “any staff member” or employee involved in a charity may make a request for a community service project. Investigators also asked for clarification whether the employees themselves are completing the applications or just signing the second page acknowledging receipt of the application. Miller replied that in some instances the employee would complete the application on behalf of the organization based on a phone conversation. Miller later stated in some instances she herself would complete the application and would even bring in supplies for the project which she purchased on the organization’s behalf.

Investigators informed Miller they had reviewed the documents provided by ODRC external audit related to the applications and found numerous instances where the application was incomplete and there were no approval signatures by the community service coordinator (CSC) or the warden. ODRC policy states if an application is incomplete, it is to be returned to the community partner and the project not progress forward. The policy also states the community partner is to complete the application and not BeCI employees. Miller was asked why these projects were allowed to move forward if they did not conform to the policy and she responded, “Because we did not have a good work flow in process (sic).”

In regards to the application for the “Make the Warden Walk” donation, Miller was asked why she did not submit the form to ODRC Central Office or her regional director for their review and approval to avoid any conflicts of interest. Miller said she “... didn’t even think of it.”

Calculation of Community Service Hours and Reporting

BeCI also provided numerous Community Service Hours Tracking forms for the organizations. Some of these forms were related to the projects listed on the applications provided while others were unrelated. A review of the forms conducted by investigators found other inmates’ names listed in addition to the 15 inmates previously identified by investigators. These inmates’

credited hours matched what was in DOTS. However, for the 15 inmates that were credited with an excessive amount of hours, differences were found between the hours listed on the forms provided and what was entered into DOTS for the corresponding projects. These differences between hours listed on tracking forms and actual hours credited are shown for each of the 15 inmates in the chart below:

Comparison Between Tracking Forms and DOTS

<u>Inmate</u>	<u>Hours as Listed on Tracking Forms</u>	<u>Actual Hours Credited in DOTS</u>
Inmate A	265	456,209
Inmate B	68	309,116
Inmate C	0	66,600
Inmate D	86	46,830
Inmate E	0	24,768
Inmate G	0	35,040
Inmate H	53	25,013
Inmate I	0	13,032
Inmate J	0	3,624
Inmate K	152	32,386
Inmate M	15	11,720
Inmate N	14	11,720
Inmate O	16	5,856

In regards to community services hours credited for donations received, the Office of the Ohio Inspector General identified 16 organizations where the project in DOTS was listed as a donation (either monetary or food) or food sales.¹⁰ The following charts show the organization and activity along with the number of inmates and community service hours they were credited:

Donations for Credited Community Service Hours – CY2014

<u>Organization</u>	<u>Activity</u>	<u># Inmates</u>	<u># Hours</u>
Combined Charitable Campaign	Blankets	110	5,637
Combined Charitable Campaign	Food Sales	861	27,844
Dogs for Warriors	Food Sales	413	4,557
Locks of Love	Donations	4	2,880
Mid-Ohio Foodbank (Operation Feed)	Food Sales	462	7,132
Vietnam Veterans of Ohio	Food Sales	330	5,600
Wheeling Soup Kitchen	Donated Food	103	15,965
Wigs for Kids	Donations	3	2,160
		TOTAL	<u>69,615</u>

¹⁰ One organization was listed as “Operation Food Campaign” which is sponsored by the Mid-Ohio Foodbank and was therefore counted as one entity.

Donations for Credited Community Service Hours – CY2015

<u>Organization</u>	<u>Activity</u>	<u># Inmates</u>	<u># Hours</u>
BeCI Jaycees	Food Sales	454	8,353
Belmont Incarcerated Veterans	Food Sales	716	17,651
Bridgeport Food Pantry	Donated Food	68	485
Combined Charitable Campaign	Donations	28	125,601
Combined Charitable Campaign	Fundraising	190	8,002
Daily Bread Center	Donated Food	64	390
Locks of Love	Donations	3	2,160
Ohio Court Appointed Special Advocates	Food Sales	433	6,966
Operation Food (Feed) Campaign	Donations	37	26,700
Pittsburgh Children’s Hospital of UPMC	Donations	116	54,000
St. Clairsville Food Pantry	Food Donations	102	419
St. Jude’s Children Hospital	Food Sales	495	9,419
Susan G. Komen Breast Cancer Research	Donations	44	99,700
Wheeling Soup Kitchen	Donated Food	85	<u>555</u>
		TOTAL	<u>360,401</u>

Two of these organizations – BeCI Jaycees and Belmont Incarcerated Veterans – were identified as inmate groups. According to ODRC policy number 73-GRP-01, *Inmate Groups*, the groups are allowed to participate in fundraising activities and “Community service hours shall be granted to group participants who are active in fund raising activities for charities.” Given the number of inmates who were credited community service hours, it appeared that any inmate who purchased food during the fundraising event – and not just group members – were credited hours in possible violation of the policy.

During Miller’s interview, she was asked to describe her understanding of the process for tracking and reporting community service hours. Miller explained Robin Jackson was responsible for inputting the hours from the tracking forms into DOTS. Jackson is the only individual at BeCI who has access to the area within DOTS to enter in this information. Miller further stated the institutions did not receive monthly reports from DOTS but noted the hours for the previous month are reviewed during executive staff meetings.

A summary of the hours credited to inmates for a project related to the American Cancer Society was provided to Miller by investigators. The summary showed between February and September 2014, two inmates were credited a total of 233,844 hours. This equated to 9,744 equivalent days

and 27 equivalent years.¹¹ Miller was asked how the inmates could achieve these hours for one project. Miller explained she asked Jackson how the hours were tracked and was informed the inmates would be credited the amount of hours they worked on the project as well as the amount of hours the project, in this case 20 butterfly mobiles, was on display. When asked if she approved this arrangement, Miller said, “Yes. Well, I didn’t actually know we were doing that until I met with her (Jackson).”

When shown the hour tracking form that included a note (partially obscured before the form was copied and provided to the Office of the Ohio Inspector General) that read in part, “Per Warden Miller,” she replied, “Well, let me go back. Miss Jackson would come to me a couple times a year and say, ‘This banner¹² is still posted. Do you want them to still get hours?’ She had been instructed, and I do not know by whom, to count the hours.” When asked how this was verified, Miller replied, “Most of the organizations we called back to see if they were still there.”

Investigators informed Miller the Office of the Ohio Inspector General had sent a subpoena to the American Cancer Society and they had no record of having received the butterfly mobiles. Additionally, there was no record of the contact that was listed on the application as being an employee or volunteer for the organization. It should be noted, this application was completed, signed, and approved by Warden Miller with her signature appearing on each signature line. Miller stated she did not know why the organization would claim to have no record of the project.

It was then noted this was not the only organization where excessive hours had been credited to inmates nor the only organization that responded to the subpoenas issued by the Office of the Ohio Inspector General stating there was no record of the project or the items had been provided by BeCI several years ago. Miller responded, “I did not know that we were giving them the

¹¹ 233,844 total hours / 24 hours in a day = 9,743.5 equivalent days. 9,743.5 days / 365 days in a year = 26.7 equivalent years.

¹² Banner is used by Miller as an example of the type of project where community service hours were continuously credited to inmates as long as the item was on display. Project types at BeCI where continuous hours were credited included signs, scoreboards, benches, bird houses, and paper cut outs. When direct quotes from Miller during her interview are used, the word banner is maintained. Otherwise the terms items on display or projects on display are used.

signs posted and things like that until Miss Jackson asked me. I didn't know that we were doing that, nor did I know the number of hours that we were giving." When asked again if she authorized this practice, Miller answered, "I did not until Miss Jackson started asking me about that ... probably before last year."

Miller informed investigators she began questioning the hours credited to inmates in December 2015 after she had received questions about the November 2015 hours from an individual at ODRC Central Office.¹³ However, Miller said she only questioned the hours going back to October of that year. Investigators asked Miller why she did not review records further back if Jackson had been informed her past projects had been on display for years, allowing inmates to continue to earn hours. Additionally, several documents had a written note on them from Jackson stating "per Warden Miller." Miller replied:

So our conversation would be this. She would say do you know if the banner's still up and I would call or not and say if the banner's still up then yes, they get the hours, but we did not discuss the numbers. So yes, but not the number. I did not know the number. I didn't know the number until we really started looking into, into particular inmates.

Investigators asked Miller about the calculation of hours for food sales and inmate group fund raisers, particularly in regards to the policy that states only members of the inmate group were to be credited hours and not every inmate who purchased an item for sale. Miller responded it was something the institution had done as long as she could recall and began prior to her being named warden. Miller stated it was her understanding the inmates were credited hours based on the amount of money they spent (i.e., if they purchased \$5.00 worth of food they would be credited 5 hours of community service).

When asked about inmates who could not afford to donate funds or purchase items during a food sale, Miller replied the inmate would not be able to purchase an item or donate to the charity. Investigators noted to Miller that the program appeared to create an inequality between those

¹³ Further information regarding the question asked of Miller and her response and subsequent actions she took is discussed later in this report of investigation.

who could afford to participate and those who could not. Miller did not address this issue and instead began discussing when the food sales were held.

When scheduling the interview with Miller, the Office of the Ohio Inspector General requested documentation related to the food sales which Miller provided during the interview.

Investigators reviewed the files and noted several of the food sales were not associated with any inmate group and instead were held on behalf of the Combined Charitable Campaign. The Combined Charitable Campaign, according to Ohio Administrative Code 123:1-28-01, "... is to provide state employees with the opportunity to make donations to charitable organizations through payroll deduction or one time contributions and to minimize workplace disruption by limiting solicitations for charitable contributions to one combined campaign per year."

Therefore, hours credited to inmates for these sales appeared to be in violation of both the inmate group and the community service policies.

The Office of the Ohio Inspector General also noted during the review of the documents provided by Miller that there was a discrepancy between the hours credited to inmates for food sales and the amounts the inmates spent on the items. For example, in March 2014, inmates were able to purchase pizza from an outside vendor at a price of \$6.25. However, the inmates were credited nine hours of community service for each item purchased.

During the interview with Jackson, she was asked about how community service hours were calculated for items on public display. Jackson explained the hours have always been calculated that way, even back to when the prison first opened in 1995. She was also trained on crediting hours to inmates for items on display when she was assigned this task in August 2000. When asked if the warden was aware of the high amount of hours inmates were obtaining for community service, Jackson replied "... the warden is always my go-to person for community service hours." She later said:

So, so --- but regarding the community service hours sssh --- I would always get my direction from her. So she and I often --- often times, you know, even passing in the hall, we would comment about community service hours. You know, I, I would often go to

her office to ask, you know, this project, you know, when does this project begin and, and just --- you know, it was common conversation for the two of us.

Jackson confirmed she provided a summary of the community service hours credited to inmates to one of the deputy wardens, who in turn would give the report to the warden for the executive staff meetings. This report did not list totals by inmates but was just the total hours for the institution in a particular month and year-to-date.

In regards to the calculation of hours for food sales, Jackson stated she determined the hours by adding the price of the item purchased to the profit made on the sale. Using the example the Office of the Ohio Inspector General identified during their review, the price of the pizza was \$5.00 and the amount paid by inmates, \$6.25, was rounded up to the nearest whole dollar - \$7.00. Therefore, the profit on the item was \$2.00. So the total hours credited to the inmate would be 9 - \$7.00 for the purchase price plus the \$2.00 profit. When asked how long this practice was in place, Jackson again stated it had been this way since she started.

After the interview with Jackson, the Office of the Ohio Inspector General conducted another review of the food sale documents to determine if Jackson's explanation was accurate. The review found two instances where the hours credited were not based on the methodology as described. For a food sale that occurred in December 2014, several items were available for sale and the hours that should have been credited were 3, 8, or 15 based on the item purchased. However, according to the DOTS records, inmates were credited hours in multiples of 7.

In another instance, the institution allowed inmates to purchase sweaters or blankets with the proceeds going to the Combined Charitable Campaign. Using the methodology described by Jackson, the inmates should have been credited hours between 23 and 29, depending on the item purchased. However, in some instances inmates were credited with less than 20 hours.

Other Matter

One of the organizations where inmates were credited 100 hours for every \$1.00 donated in October 2015 was listed as the "Susan G. Komen Foundation." However, when the Office of the

Ohio Inspector General received a copy of the application from BeCI, the organization was listed as “Breast Cancer – The Rose – Susan G Komen” located in Houston, Texas. This application was also completed, signed, and approved by Miller with her signature appearing in each of the signature lines.

Investigators asked why Miller selected an organization located in another state to receive the donations. Miller explained she wanted to donate to a charity involved in breast cancer research because October was breast cancer awareness month. She initially selected Susan G. Komen but was informed by her staff members that a lot of the money the organization received went to administrative costs. Miller then conducted some internet research and identified The Rose as an organization that had a low rate of administrative costs per donation. Miller provided a printout of her internet research and the investigators noted the date the information was printed out was June 20, 2016 – the day of her interview. Miller replied, “Actually I printed it and attached it to the application. But I printed it out yesterday in case you asked because every --- all your documents said Susan G. Komen. So I figured that was gonna (sic) be an issue.” When BeCI initially provided the application for this organization, no additional documents were attached or provided.

The Office of the Ohio Inspector General conducted its own research and found The Rose listed its administrative costs as 12.5 percent. A search of the 2015 Combined Charitable Guide (provided by Miller during her interview) found four Ohio affiliates of the Susan G. Komen organization. The average administrative cost for these four affiliates was 14.7 percent. The Combined Charitable Campaign considers 25 percent to be excessive. Separately, two of the four Ohio affiliates were listed as having comparable administrative costs to The Rose – Columbus at 12.6 percent and Northwest Ohio at 12.2 percent.

A search of the Rose’s website found Susan G. Komen – Houston Chapter as a donor for the organization. The Susan G. Komen website confirms the Houston Chapter provided a grant to The Rose. Other than this grant, there does not appear to be a closer affiliation between the two organizations.

Additionally, Miller provided documents related to other organizations the institution donated funds to as part of the Combined Charitable Campaign. In 2014, BeCI contributed funds to the Breast Cancer Research Foundation which lists its administrative costs as seven percent. It is unknown why Miller chose to donate to an organization that was out of state and had a higher administrative cost than an organization BeCI had previously donated to.

During the interview with the four inmates conducted on September 28, 2016, they were asked about the donations to Susan G. Komen and confirmed that was the organization they were donating to. When informed the funds actually went to an out-of-state organization and not directly to Susan G. Komen, the inmates stated as long as the funds went to a legitimate charity they had no concerns.

Notification to Miller of Investigation

As part of the investigation, the Office of the Ohio Inspector General obtained and reviewed Miller's state email account. This review identified several emails of note:

- December 16, 2015, 3:48 p.m. – Brian Niceswanger with ODRC's Office of Prisons emails Miller asking, "Did BECI really generate 291,000 community service hours in November?" Miller replies at 5:39 p.m., "Yep, yep and yep!!!" ([Exhibit 2](#))
- January 6, 2016 – Joanna Saul emails Edwin Voorhies a copy of the complaint CIIC received regarding the "Make the Warden Walk" donation flyer. Voorhies forwards the email to Rob Jeffreys asking him to look into the issue. Jeffreys forwards that email to Miller.
- January 8, 2016 – Miller emails Niceswanger and says she looked into his question about the November 2015 hours and they would like to make some changes to the report for October, November, and December. Later that afternoon, she emails and writes, "Please remove 214,700 from the yearly total for BeCI!" ([Exhibit 3](#))
- January 8, 2016 – ODRC sends the notification of possible wrongdoing regarding Miller to the Office of the Ohio Inspector General. Voorhies forwards this email to Jeffreys and writes, "You should give Michele a 'heads up.'" ([Exhibit 4](#))
- January 9, 2016 – Jeffreys forwards Voorhies' email to Miller.

During Miller's interview, investigators asked whether a report showing an excessive amount of community service hours was something that she would notice, and Miller replied, "Yes." She later said, "I do know that the number of hours were extreme and we did not catch it."

Investigators noted to Miller the hours BeCI reported achieving as a year-to-date total in November 2015 was almost one million and inquired how Belmont was able to obtain those hours. Miller replied it was from "a variety of projects" and "... there has always been a very large activity for community service." Miller also said it was very important to her that the institution reach the million-hour mark as they had been close to the goal in 2014 and discussed the matter in executive staff meetings.

When shown the December 2015 email from Niceswanger, Miller explained she was in training that day and did not respond to his email until later in the evening but then, "I got to thinking about those hours and how that could not have been accurate." She later contacted Niceswanger and asked if they could make changes to the report. Investigators noted she did not make that request until January 8, 2016. Miller replied she went to talk to Jackson but could not remember when and stated it was during the time of year when a lot of people took vacation. Miller again stated she wanted to gain an understanding of the process and did not know one could not make changes in DOTS after a certain date. Investigators asked if the email from Voorhies is what really prompted her to begin looking into this issue. Miller stated she was already looking into the issue and had met with Jackson about making changes.

Miller was asked if she spoke to Jeffrey's about the initial complaint from Saul and the CIIC. Miller stated she had spoken to Jeffrey's and he inquired about the situation, and that was when she informed him about the presentation from Richland Correctional. When asked if she spoke to Jeffrey's again after the Office of the Ohio Inspector General had been notified, Miller stated she had. According to Miller, Jeffrey's

... told me that I need to make sure that I'm familiar with the process. And then if there was anything that did not appear to be accurate, that I needed to not change anything, but to make sure that we fixed it so that we would not be under scrutiny.

When again asked if she attempted to make changes to the report after she was notified of the pending investigation, Miller stated she was already looking into the issue. Miller admitted there were no documents or other verification to demonstrate this was the case.

Miller indicated she was unable to speak to Jackson right away about the issue due to Jackson being on vacation. The Office of the Ohio Inspector General obtained the state payroll records for this time period and found Jackson did not take vacation leave until December 24, 2015 – a week after the email from Niceswanger. Both Jackson and Miller are shown to have been credited regular hours and did not take full days off with leave in the week after Miller received Niceswanger’s email.

During the interview with Jackson, investigators asked if Miller had inquired about inmates receiving excessive hours in December as she claimed. Jackson did not recall having any conversation with Miller about the hours credited to inmates. She did recall speaking to the warden about how much money inmates were donating with the 100 hours for \$1.00 charity donations and Miller then canceled the program. Jackson then read an email she received from Miller on January 6, 2016, where Miller asked for a detailed report of the number of inmate community service hours credited in 2015. [\(Exhibit 5\)](#) This email contradicts Miller’s statements that she and Jackson were looking into the issue since mid-December.

After the interview, Jackson provided the Office of the Ohio Inspector General a copy of the January 6, 2016, email as well as a copy of an email from November 18, 2016. The November email was from Miller listing charities for each month where inmates could donate and be credited community service hours. In the bottom right corner, Miller signs and dates the email writing “100 community service hours per \$1.00 donated.” The date for this comment was December 30, 2015. [\(Exhibit 6\)](#)

Voorhies was asked during his interview about the notification to Miller of the investigation. Voorhies confirmed he did ask Jeffreys to give Miller a “heads up.” He also said,

... if I've got a notice of wrong-doing going out on junior employee, we, we make sure that they get aware of the fact that this notice of wrong-doing is going out. It's --- it was one of my wardens. It doesn't change.

When informed of Miller's actions where she requested over 200,000 be deleted from the reports, Voorhies stated he was not aware of that and it was not his "intent" for Miller to do so when he notified her of the pending investigation.

Investigators also asked Jeffreys about the notification to Miller. He stated he was following his supervisor's (Voorhies') instructions. Jeffreys confirmed he spoke to Miller on the phone regarding the notification but could not recall specifics of the call. When asked about Miller's comment that Jeffreys said, "... make sure that we fixed it so that we would not be under scrutiny," Jeffreys denied making the statement. Instead he recalled telling her "... make sure that you fix it so you don't go forward continuing doing the same thing ... Don't mess with what was done, but stop doing what you're doing." When shown the emails Miller sent requesting the changes to the report, Jeffreys stated he did not instruct her to do that and was unaware she had attempted to make the changes.

Other Matter

During the course of the investigation, the Office of the Ohio Inspector General noted the majority of the excessive hours credited to inmates for projects continuously on display were related to the Colonial Manor Nursing Home. In the initial request for community project applications, none were provided for the nursing home. When investigators asked Jackson for the address to the nursing home, Jackson replied that she did not have the address but believed the warden should have it. Jackson also stated a relative of the warden was a resident of the nursing home. Investigators asked Miller for the address and if she, or another staff member, knew anyone who was a resident of the nursing home. Miller provided the address and confirmed she had a relative who was a resident there.

During her interview on June 20, 2016, Miller indicated that she provided supplies related to community service projects performed by the inmates. Miller noted the nursing home was one

of the examples of the organizations she provided items for. While there is no indication the items were not provided to the nursing home, the Office of the Ohio Inspector General will refer this matter to the Ohio Ethics Commission for further review to determine if there are any ethical issues regarding the warden having the inmates provide items to the nursing home where one of the residents is her relative.

CONCLUSION

The Office of the Ohio Inspector General received a referral of a complaint provided to the Correctional Institution Inspection Committee. In the complaint an inmate housed at Belmont Correctional Institution (BeCI) raised concerns about Warden Michele Miller granting 100 hours of community service for every \$1.00 donated. The former executive director of the CIIC expressed her concern that the hours could be used to make early release decisions.

Though the Ohio Revised Code prohibits community service hours from being used to reduce an inmate's sentence, community service hours are allowed to be used for other inmate programs. Specifically, community service can be used as part of an inmate's reentry program or for use when obtaining their Certificate of Achievement and Employability.

While the warden stated inmates are not given any perks or incentives for the amount of community service hours they are credited, the Office of the Ohio Inspector General found that not to be the case. During interviews with four inmates, all stated they believed they could use community service hours to reduce the amount of court imposed fines and costs. Ohio Revised Code §2947.23 includes a process to allow courts to convert court costs to community service under certain circumstances. The hours subject to conversion are dictated by ORC §2929.17 and §2929.27, depending on the level of the criminal offense. BeCI did not maintain a list of inmates who requested a copy of their community service hours report during the period under review. As a result, the Office of the Ohio Inspector General is unable to determine if any inmate has an approved court order to allow for community service hours to reduce court-imposed fines and costs.

Furthermore, from a review of the Community Service Applications related to the applicable policy, investigators found numerous violations: applications were completed by BeCI staff members and not by the community partners as required; and applications were missing required information such as the cost savings, community service coordinator-signed recommendations, verification of the organization's non-profit status, and approval signatures of the managing officer, warden or designee. Per the policy, the incomplete applications should have been returned to the community partners and the projects not progressed forward.

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

Per the community service policy, hours are to be credited to inmates for "productive and meaningful work." However, both Michele Miller and Robin Jackson admitted community service hours were granted for the duration of time the items provided to community partners were on display. This allowed inmates to accumulate an excessive amount of community service hours for no work performed.

Miller stated she did not know how the hours were calculated but Jackson explained Miller was fully aware of the situation. On documents provided by BeCI regarding the amount of hours to be credited to select inmates, handwritten notes state "per Warden Miller." Jackson also stated Miller was her "go-to person for community service hours" and they often had conversations about the crediting of hours. Miller herself stated in her interview that she would contact the organizations to determine if the items donated were still in use.

Jackson stated this practice had been occurring for many years even before she took over the duties of processing the inmate's accumulated hours in DOTS. Additionally, Miller has been at BeCI since 1994 and was named the warden in 2004.

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

In regard to donations, inmates were given community service hours for dollars donated to the charity of the warden's choice. This violates the community service policy that states hours are to be granted for "productive and meaningful work."

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

BeCI also conducted various food sales throughout the year where inmates were credited community service hours for making purchases. According to the inmate group policy, only inmates who performed work setting up the event are permitted to earn community service hours. Additionally, some food sales were related to the state's Combined Charitable Campaign and were not related to an inmate group. Therefore, community service hours should not have been credited to any inmate for these activities.

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

As part of the investigation, the Office of the Ohio Inspector General obtained emails that show Miller was informed of the pending investigation related to BeCI's community service hours. Shortly after Miller was informed of the investigation, she sent an email requesting over 200,000 earned community service hours be removed from the community service hours report for the last three months of 2015. When confronted with these emails, Miller told investigators she had already been looking into the issue in December 2015 and it was just a coincidence her request was made at that time.

However, the Office of the Ohio Inspector General found through an interview with Jackson and documentation provided by her, that Miller did not appear to be looking into this issue in December. Jackson provided an email dated January 6, 2016, where Miller stated she had been thinking about the issue and requested a detailed report of the community service hours inmates had been credited in 2015. Additionally, Jackson stated to investigators that she did not recall

speaking to Miller about concerns Miller had with the amount of community service hours credited to inmates in December.

Jackson also provided an email that contained a handwritten note from Miller stating inmates were to earn 100 community service hours for every \$1.00 donated, dated December 30, 2015. Miller's note on the email contradicts Miller's statement to investigators that she was concerned in early December about the number of hours inmates were earning because she was authorizing the continuation of the program on December 30.

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

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) Review the actions of the individuals named in this report and determine if administrative action is warranted.
- 2) Revise the community service policy to include instructions on how and when inmates are to be credited community service hours. This should include instructions on the calculation of hours.
- 3) Review the hours credited to inmates at Belmont Correctional Institution and make adjustments to their balances for hours credited for "non-productive and meaningful work" such as the hours for donated items on continuous display, donations, and food sales outside of the allowable guidelines in the Inmate Group policy.

- 4) Include a note on the individual inmate community service hour printouts that hours credited to inmates while housed at Belmont Correctional Institution may not have been granted in conformance with ODRC policy and consideration should be given before any court uses the hours to reduce court-imposed fines and costs.

REFERRALS

The Office of the Ohio Inspector General has determined the following referrals are warranted for this report of investigation:

- Belmont County Prosecutor's Office regarding the attempt to change records when notified of the pending investigation;
- Ohio Ethics Commission regarding Michele Miller's use of the inmate community service program to provide donated items to a nursing home where a relative is a resident; and
- The Supreme Court of Ohio for possible notification to the courts of community service hours granted to inmates in non-conformance of ODRC's policy while housed at Belmont Correctional Institution that could be used to reduce court-imposed fines and costs.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Department of Rehabilitation & Correction
FILE ID #: 2016-CA00001

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
April 20, 2017

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