

A Report on Assaults, Disturbances, Violence, and
Prosecution in the Ohio Department of Rehabilitation &
Correction: January 1, 2007 through September 30, 2012

Prepared in Response to Section 9 of Amended Substitute HB 86, enacted
by the 129th General Assembly and effective September 30, 2011

Submitted by the Ohio Department of Rehabilitation & Correction
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Report Highlights

Assault, Violence, and Disorder

Due to the volume of data and sometime conflicting patterns, it is difficult to make broad generalizations regarding assaults in Ohio prisons. To some degree the broadest measures of assault, violence, and disorder disguise sometimes more critical sub-measures. The clearest indication of the latter is that the overall rate of inmate-on-staff (IOS) total assaults have been stable or down from 2007 to 2011, while the rate of IOS assaults with serious physical injury to staff more than doubled during the period (see chapter 1).

Other patterns of note include:

- The rate of inmate on staff assaults, after dropping to below 19 per 1,000 inmates in 2010, increased nearly six percent in 2011 and is projected to increase another 4.5% in 2012, driven largely by an increase in harassment assaults (see chapter 1).
- Although relatively rare, serious injury assaults on staff members have increased substantially since 2007 to 40 such incidents in both 2010 and 2011. They are projected to remain at that level in 2012 (See chapter 1).
- After more than doubling during 2007-2011, the rate of serious injury inmate on inmate assaults per 1,000 inmates is projected to decline by 26% in 2012 based on reported numbers through September (see chapter 2).
- Similar to trends in serious injury assaults, violent forms of individual-level misconduct (taken from Rule Infraction Board, or RIB, reports) have also increased steadily during 2007-2011, especially since 2010. The rate of disruptive rule infractions, for example, increased over 16% between 2010 and 2011. However, the patterns have been mixed so far in 2012, with 8% declines in the rate of overall violent misconduct, but with modest increases of just over two percent in assaultive and disruptive behavior (see chapter 4).

Inmate Disturbances

There was a considerable growth in inmate disturbances meeting the American Correctional Association (ACA) definition of an assault involving four or more inmates over the period 2007 to 2011, representing a more than 300% increase during that time period. The number and rate of disturbances does appear to have dropped somewhat during the first 11 months of 2012 (see chapter 5).

Prosecution Patterns

Of the 82 total serious assaultive cases reviewed for prosecution history, 35 were inmate-on-staff (IOS) and 47 were inmate-on-inmate (IOI) incidents from the period+ October 1, 2011, through

September 30, 2012. Of the total cases, 10 are still pending a decision. For the remaining 72 cases, 23 resulted in a prosecution, and 17 resulted in a conviction (See chapter 7).

Recommendations

The reports concludes with a series of recommendations that may help to further reduce all types of misbehavior and violence in Ohio's prisons.

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Overview of Report

This report was prepared in response to language contained in Section 9 of Amended Substitute House Bill 86, enacted by the 129th General Assembly and effective September 30, 2011. The section reads as follows:

“SECTION 9. (A) The Department of Rehabilitation and Correction shall conduct an empirical study of all of the following:

(1) Assaults of any type by inmates upon staff of the Department;

(2) Assaults with a weapon by inmates upon other inmates;

(3) Sexual assaults by inmates against other inmates;

(4) The frequency with which the Department recommends prosecution for each type of assault identified in division (A)(1), (2), or (3) of this section, the process that applies to such prosecutions that are commenced, and the outcome of such prosecutions.

(B) The Department of Rehabilitation and Correction shall prepare a report that summarizes the findings of its study described in division (A) of this section. The report also shall include recommendations of the Department for improving the safety of the Department's institutions as supported by the sanctioning and prosecution process. Not later than December 31, 2012, the Department shall submit copies of the report described in this division to the Governor, the Attorney General, the President and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate.”

The report accomplishes the below objectives:

- Provides information summarizing by several measures violence and assault in the prisons of the Ohio Department of Rehabilitation and Correction (DRC).
- Describes the results of a statistical analysis of serious inmate misbehavior that was used to create classification instruments for male inmates that can help to reduce inmate misbehavior.
- Describes the process of referring seriously assaultive inmate behavior for outside investigation and possible prosecution, and details the results of cases referred for investigation during a recent twelve month period.
- Summarizes recommendations of DRC that may help to reduce inmate assaults in the future. Some of these recommendations can be implemented administratively. Other recommendations will likely require legislative change.

Content of the Report

The first two chapters of the report summarizing assault patterns are very similar in presentation. Inmate-on-staff (IOS) and inmate-on-inmate (IOI) assaults are reported from 2007 through September 30, 2012. January 1, 2007 is taken as the starting date because this is when reliable electronic record keeping began. Records for IOS and IOI assaults were kept before that time, but no accurate comparison can be developed between the two periods.

The assault reporting system has been considered important for almost two decades, and it is more detailed than the RIB system (i.e., inmate rule infractions). To the degree that the information is known, there is information about the assailant (or multiple assailants), the victim or victims, and some general information about the incident. Victim information includes degree of injury. Incident information includes the use of a weapon and type of any weapon. Thus these databases provide the foundation for the later study of prosecution patterns, also reported later in this document.

For both IOI and IOS the patterns over the past six years are disturbing. Especially over the period from 2007 to 2009 there was a marked rise in both the number and rate of IOS and IOI assaults. (The rate of assaults is more critical, because the prison population has moved up and down and that shifting can be the source of a change in the absolute number of events. Using rates corrects for that situation. For this report rates are computed as the number of incidents per thousand inmates.) Total IOI assault rates stayed stable in 2009 and 2010 and then took a fairly large jump in 2011 where it has stayed until the present. For IOS assaults there was a decline in rates over the period from 2008 through 2010, but there was a subsequent increase in 2011 and 2012. Still, as the full chapters make clear, not all assaults are of equal importance, and the patterns for different types of serious assault do not always match the patterns for the total rates. Also, key indicators report relatively rare behavior, and a change of one or two incidents in any year can cause erratic drops and increases.

Chapter 3 details the information reported to the federal government with regard to the Prison Rape Elimination Act (PREA). It is a summary of assault information of many kinds that relate to sexual assault in the prison setting, whether concerning staff or inmates. The department is pleased that its assault rates seem relatively low compared to other jurisdictions (see published BJS reports at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=20>), but we would like to see rates continue to decline. This information, reported for Calendar Year 2011, details the most recent reporting period. Sexual assault information for the same time period for privately operated prisons is not included.

Chapter 4 of the report uses inmate rule infraction records to detail other measures of institutional disorder and danger to staff and inmates. These statistics do not include charges where the inmate was not found guilty, nor do they include those cases where an inmate was found guilty, but at the Hearing Officer level (a preliminary phase). These summaries try to target the most serious group of rule infractions, although not all are assaultive. Even those that include force are more inclusive than assaults, especially because fights represent well more than one-half of all these RIB convictions. (A fight may emerge from a bump or temporary irritation, and both parties may be equally at offense; thus, most fights do not reach the level of being an assault). In general, we see a steady increase in violent and disruptive rule infraction board conviction rates from 2007 to 2011. This is also true for different sub-groups. Somewhat more encouraging, if the first nine months of

2012 is compared to the same period for 2011, the broadest measure of violent rule infractions dropped several percent, although key sub-groupings still increased somewhat.

Chapter 5 of the report shows some progress in reducing this larger scale measure of disorder and danger. These disturbances (using the American Correctional Association definition) require at least four inmates to be involved in an incident that threatens the orderly operation of a prison. Those disturbances, again comparing the first nine months of 2012 with the same period of 2011, show a modest decrease.

Chapter 6 of the report details the use of multivariate statistical analysis both to determine the characteristics most associated with patterns of serious misbehavior for male inmates, and also to develop objective prison classification instruments that can help to reduce that misbehavior. Proper inmate classification places those inmates most likely to misbehave in settings where there is the greatest level of control, thus reducing the likelihood that serious misconduct will develop. Classification instruments can help to sort out inmates by the likelihood of serious misbehavior. If inmates are then placed in the most appropriate prison setting, the level of misbehavior for that particular inmate should be reduced, as should the overall level of misbehavior.

This chapter further explains the development of two classification instruments over the last year put into place in Ohio's male prisons late in August of 2012. It will take a year before all male inmates will have been scored according to the updated instruments (one for new inmates and one for inmates who have already been in prison for a year or more). The consequences may begin to be known by mid-2013. As for classification patterns, the new instruments should result in more inmates going to lower security levels, but for those who do go to higher levels, a larger proportion should have a history of serious misbehavior and a greater likelihood of the same in the future.

It should be noted that there is also research in progress to prepare updated classification instruments for the department's female inmate population.

Chapter 7 of the report offers a basic description of the prosecution process for very serious misbehavior in prison. If it appears that a felony might have been committed, the Ohio State Highway Patrol (OSHP) is called in to do an investigation. The OSHP makes the choice as to whether the incident gets referred to a county prosecutor for possible prosecution. Some items from the DRC's policy for investigation of special incidents are noted in this section.

This chapter further describes the prosecution rates for inmate assailants who met one of two sets of categories: (1) inmate-on-staff assaults where the staff member required outside medical treatment; and (2) inmate-on-inmate assaults where the assailant used a weapon and the victim required outside medical treatment.

While the assailants could have been selected in a number of ways, we think that these two standards best meet the objectives of the legislation. The information was drawn from the detailed IOS and IOI databases.

Offenders who committed assaults between the time period of October 2011 through September 2012 were studied to determine prosecution patterns. It was found that many cases did not result

in prosecution or, if prosecuted, a guilty verdict. A few cases where there was a guilty verdict in court did not result in a sentence that kept the prisoner any longer than he or she would have spent without the prosecution. This information will play a very significant role in deliberation of possible remedies.

We again conclude with a series of recommendations that may help to further reduce all types of misbehavior and violence in Ohio's prisons.

Chapter 1: Inmate-on-Staff Assault Trends

Table 1-1

From a baseline of 1,112 assaults committed against staff by inmates in calendar year 2007, and a rate of assaults on staff of 22.53 for every 1,000 inmates in the DRC system (see the last two columns of Table 1-1), inmate assaults on staff rose modestly (by 4.9%) in 2008, then declined by roughly one-tenth (9.9%) in 2009. An additional decline of 8.3% occurred in 2010; however, the number of inmate assaults on staff rose modestly again (by 4.7%) in 2011, and is projected to increase slightly again (by 3.1%) in 2012, based on reported inmate-on-staff assaults from the first three quarters of 2012.

With regard to percentage changes in the rate of inmate-on-staff assaults per 1,000 inmates in the system, in 2008 the 4.9 percent increase in the number of assaults outpaced the 2.1% increase in the average population, resulting in a 2.7% increase in the rate of inmate-on-staff assaults. A 1.1% increase in the average population in 2009, coupled with a 9.9% decline in the number of inmate-on-staff assaults resulted in an even greater (10.8%) drop in the rate of these assaults. A relatively unchanged average population in 2010 (0.1%) resulted in equal declines in the number and rate of inmate-on-staff assaults for that year of 8.3% each.

With average population declines of 1% in 2011 and 1.4% in 2012, the percentage increases in the rate of inmate assaults on staff were even greater than the percentage increases in the number of these assaults that occurred. The percentage increases in the number of assaults on staff were 4.7% in 2011 and a projected 3.1% in 2012, but the percentage increases in the rate of assaults on staff were 5.8% in 2011 and projected 4.6% in 2012. Looking at total assaults, however, can obscure the pattern of assaults that is occurring for any given year. We have four types of assaults (physical, sexual, inappropriate physical contact, and harassment) with differing levels of impact with regard to harm caused.

The most harmful inmate-on-staff assaults are physical assaults causing serious injury, and the rape or attempted rape of a staff member. In the ODRC system, we have experienced one rape and two attempted rapes of a staff member in the last six years. Our sexual assaults primarily consist of grabbing of the buttocks, and occasionally the breast of female staff members. It is degrading and disrespectful, but does not cause physical harm. We have averaged about 31 of these incidents per year, with a significantly lower number in 2007 and significantly higher numbers in 2010 and projected for 2012.

Assaults on staff resulting in serious injury to one or more staff members is a significant problem at the present time with regard to our efforts in reducing institutional violence. Starting with a low of 19 such incidents during calendar year 2007, that number almost doubled in 2008 to 36. After a modest decline of 4 serious injury assaults (11.1%) in 2009, we saw a 25% increase in 2010 up to 40, where we remained in 2011, and are projected to remain in 2012.

Looking at the combination of serious and minor injury assaults, we have a mixed pattern, alternately declining, then increasing, then declining again from 2008 through the projected 2012 figures, sometimes going in the same direction as the overall number of assaults (both in decline

in 2010 and increased in 2011), and in other cases going in the opposite direction (assaults with injuries in decline in 2008 and 2012 when overall assaults were increased, and assaults with injuries increased in 2009 when overall assaults were in decline).

Harassment assaults (which include spitting, the throwing or squirting of bodily fluids, known or unknown liquids, food or other non-injury causing objects) against staff were higher in 2007 and 2008, declined for two straight years, then began rising again in 2011 and are projected to rise above 500 incidents in 2012. Inappropriate physical contact assaults (which consist primarily of inmates intentionally bumping into staff, elbowing or otherwise pushing their way past staff, or grasping or slapping away the hand or arm of staff who are attempting to search, restrain or get their id badge) were at a low in 2007, at 81. These incidents rose significantly (by 37%) in 2008, remained steady in 2009, rose to a peak of 126 in 2010, declined in 2011 and are projected to be near the peak again in 2012, at 123.

Table 1-2

Table 1-2 summarizes the same information described above, but it sorts the information by prison groupings—primarily for the men according to the security level, but also with a female grouping and a male reception grouping. It also details this information over several years. It should be noted that the yearly totals for each year and the sub-types of assaults are the same between Tables 1-1 and 1-2. The difference is the grouping sub-divisions for each year. Again as a note, the figures for 2012 are extrapolated from the January to September totals.

Three prisons have had such dramatic changes in mission that they are not included in the prison subcategories. Those are the DCI/ MEPRC complex (with one portion being closed and the other switching from a male to female facility) and the CMC/FPRC/FMC complex (with a shift from primarily female to male over the years). The data from these facilities are reflected in the overall counts and rates.

The numbers by grouping are interesting. Overall the largest contributor to IOS assault rates are the harassment assaults, nearly half of which take place at the male L4-L5 level. The rates of IOS assault at the L4-L5 level each year is never less than five times as high as any other grouping and that is usually male reception (all but 2010 and 2012, when L3 is higher). In every year except 2010 (when the ratio is seven to one), the L4-L5 rate of IOS assault is at least ten times the rate of L1-L2 male prisons. However, it would appear that the higher levels of control, and the caution that is reasonably exercised by staff at those settings, has helped to reduce the rate of serious physical assaults; which are lower than the rates at some other categories . However, rates for L4-L5 minor and no injury physical assaults are quite a bit higher than for any other grouping.

Summary for Inmate on Staff Assaults

Each year from 2007-2012 has had its own unique pattern of increasing or declining inmate-on-staff assaults across the different categories, although male L4-L5 behavior is consistently the most troublesome. The greatest current problem in the prison system is the three straight years from 2010-2012, each with 40 serious injury assaults, and trying to find solutions that will

significantly reduce that number. It is good to see that the total number of assaults with injuries is expected to decline in 2012 to 176 from the peak of 234 such incidents experienced in 2011. However, it should be noted that we have seen a pattern of alternately declining then increasing numbers of these assaults every other year since 2008. It is hoped that with current reforms in progress that this pattern will be different in 2013.

TABLE 1-1
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
DRC Inmate-on-Staff Assault Rates per 1,000 Inmates by Type of Assault
Calendar Years 2007-2012

Year	Avg Pop Count	Type of Assault																					
		Physical Assaults								Sexual Assaults								Inappropriate		Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total		Phys. Contact		Harassment		Total Assaults	
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
2007	49,367.15	19	0.38	205	4.15	232	4.70	456	9.24	0	0.00	0	0.00	20	0.41	20	0.41	81	1.64	555	11.24	1,112	22.53
2008	50,405.81	36	0.71	162	3.21	234	4.64	432	8.57	0	0.00	0	0.00	29	0.58	29	0.58	111	2.20	594	11.78	1,166	23.13
2009	50,939.35	32	0.63	178	3.49	197	3.87	407	7.99	1	0.02	0	0.00	28	0.55	29	0.57	108	2.12	507	9.95	1,051	20.63
2010	50,969.08	40	0.78	153	3.00	197	3.87	390	7.65	0	0.00	1	0.02	36	0.71	37	0.73	126	2.47	411	8.06	964	18.91
2011	50,438.77	40	0.79	194	3.85	187	3.71	421	8.35	0	0.00	0	0.00	29	0.57	29	0.57	102	2.02	457	9.06	1,009	20.00
2012	49,746.42	40	0.80	136	2.73	188	3.78	364	7.32	0	0.00	1	0.02	40	0.80	41	0.82	123	2.47	512	10.29	1,040	20.91

Notes:

2012 figures and rates are projected for CY12 based on reported figures from Jan-Sep of 2012

All "Rate" columns are the assault rate per 1,000 inmates

Definitions:

Serious Injury Physical Assault: an assault requiring treatment at a medical facility off prison grounds. Such injuries would include stab wounds, cuts requiring stitches, concussions/severe head trauma, fractures, serious eye injuries, spinal cord or other nerve damage, severe bite wounds or serious joint sprains.

Sexual Assault: non-consensual anal or vaginal penetration or oral sex forced on the staff member by the inmate.

Sexual Contact Assault: any intentional touching of an erogenous zone of a staff member by an inmate including the thigh, genitals, buttock, pubic region, or breast (for female staff).

Inappropriate Physical Contact Assault: physical resistance to a direct order, or the intentional grabbing, touching (of a non-sexual nature), bumping into or pushing of a staff member that does not result in any physical injury to the staff member.

Harassment Assault: throwing, expelling or otherwise causing a bodily substance to come into contact with another, or throwing any other liquid or material on or at another that does not result in any physical injury to the victim.

**Table 1-2: DRC Inmate-on-Staff Assault Rates per 1,000 Inmates by Type of Assault by Institution Level
Calendar Years 2007-2012 ***

Year	Avg Pop	Physical Assaults								Sexual Assaults								Inappropriate		Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total		Phys. Cont.		Harassment		Total Assaults	
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
2007																							
L1-2	28,401.35	5	0.18	70	2.46	86	3.03	161	5.67	0	0.00	0	0.00	11	0.39	11	0.39	34	1.20	217	7.64	423	14.89
L3	11,002.35	7	0.64	46	4.18	48	4.36	101	9.18	0	0.00	0	0.00	4	0.36	4	0.36	23	2.09	53	4.82	181	16.45
L4-5	1,928.15	5	2.59	60	31.12	64	33.19	129	66.90	0	0.00	0	0.00	3	1.56	3	1.56	8	4.15	234	121.36	374	193.97
Rec	3,701.12	2	0.54	23	6.21	27	7.30	52	14.05	0	0.00	0	0.00	1	0.27	1	0.27	15	4.05	30	8.11	98	26.48
Fem	2,916.04	0	0.00	6	2.06	4	1.37	10	3.43	0	0.00	0	0.00	0	0.00	0	0.00	1	0.34	19	6.52	30	10.29
Total	49,367.15	19	0.38	205	4.15	232	4.70	456	9.24	0	0.00	0	0.00	20	0.41	20	0.41	81	1.64	555	11.24	1,112	22.53
2008																							
L1-2	29,168.08	12	0.41	65	2.23	80	2.74	157	5.38	0	0.00	0	0.00	13	0.45	13	0.45	48	1.65	176	6.03	394	13.51
L3	11,312.15	12	1.06	34	3.01	56	4.95	102	9.02	0	0.00	0	0.00	10	0.88	10	0.88	30	2.65	72	6.36	214	18.92
L4-5	1,979.54	11	5.56	44	22.23	60	30.31	115	58.09	0	0.00	0	0.00	4	2.02	4	2.02	19	9.60	300	151.55	438	221.26
Rec	3,568.65	1	0.28	14	3.92	27	7.57	42	11.77	0	0.00	0	0.00	2	0.56	2	0.56	12	3.36	26	7.29	82	22.98
Fem	2,946.38	0	0.00	5	1.70	11	3.73	16	5.43	0	0.00	0	0.00	0	0.00	0	0.00	1	0.34	15	5.09	32	10.86
Total	50,405.81	36	0.71	162	3.21	234	4.64	432	8.57	0	0.00	0	0.00	29	0.58	29	0.58	111	2.20	594	11.78	1,166	23.13
2009																							
L1-2	29,452.96	14	0.48	68	2.31	72	2.44	154	5.23	0	0.00	0	0.00	15	0.51	15	0.51	39	1.32	127	4.31	335	11.37
L3	11,648.62	7	0.60	40	3.43	49	4.21	96	8.24	1	0.09	0	0.00	8	0.69	9	0.77	42	3.61	100	8.58	247	21.20
L4-5	1,878.54	7	3.73	25	13.31	43	22.89	75	39.92	0	0.00	0	0.00	1	0.53	1	0.53	6	3.19	225	119.77	307	163.42
Rec	3,467.19	4	1.15	27	7.79	24	6.92	55	15.86	0	0.00	0	0.00	1	0.29	1	0.29	14	4.04	29	8.36	99	28.55
Fem	3,072.92	0	0.00	14	4.56	7	2.28	21	6.83	0	0.00	0	0.00	1	0.33	1	0.33	6	1.95	21	6.83	49	15.95
Total	50,939.35	32	0.63	178	3.49	197	3.87	407	7.99	1	0.02	0	0.00	28	0.55	29	0.57	108	2.12	507	9.95	1,051	20.63
2010																							
L1-2	29,285.65	16	0.55	61	2.08	87	2.97	164	5.60	0	0.00	1	0.03	25	0.85	26	0.89	56	1.91	161	5.50	407	13.90
L3	11,792.23	17	1.44	46	3.90	50	4.24	113	9.58	0	0.00	0	0.00	8	0.68	8	0.68	37	3.14	85	7.21	243	20.61
L4-5	1,980.04	1	0.51	24	12.12	21	10.61	46	23.23	0	0.00	0	0.00	1	0.51	1	0.51	13	6.57	133	67.17	193	97.47
Rec	3,330.73	4	1.20	9	2.70	27	8.11	40	12.01	0	0.00	0	0.00	1	0.30	1	0.30	8	2.40	13	3.90	62	18.61
Fem	3,189.00	0	0.00	13	4.08	9	2.82	22	6.90	0	0.00	0	0.00	0	0.00	0	0.00	11	3.45	19	5.96	52	16.31
Total	50,964.23	40	0.78	153	3.00	197	3.87	390	7.65	0	0.00	1	0.02	36	0.71	37	0.73	126	2.47	411	8.06	964	18.92

**Table 1-2 (continued): DRC Inmate-on-Staff Assault Rates per 1,000 Inmates by Type of Assault by Institution Level
Calendar Years 2007-2012**

2011	Avg Pop	Physical Assaults								Sexual Assaults								Inappropriate		Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total		Phys. Contact		Harassment		Total Assaults	
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,327.62	18	0.61	77	2.63	76	2.59	171	5.83	0	0.00	0	0.00	16	0.55	16	0.55	54	1.84	153	5.22	394	13.43
L3	11,551.42	14	1.21	52	4.50	49	4.24	115	9.96	0	0.00	0	0.00	9	0.78	9	0.78	30	2.60	76	6.58	230	19.91
L4-5	2,014.54	7	3.47	34	16.88	32	15.88	73	36.24	0	0.00	0	0.00	2	0.99	2	0.99	8	3.97	184	91.34	267	132.54
Rec	3,079.19	1	0.32	17	5.52	22	7.14	40	12.99	0	0.00	0	0.00	1	0.32	1	0.32	6	1.95	20	6.50	67	21.76
Fem	3,168.04	0	0.00	14	4.42	7	2.21	21	6.63	0	0.00	0	0.00	1	0.32	1	0.32	4	1.26	23	7.26	49	15.47
Total	50,438.77	40	0.79	194	3.85	187	3.71	421	8.35	0	0.00	0	0.00	29	0.57	29	0.57	102	2.02	457	9.06	1,009	20.00

2012	Avg Pop	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,391.50	13	0.44	52	1.77	76	2.59	141	4.80	0	0.00	0	0.00	24	0.82	24	0.82	57	1.94	168	5.72	390	13.27
L3	11,022.38	19	1.72	51	4.63	41	3.72	111	10.07	0	0.00	1	0.09	12	1.09	13	1.18	47	4.26	112	10.16	283	25.68
L4-5	1,909.81	2	1.05	19	9.95	40	20.94	61	31.94	0	0.00	0	0.00	2	1.05	2	1.05	3	1.57	191	100.01	257	134.57
Rec	3,166.54	4	1.26	9	2.84	23	7.26	36	11.37	0	0.00	0	0.00	1	0.32	1	0.32	15	4.74	23	7.26	75	23.69
Fem	2,854.85	1	0.35	4	1.40	8	2.80	13	4.55	0	0.00	0	0.00	0	0.00	0	0.00	1	0.35	17	5.95	31	10.86
Total	49,746.42	40	0.80	136	2.73	188	3.78	364	7.32	0	0.00	1	0.02	40	0.80	41	0.82	123	2.47	512	10.29	1,040	20.91

Notes:

2012 figures and rates are projected for CY12 based on reported figures from Jan-Sep of 2012

All "Rate" columns are the assault rate per 1,000 inmates

Abbreviation definitions: L1-2 = Level 1 and 2 Security (Males), L3 = Level 3 Security (Males), L4-5 = Level 4 and 5 Security (Males), Rec = Reception Centers (Males), and Fem = Female Institutions.

Definitions:

Serious Injury Physical Assault: an assault requiring treatment at a medical facility off prison grounds. Such injuries would include stab wounds, cuts requiring stitches, concussions/severe head trauma, fractures, serious eye injuries, spinal cord or other nerve damage, severe bite wounds or serious joint sprains.

Sexual Assault: non-consensual anal or vaginal penetration or oral sex forced on the staff member by the inmate.

Sexual Contact Assault: any intentional touching of an erogenous zone of a staff member by an inmate including the thigh, genitals, buttock, pubic region, or breast (for female staff).

Inappropriate Physical Contact Assault: physical resistance to a direct order, or the intentional grabbing, touching (of a non-sexual nature), bumping into or pushing of a staff member that does not result in any physical injury to the staff member.

Harassment Assault: throwing, expelling or otherwise causing a bodily substance to come into contact with another, or throwing any other liquid or material on or at another that does not result in any physical injury to the victim.

Chapter 2: Inmate-on-Inmate Assault Trends

Table 2-1

From a low of 1,023 assaults committed by inmates against other inmates in calendar year 2007, with a rate of 20.72 of these incidents for every 1,000 inmates in the ODRC system (see the last two columns of Table 2-1), the total number of inmate-on-inmate assaults rose steadily in 2008 to 1,123 (up 9.8%) and in 2009 to 1,301 (up 15.9%). The number of these assaults generally leveled off in 2010 to 1,269, declining just slightly (by 2.5%), then rose steadily again in 2011 to 1,485 (up 17%). The 2012 figures are projected to be near the 2011 level, with an estimated 1,445 assaults for the year (a slight decline of 2.7%), based on reported inmate-on-inmate assaults from the first three quarters of 2012.

Focusing on the percentage changes in the rate of inmate-on-inmate assaults per every 1,000 inmates in the system, increases in the number of these assaults outpaced the increases in the average population in both 2008 and 2009. This resulted in increases in the rate of assaults per 1,000 inmates of 7.5% in 2008 and 14.6% in 2009. A slight decline of 2.5% in the number of these assaults in 2010, coupled with almost no change in the average population from that year, resulted in an equal decline in the assault rate for the year of 2.5%.

In 2011, the significant (17%) increase in the number of assaults, in combination with a very slightly declining average inmate population for the year of just 1%, produced the highest increase in the rate of inmate-on-inmate assaults from the six year period, up 18.2%, to 29.44 such assaults per 1,000 inmates. This represents an increase of more than 40 percent (42.1%) from the rate of 20.72 assaults per 1,000 inmates in 2007. The projected decline of 2.7% in the number of assaults in 2012, coupled with a 1.4% dip in the average population for the year, is expected to result in a marginal decline in the rate of these assaults in 2012 of only 1.3%.

As with inmate-on-staff assaults, focusing only on changes in the total number of assaults can mask important changes that have occurred within the various subcategories of these assaults. Inmate-on-inmate assaults are comprised of physical, sexual and harassment assaults. The most harmful inmate-on-inmate assaults are physical assaults resulting in serious injury to the victim, and completed sexual assaults (meaning that anal, vaginal or oral penetration has occurred due to force or threat of force against the victim).

With these types of assaults, the magnitude of the problem in our system is greater among inmates than it is for those incidents perpetrated by inmates against staff, not because the incidents are any worse, but because there are so many more of these incidents occurring among the inmates. From 2007 through 2011, for example, there were 963 serious injury assaults among inmates (an average of 192.6 per year), compared to 167 committed by inmates against staff (an average of 33.4 per year); and for completed sexual assaults across the same period, there were 49 incidents among inmates (about 10 per year), compared to 1 by an inmate against a staff member.

Having noted the magnitude of the problem we have had with these two types of sexual assaults (against staff or against inmates), the patterns of their occurrence over the 2007-2011 time period

have most often not been similar. From the baseline figure of 9 completed inmate-on-inmate sexual assaults in 2007, that number almost doubled in 2008 to 17, then fell almost as abruptly in 2009 back down to 11, then took an even greater nose dive in 2010 down to a low for the period of only 4. In 2011 we saw the number rise back up to 8, or about the same as the baseline figure we had in 2007. The figure for 2012 is projected to be similar to that in 2011.

With regard to serious injury assaults among inmates between 2007 and 2011, we began with a low of 120 such assaults in 2007, followed a substantial increase of 26% in 2008 to 151, and an even more pronounced increase of 53 percent in 2009 to 231. After a modest decline of 8 percent in 2010 down to 213 serious injury assaults, the number shot back up 16% in 2011 to a high for the period of 248. We are tentatively anticipating a significant decline in this figure for 2012, down 27 percent to 181 incidents, based on the reported figures we have for the first nine months of the year. We have seen these figures end up higher than what we anticipated in past years, so it is too soon to be concluding that we have witnessed a major decline in this type of assault.

There are numerous other patterns that can be found from the data in table 2-1, some of the most pertinent which will be noted below. Beginning with the projected figures for 2012, if they come close to what we have projected, the fact that 2012 will have only a slight decline in the total number of assaults we experienced in 2011 is somewhat misleading since there is a significant increase of almost 25 percent in harassment assaults to date. We are expecting almost no change in the sexual assault categories, and declines in all of the physical assault categories in 2012. By contrast, the increase in total assaults we witnessed in 2011 resulted from increases in all assault categories except attempted sexual assaults, which remained unchanged from 2010, and sexual contact assaults, which declined by two assaults from 2010.

One final noteworthy contrast to point out when looking at the pattern of assaults between 2007 and 2011 is that the number of minor injury physical assaults has risen each year throughout the period, from a low of 375 in 2007 to a high of 619 in 2011, an increase over those four years of 65 percent. By contrast, the total number of inmate-on-inmate sexual assaults over this period began at a high point of 27 in both 2007 and 2008, and then declined in 2009 and again in 2010 to a level that was only two-thirds of those initial figures. The figure did increase modestly in 2011 back up to 20, but is projected to return to 18 in 2012.

Table 2-2

These comments are very similar to those for Table 1-2 (the IOS chapter). Table 2-2 summarizes the same IOI information described above, but it sorts the information by prison groupings—primarily for the men according to the security level, but also with a female grouping and a male reception grouping. It also details this information over several years. It should be noted that the yearly totals for each year and the sub-types of assaults are the same between Tables 2-1 and 2-2. The difference is the grouping of sub-divisions for each year. Again as a note, the figures for 2012 are extrapolated from the January to September totals.

The numbers by grouping are interesting. Overall the largest contributor to IOI assault rates are the physical assaults, representing two-thirds to three-fourths of each year's overall IOI assault

rate. The rates of IOI assault at the L4-L5 level each year are never less than five times as high as any other grouping. However, the IOI rates at the male reception centers are consistently the lowest for males, perhaps matching the controls and separations exercised over new inmates. However, the rates for L4-L5 minor and no injury physical assaults are quite a bit higher than for any other grouping.

Summary for Inmate on Inmate Assaults

The total number of inmate-on-inmate assaults has for the most part steadily risen across the six year period, going from a level not far above 1,000 assaults in 2007 to a level that is not far below 1,500 assaults in 2011-2012. This represents an increase of almost 50 percent over the time period. On a positive note, the period has been marked by a decline in the overall number of sexual assaults, but conversely has also been marked up through 2011 by a significant rise each year in injury assaults, and particularly in serious injury assaults, which more than doubled from 120 in 2007 to 248 in 2011.

In contrast to inmate-on-staff assaults during the period, which decreased slightly from 1,112 to 1,090 , inmate-on-inmate assaults grew noticeably from 1,023 in 2007 to 1,485 in 2011. This reflects how extensive the inmate-on-inmate assault problem has become in the DRC system, along with the concurrent rise in the extent of inmate disturbances during the period. It is also important to note that when sorting by facility grouping, L3 and L4-L5 IOI rates increased in 2012, while the L1-L2 rates decreased.

TABLE 2-1
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
DRC Inmate-on-Inmate Assault Rates per 1,000 Inmates by Type of Assault
Calendar Years 2007-2012

Year	Avg Pop Count	Type of Assault																			
		Physical Assaults								Sexual Assaults								Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total					
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate		
2007	49,367.15	120	2.43	375	7.60	197	3.99	692	14.02	9	0.18	3	0.06	15	0.30	27	0.55	304	6.16	1,023	20.72
2008	50,405.81	151	3.00	421	8.35	237	4.70	809	16.05	17	0.34	0	0.00	10	0.20	27	0.54	287	5.69	1,123	22.28
2009	50,939.35	231	4.53	523	10.27	209	4.10	963	18.90	11	0.22	0	0.00	10	0.20	21	0.41	317	6.22	1,301	25.54
2010	50,969.08	213	4.18	560	10.99	183	3.59	956	18.76	4	0.08	1	0.02	13	0.26	18	0.35	295	5.79	1,269	24.90
2011	50,438.77	248	4.92	619	12.27	230	4.56	1,097	21.75	8	0.16	1	0.02	11	0.22	20	0.40	368	7.30	1,485	29.44
2012	49,746.42	181	3.64	608	12.22	203	4.08	992	19.94	7	0.14	0	0.00	11	0.22	18	0.36	435	8.74	1,445	29.05

Notes:

2012 figures and rates are projected for CY12 based on reported figures from Jan-Sep of 2012
All "Rate" columns are the assault rate per 1,000 inmates

Definitions:

Serious Injury Physical Assault: an assault requiring emergency treatment at a medical facility off prison grounds. Such injuries would include stab wounds, cuts requiring stitches, concussions/severe head trauma, fractures, serious eye injuries, spinal cord or other nerve damage, severe bite wounds or serious joint sprains.

Sexual Assault: non-consensual anal or vaginal penetration or oral sex forced on the victim by the assailant.

Sexual Contact Assault: any touching of an erogenous zone (including the thigh, genitals, buttock, or pubic region) of one inmate by another that is unwanted by the victim.

Harassment Assault: throwing, expelling or otherwise causing a bodily substance to come into contact with another, or throwing any other liquid or material on or at another that does not result in any physical injury to the victim.

**TABLE 2-2: DRC Inmate-on-Inmate Assault Rates per 1,000 Inmates by Type of Assault by Institution Level
Calendar Years 2007-2012**

2007	Avg Pop	Physical Assaults								Sexual Assaults								Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total					
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	28,401.35	77	2.71	194	6.83	76	2.68	347	12.22	5	0.18	1	0.04	11	0.39	17	0.60	58	2.04	422	14.86
L3	11,002.35	28	2.54	111	10.09	32	2.91	171	15.54	3	0.27	1	0.09	2	0.18	6	0.55	30	2.73	207	18.81
L4-5	1,928.15	10	5.19	41	21.26	67	34.75	118	61.20	0	0.00	0	0.00	0	0.00	0	0.00	205	106.32	323	167.52
Rec	3,701.12	3	0.81	12	3.24	9	2.43	24	6.48	1	0.27	1	0.27	2	0.54	4	1.08	10	2.70	38	10.27
Fem	2,916.04	0	0.00	11	3.77	10	3.43	21	7.20	0	0.00	0	0.00	0	0.00	0	0.00	1	0.34	22	7.54
Total	49,367.15	120	2.43	375	7.60	197	3.99	692	14.02	9	0.18	3	0.06	15	0.30	27	0.55	304	6.16	1,023	20.72
2008	Avg Pop	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,168.08	96	3.29	223	7.65	99	3.39	418	14.33	6	0.21	0	0.00	4	0.14	10	0.34	53	1.82	481	16.49
L3	11,312.15	28	2.48	106	9.37	35	3.09	169	14.94	8	0.71	0	0.00	2	0.18	10	0.88	13	1.15	192	16.97
L4-5	1,979.54	17	8.59	50	25.26	95	47.99	162	81.84	1	0.51	0	0.00	1	0.51	2	1.01	207	104.57	371	187.42
Rec	3,568.65	9	2.52	24	6.73	3	0.84	36	10.09	1	0.28	0	0.00	0	0.00	1	0.28	7	1.96	44	12.33
Fem	2,946.38	1	0.34	11	3.73	2	0.68	14	4.75	1	0.34	0	0.00	3	1.02	4	1.36	7	2.38	25	8.48
Total	50,405.81	151	3.00	421	8.35	237	4.70	809	16.05	17	0.34	0	0.00	10	0.20	27	0.54	287	5.69	1,123	22.28
2009	Avg Pop	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,452.96	141	4.79	287	9.74	66	2.24	494	16.77	7	0.24	0	0.00	3	0.10	10	0.34	60	2.04	564	19.15
L3	11,648.62	59	5.06	133	11.42	44	3.78	236	20.26	4	0.34	0	0.00	1	0.09	5	0.43	19	1.63	260	22.32
L4-5	1,878.54	18	9.58	51	27.15	69	36.73	138	73.46	0	0.00	0	0.00	0	0.00	0	0.00	225	119.77	363	193.24
Rec	3,467.19	6	1.73	12	3.46	9	2.60	27	7.79	0	0.00	0	0.00	1	0.29	1	0.29	5	1.44	33	9.52
Fem	3,072.92	2	0.65	31	10.09	16	5.21	49	15.95	0	0.00	0	0.00	5	1.63	5	1.63	6	1.95	60	19.53
Total	50,939.35	231	4.53	523	10.27	209	4.10	963	18.90	11	0.22	0	0.00	10	0.20	21	0.41	317	6.22	1,301	25.54
2010	Avg Pop	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,285.65	144	4.92	326	11.13	58	1.98	528	18.03	1	0.03	1	0.03	7	0.24	9	0.31	68	2.32	605	20.66
L3	11,792.23	54	4.58	142	12.04	45	3.82	241	20.44	3	0.25	0	0.00	1	0.08	4	0.34	38	3.22	283	24.00
L4-5	1,980.04	7	3.54	33	16.67	49	24.75	89	44.95	0	0.00	0	0.00	0	0.00	0	0.00	164	82.83	253	127.78
Rec	3,330.73	6	1.80	18	5.40	10	3.00	34	10.21	0	0.00	0	0.00	2	0.60	2	0.60	9	2.70	45	13.51
Fem	3,189.00	2	0.63	35	10.98	18	5.64	55	17.25	0	0.00	0	0.00	3	0.94	3	0.94	13	4.08	71	22.26
Total	50,964.23	213	4.18	560	10.99	183	3.59	956	18.76	4	0.08	1	0.02	13	0.26	18	0.35	295	5.79	1,269	24.90

**TABLE 2-2 (continued): DRC Inmate-on-Inmate Assault Rates per 1,000 Inmates by Type of Assault by Institution Level
Calendar Years 2007-2012**

2011	Avg Pop	Physical Assaults								Sexual Assaults								Harassment		Total Assaults	
		Serious		Minor		No injury		Total		Completed		Attempted		Contact		Total					
		N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,327.62	166	5.66	317	10.81	78	2.66	561	19.13	4	0.14	0	0.00	7	0.24	11	0.38	70	2.39	642	21.89
L3	11,551.42	65	5.63	186	16.10	47	4.07	298	25.80	4	0.35	1	0.09	1	0.09	6	0.52	42	3.64	346	29.95
L4-5	2,014.54	12	5.96	44	21.84	79	39.21	135	67.01	0	0.00	0	0.00	0	0.00	0	0.00	230	114.17	365	181.18
Rec	3,079.19	4	1.30	14	4.55	5	1.62	23	7.47	0	0.00	0	0.00	0	0.00	0	0.00	9	2.92	32	10.39
Fem	3,168.04	1	0.32	45	14.20	14	4.42	60	18.94	0	0.00	0	0.00	3	0.95	3	0.95	15	4.73	78	24.62
Total	50,438.77	248	4.92	619	12.27	230	4.56	1,097	21.75	8	0.16	1	0.02	11	0.22	20	0.40	368	7.30	1,485	29.44

2012	Avg Pop	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate	N	Rate
L1-2	29,391.50	109	3.71	314	10.68	43	1.46	466	15.85	3	0.10	0	0.00	8	0.27	11	0.37	79	2.69	556	18.92
L3	11,022.38	57	5.17	193	17.51	64	5.81	314	28.49	3	0.27	0	0.00	1	0.09	4	0.36	51	4.63	369	33.48
L4-5	1,909.81	3	1.57	25	13.09	78	40.84	106	55.50	0	0.00	0	0.00	0	0.00	0	0.00	280	146.61	386	202.11
Rec	3,166.54	8	2.53	29	9.16	4	1.26	41	12.95	1	0.32	0	0.00	1	0.32	2	0.63	7	2.21	50	15.79
Fem	2,854.85	4	1.40	20	7.01	9	3.15	33	11.56	0	0.00	0	0.00	1	0.35	1	0.35	11	3.85	45	15.76
Total	49,746.42	181	3.64	608	12.22	203	4.08	992	19.94	7	0.14	0	0.00	11	0.22	18	0.36	435	8.74	1,445	29.05

Notes:

2012 figures and rates are projected for CY12 based on reported figures from Jan-Sep of 2012

All "Rate" columns are the assault rate per 1,000 inmates

Abbreviation definitions: L1-2 = Level 1 and 2 Security (Males), L3 = Level 3 Security (Males), L4-5 = Level 4 and 5 Security (Males), Rec = Reception Centers (Males), and Fem = Female Institutions.

Definitions:

Serious Injury Physical Assault: an assault requiring emergency treatment at a medical facility off prison grounds. Such injuries would include stab wounds, cuts requiring stitches, concussions/severe head trauma, fractures, serious eye injuries, spinal cord or other nerve damage, severe bite wounds or serious joint sprains.

Sexual Assault: non-consensual anal or vaginal penetration or oral sex forced on the victim by the assailant.

Sexual Contact Assault: any touching of an erogenous zone (including the thigh, genitals, buttock, or pubic region) of one inmate by another that is unwanted by the victim.

Harassment Assault: throwing, expelling or otherwise causing a bodily substance to come into contact with another, or throwing any other liquid or material on or at another that does not result in any physical injury to the victim.

Chapter 3: Alleged and Substantiated Sexual Assault Trends

Summary of Information for 2006 to 2009

Overall, the number of allegations of sexual assault declined throughout the period from 2006 through 2009 (see Table 3-1), starting with 205 allegations during 2006, and dropping to 165 in 2007, 140 in 2008 and 133 in 2009. The number of both inmate-on-inmate and staff-on-inmate sexual assault allegations has declined each of the last three years of that period, inmate-on-inmate declining from 101 in 2006 down to 82 in 2009, and staff-on-inmate from 104 in 2006 down to 51 allegations, about one half of that in 2009.

The overall number of substantiated sexual assault allegations actually rose in 2007, due to a much higher number of substantiated staff-on-inmate cases during that year, while the number of substantiated inmate-on-inmate cases remained the same as in 2006. The number of substantiated staff-on-inmate cases then declined by one half in 2008 while the number of substantiated inmate-on-inmate cases again remained the same as in 2006-07. Then in 2009, the number of substantiated staff-on-inmate cases stayed about the same, going up just one, while the number of substantiated inmate-on-inmate cases declined for the first time during the four-year period, from 25 down to 20.

Looking at the substantiation rates over the four-year period, the overall rate for both types of cases rose sharply in 2007, due to the much higher substantiation rate among staff-on-inmate allegations in 2007 over 2006, and then leveled off at about 23% in 2008, dropping slightly to 21% during 2009. Individually, with the number of substantiated inmate-on-inmate cases remaining the same across 2006-08 as the number of allegations was in decline, the substantiation rates rose slightly in 2007 and 2008, then fell last year back to the rate we saw in 2006 as the number of substantiated cases dropped by one-fifth from 25 in 2008 to 20 last year. After the previously mentioned significant jump in the substantiated rate of staff-on-inmate allegations in 2007, that rate declined by one-third in 2008 (from roughly 19% down to 13%), then rose back up to about 16% during 2009.

Although DRC wanted to be cautious in drawing any conclusions from this data since these are merely outcome figures, and this is not a study looking at the relationships between independent and dependent measures, the continuous steady decline throughout the 2006-09 period in the number of sexual assault allegations of both types suggested the possibility that our efforts at educating both inmates (during orientation) and staff (in both pre- and in-service training) to be more aware of the problem of sexual assault in the prison environment, and to take steps to reduce the occurrence of victimization are having a beneficial effect.

It is encouraging to see steadily declining sexual assault allegation numbers over the same period of time that our inmate population has been increasing. And the declining allegation figures certainly shouldn't be due to the fact that the problem is becoming more hidden, given that DRC has been focusing on it more intently and encouraging inmates to report any and every occurrence of sexual assault. If anything, one would expect these efforts to drive the allegation reporting figures up, not down. So we believe there is good reason to be encouraged by these figures which suggest that DRC should continue with its aggressive efforts at educating both

inmates and staff, as it has been doing since the advent of the Prison Rape Elimination Act (PREA) originally enacted by Congress in 2003.

Summary of Data from 2010

The total number of sexual assault allegations declined again in 2010 for the fourth consecutive year, from 133 to 123. The overall decline, however, was due completely to a decline in the number of staff-on-inmate sexual assault allegations (from 51 to 41), as inmate-on-inmate sexual assault allegations remained unchanged from 2009, at 82.

The overall number of substantiated sexual assault allegations declined by just one, from 28 in 2009 to 27 in 2010. The number of substantiated staff-on-inmate sexual assaults actually increased by one, from 8 to 9, while the number of substantiated inmate-on-inmate sexual assaults fell by two, from 20 to 18. The increase in substantiated staff-on-inmate cases, coupled with the 20% drop in the number of staff-on-inmate allegations resulted in the highest substantiation rate of staff-on-inmate allegations in 2010 (22%) during the five-year period. The inmate-on-inmate substantiation rate for 2010 was also 22%, a slight decline from the 24.4% rate in 2009.

These findings lead us to draw the same conclusion as those from last year, suggesting that we should continue with our efforts at educating inmates (in orientation) and staff (at pre- and in-service training) to be more aware of the problem of sexual assault in the prison environment, and to take steps to reduce the occurrence of victimization, because these efforts appear to be having a positive impact.

Summary of Data from 2011

After four consecutive years of declining sexual assault allegation figures, the total number of alleged sexual assaults increased by 18% in 2011, from 123 in 2010 to 145 in 2011. Inmate-on-inmate allegations rose by 15%, from 82 to 94, and staff-on-inmate allegations rose 24%, from 41 to 51, the same number of staff-on-inmate allegations reported in 2009. The overall number of substantiated sexual assault allegations in 2011 remained the same as in 2010, at 27. There was one additional substantiated inmate-on-inmate sexual assault and one fewer substantiated staff-on-inmate sexual assault in 2011 than in 2010.

The 18% increase in alleged sexual assaults in 2011, coupled with no change in the number of substantiated sexual assaults for the year, resulted in a modest decline in the rate of substantiated sexual assault allegations, dropping from 22% in 2010 to 19% in 2011. Notably, the 20% inmate-on-inmate substantiation rate for 2011 was the lowest such figure seen in DRC in the past six years. On the other hand, there are two positive findings to note regarding the substantiated inmate-on-inmate allegations from 2011. The first is that 3 (16%) of the 19 substantiated inmate-on-inmate sexual assaults were caught on video camera. This is only the second year we have had any such incidents caught on video. There was one such incident in 2010.

The other finding is perhaps even more positive. Of the 19 substantiated inmate-on-inmate sexual assaults in 2011, there were 8 (42%) where one or more inmates not involved in the

sexual assault either reported the incident to staff and/or participated in the investigation by offering a confidential statement. This is a far higher rate of this occurrence than we have ever seen since PREA reporting began back in 2004.

This is another indication that DRC's efforts in educating inmates about sexual assaults at orientation in each new facility they enter is paying dividends. It is also notable that in 5 (63%) of the 8 staff-on-inmate sexual misconduct cases from 2011, and in 6 (67%) of the 9 such cases from 2010, one of the reporting parties of those incidents was another inmate not involved in the misconduct. Therefore, one would again conclude that the Department should continue its efforts at educating inmates (in orientation) and staff (at pre- and in-service training) to be more aware of the problem of sexual assault in the prison environment, and to take steps to reduce the occurrence of victimization, because these efforts appear to be having a positive impact.

TABLE 3-1
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
INSTITUTIONAL CLIMATE REPORTING SYSTEM
Alleged and Substantiated Sexual Assaults
Calendar Years 2006-2011

	Calendar Year						Six-Yr
	2006	2007	2008	2009	2010	2011	Avg
Alleged Sexual Assaults	205	165	140	133	123	145	151.8
Inmate on Inmate	101	90	86	82	82	94	89.2
Staff on Inmate	104	75	54	51	41	51	62.7
Substantiated Sexual Assaults	29	39	32	28	27	27	30.3
Inmate on Inmate	25	25	25	20	18	19	22.0
Staff on Inmate	4	14	7	8	9	8	8.3
Substantiation Rates	2006	2007	2008	2009	2010	2011	6-yr Avg
Overall (Iol and Sol combined)	14.1%	23.6%	22.9%	21.1%	22.0%	18.6%	20.0%
Inmate on Inmate	24.8%	27.8%	29.1%	24.4%	22.0%	20.2%	24.7%
Staff on Inmate	3.8%	18.7%	13.0%	15.7%	22.0%	15.7%	13.3%

Note: Any alleged and substantiated sexual assaults at LAECI and NCCTF have been excluded from the data in this table.

Chapter 4: RIB Patterns

Violent and Disruptive Behavior Rule Infractions in Ohio Prisons

The analysis below is based on statewide and prison-level institutional misconduct data generated at the Rules Infraction Board (RIB) from January 2007 through September 2012, with an emphasis on more refined definitions of violence and disruptiveness. Definitions of violence that include more routine types of fighting somewhat obscure more serious types of assaultive (and related) behaviors due to the relative frequency of fighting rule infractions. Indeed, since fighting accounts for 72% of overall violent rule infractions in FY 2012, we present data based on several additional categories. First, our definition of total violent rule infractions include physical assaults, sexual assaults, rioting, fights, throwing liquids/substances, and physical harassment. Our definition of physical/sexual assault rule infractions provide a baseline measure of serious violence and include physical assaults and sexual assaults. Finally, our measure of disruptive rule infractions captures events that cause critical problems and disruptions to the overall operations of the facility. These particular disruptive rule violations include behaviors that represent assaultive behavior and hostage taking; sexual misconduct; encouraging rioting, group demonstrations or work stoppages; physical resistance to a direct order; establishing personal relationships with staff; physical harassment of staff; escape and related conduct; possession and manufacturing of weapons, money, drugs or other intoxicating substances; setting fires and tampering with fire alarms; and use of telephone or mail to threaten, harass or intimidate anyone or further criminal activity.

Aggregate and Prison-Level Violent and Disruptive Rule Infraction Rates, CY07-CY11

The table below (Table 4-1) displays aggregate violent and disruptive rule infraction rates for the last five complete calendar years. This information is also broken down by meaningful subcategories of prison context. We see a steady increase in violent and disruptive rule infraction rates from 2007 through 2011. In general, higher rates of violent and disruptive rule infraction rates are present at higher level security male institutions. The total violent rule infraction rate, physical/sexual assault rule infraction rate, harassment assault rule infraction rate, and disruptive rule infraction rate have increased respectively by 7.8%, 17.5%, 15.6%, and 16.3% between 2010 and 2011.

Table 4-1: Violent and Disruptive Rule Infraction Rates, CY07-CY11. *

Rule Infraction Type	2007	2008	2009	2010	2011
Violent Rule Infraction Rate	157.09	167.00	217.89	213.58	230.24
by Level 1 and 2 Security (Males)	146.75	145.26	179.91	184.56	194.36
by Level 3 Security (Males)	160.78	174.24	254.97	244.65	275.98
by Level 4 and 5 Security (Males)	415.42	544.07	608.98	459.08	553.97
by Reception Centers (Males)	167.52	177.10	258.13	250.40	260.46
by Female Institutions	98.08	127.95	203.06	230.17	213.70
Physical/Sexual Assault Rule Infraction Rate	25.06	26.29	32.55	30.86	36.26
by Level 1 and 2 Security (Males)	20.32	22.49	28.79	30.39	33.42
by Level 3 Security (Males)	25.09	25.55	33.57	30.87	39.04
by Level 4 and 5 Security (Males)	133.81	128.31	126.16	67.68	108.21
by Reception Centers (Males)	20.80	21.86	26.82	26.42	19.49
by Female Institutions	10.97	12.90	22.78	25.40	30.62
Harassment Assault Rule Infraction Rate	18.35	21.58	21.30	18.99	21.95
by Level 1 and 2 Security (Males)	14.44	11.69	10.08	11.95	13.09
by Level 3 Security (Males)	11.00	11.58	15.80	16.79	15.15
by Level 4 and 5 Security (Males)	144.70	265.21	260.31	161.61	221.39
by Reception Centers (Males)	15.94	15.13	16.44	9.61	15.59
by Female Institutions	11.32	10.52	17.57	18.81	15.78
Disruptive Rule Infraction Rate	142.14	152.86	179.55	204.63	237.99
by Level 1 and 2 Security (Males)	122.14	122.22	131.29	159.98	192.89
by Level 3 Security (Males)	167.15	189.35	260.89	334.63	358.40
by Level 4 and 5 Security (Males)	523.82	668.84	665.41	436.86	612.05
by Reception Centers (Males)	121.04	127.22	160.65	137.51	146.14
by Female Institutions	37.38	45.82	73.55	93.76	116.48

* NOTE: Rates of RIB rule infractions per 1,000 inmates. FMC (CMC and FPRC) and DCI (and MEPRC) are not included in the subcategories because their inmate populations are not comparable over time. However, their RIB and population data are reflected in the overall rates.

The next table (Table 4-2) indicates that recent violent and disruptive behavior in Ohio prisons provides a mixed picture across outcomes and prison context. This information indicates the percentage change in violent and disruptive rule infractions for the first three quarters of 2011 (or January 1 through September 30) compared to the first three quarters of 2012. For the entire prison system as a whole, we see an 8% decrease in total violent rule infraction rate when comparing the first three quarters of 2011 to the first three quarters of 2012. We see a 2.45% increase in physical/sexual assault rule infraction rate and a 2.27% increase in disruptive rule infraction rate during these same time periods. However, these increases in assaultive and disruptive rule infraction rates are less than the increases from the 2010 to 2011 yearly comparison. We see an almost 18% increase in harassment assaults from 2011 to 2012. The table below also displays the percent change in violent and disruptive behavior disaggregated by meaningful subcategories of prison context. Although we see some slight improvements in the aggregate for some particular outcomes, the percent change among prison categories are quite mixed and may stem from organizational changes and mission changes at the prison level.

Table 4-2: Percent Change for Violent and Disruptive RIB Rule Infraction Rates by Prison Context. *

Prison Context	January 1 to September 30, 2011				January 1 to September 30, 2012				Percent Change			
	Violent Rate	Phy/Sex Assault Rate	Harass Assault Rate	Disrupt Rate	Violent Rate	Phy/Sex Assault Rate	Harass Assault Rate	Disrupt Rate	Violent Change	Phy/Sex Assault Change	Harass Assault Change	Disrupt Change
Level 1 and 2 Security (Males)	147.38	24.80	9.20	144.14	127.20	22.50	9.93	135.98	-13.69	-9.29	8.00	-5.67
Level 3 Security (Males)	208.08	28.35	11.44	271.54	213.88	37.52	19.98	310.51	2.79	32.35	74.54	14.35
Level 4 and 5 Security (Males)	418.15	73.26	177.93	457.03	370.78	71.48	186.16	478.77	-11.33	-2.43	4.63	4.76
Reception Centers (Males)	192.01	13.90	12.61	112.49	196.26	22.73	13.13	147.27	2.21	63.54	4.12	30.92
Female Institutions	174.25	27.27	10.97	94.33	122.66	13.71	11.25	54.48	-29.60	-49.72	2.54	-42.25
Total Population	174.29	26.59	16.53	179.36	160.35	27.24	19.50	183.43	-8.00	2.45	17.96	2.27

* NOTE: Rates of RIB rule infractions per 1,000 inmates. FMC (CMC and FPRC) and DCI (and MEPRC) are not included in the subcategories because their inmate populations are not comparable over time. However, their RIB and population data are reflected in the Total Population category.

Chapter 5: Inmate Disturbance Trends

The occurrence of inmate disturbances, defined by the American Correctional Association (ACA) as any event caused by four or more inmates that disrupts the routine and orderly operation of the prison, has increased every year since 2007 through 2011, though the number of these incidents projected for 2012, based on the figures we have to date up through November, is expected to decline modestly, by about 10 percent. From a baseline of 45 such incidents in calendar year 2007, and a rate of just under 1 (0.91) for every 1,000 inmates in the DRC system, we experienced moderate increases in 2008 (up 15.6%) to 52 incidents, and 2009 (up 25%) to 65 incidents. We then witnessed large increases in disturbances in 2010 (up 43.1%) to 93 incidents, and 2011 (up 63.4%) to 152 incidents.

The expected number of disturbances for 2012 is 136, based on the 125 disturbances reported during the first 11 months of the year. If that figure is obtained, the decline from 2011 would be 10.5%. The rate of these incidents for 2012 would decline to 2.73 for every 1,000 inmates in the ODRC system, down from the high of 3.01 disturbances per 1,000 inmates that we experienced in 2011. With regard to how often these incidents occur, there has never been a month during the past six years where there was not at least one inmate disturbance. The greatest number of disturbances we have seen in a single month is 20. This has happened twice, in December of 2011 and July of 2012. The average number of disturbances per month was 3.8 in 2007, 4.3 in 2008, 5.4 in 2009, 7.8 in 2010, 12.7 in 2011, and 11.3 in 2012.

TABLE 5-1
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
INSTITUTIONAL CLIMATE REPORTING SYSTEM
Inmate Disturbances Summary Report
Calendar Years 2007-2012

Institution	Calendar Year					Jan-Nov	Six-Yr
	2007	2008	2009	2010	2011	2012	Total
ACI	0	0	0	0	0	1	1
BeCI	5	4	8	16	19	10	62
CCI	0	0	1	0	1	0	2
CMC	0	0	0	0	0		0
CRC	0	0	0	0	0	1	1
DCI	0	0	0	0	0	0	0
FMC					0	0	0
FPRC	0	0	0	0	0		0
GCI	0	0	0	1	1	0	2
HCF	0	0	0	0	0	0	0
LaECI	0	2	0	3	3	7	15
LeCI	2	1	0	3	5	7	18
LoCI	0	0	3	1	1	5	10
LorCI	0	0	2	0	4	3	9
MaCI	4	8	1	7	8	2	30
ManCI	9	6	15	16	21	20	87
MCI	0	0	0	1	0	1	2
MEPRC	0	0	0				0
NCI	8	9	10	15	18	6	66
NCCI	2	4	4	3	9	2	24
NCCTF	0	0	2	0	0		2
NEPRC	0	0	0	1	0	2	3
OCF	0	0	0	0	0		0
ORW	0	0	0	0	0	0	0
OSP	0	0	0	0	2	0	2
PCI	0	2	1	3	5	1	12
RiCI	5	3	2	6	11	10	37
RCI	2	2	0	5	5	7	21
SCI	3	3	3	2	13	9	33
SOCF	4	2	2	2	7	4	21
ToCI	0	2	4	3	8	13	30
TCI	0	0	0	2	5	7	14
WCI	1	4	7	3	6	7	28
Total	45	52	65	93	152	125	532
Avg Pop Count	49,367.15	50,405.81	50,939.35	50,969.08	50,438.77	49,746.42	
Rate/1,000 I/M	0.91	1.03	1.28	1.82	3.01	N/A	

Chapter 6: The Male Security Classification Instruments

New Objective Security Classification Instruments for Male Inmates

The department has utilized electronic institutional rule infraction data in several ways from an operational perspective. In particular, this information has supported the revision of the profile for Security Threat Group (STG) inmates, helped facilitate analysis of prison-level violence, and provided state-level comparisons in the Performance-Based Measures System (PBMS) reporting system. One of the more notable uses and accomplishments of this misbehavior data in CY 2012 was in providing the empirical basis for the development of new objective security classification instruments for male inmates.

The security instruments for male inmates being used prior to the implementation of these new tools were based in 1995-1996 data, and the older version of these tools were not completely revalidated with more recent data. The department utilizes two sets of classification instruments to determine an inmate's security level. The Security Designation determines security level at the beginning of an incarceration term, while the Security Review reassesses an inmate's security level annually (or earlier in special circumstances).

The analysis for the new Security Designation instrument used data that consisted of male inmates committed from July 1, 2009 to December 31, 2009 (six month time commitment time period that excludes inmates serving 3 months or less). A full one year follow-up was conducted for institutional misbehavior. The analysis considered several outcomes (both dichotomous measures and rate variables) based in overall rule infractions, violent rule infractions, and disruptive rule infractions. Over 50 static variables were assessed as potential predictors of prison misconduct. Table 6-1 provides an example of several of the analytical models that provide the foundation of the new Security Designation instrument for male inmates. Items in the final model were generally predictive across all outcomes analyzed in the statistical models. In general, the male Security Designation places the most emphasis on younger inmates, active and disruptive STG members, and inmates with recent releases from Levels 3, 4, and 5 security at DRC prisons.

Table 6-1: Logistic Regression Coefficients of Overall and Disruptive Prison Misconduct.

Male Security Designation Items	Overall Prison Misconduct			Disruptive Prison Misconduct		
Age at Current Admission						
25 years and younger	1.307	***	(.056)	1.420	***	(.088)
26 to 34 years	.513	***	(.058)	.702	***	(.094)
35 years and older (reference)						
Most Serious Current Conviction Offense						
High Adjustment Risk Offenses	.450	***	(.049)	.466	***	(.069)
Low Adjustment Risk Offenses (reference)						
Security Level Last Adult Prison Release						
Released Level 3 or Higher	1.197	***	(.100)	1.014	***	(.125)
Released Level 2	.443	***	(.056)	.518	***	(.079)
No Priors or Released Level 1/Other State (reference)						
Assault Conviction History						
Yes	.213	***	(.056)	.202	**	(.078)
No (reference)						
Prior Active or Disruptive STG Participation						
Yes	.518	*	(.238)	.826	***	(.247)
No (reference)						
<hr/>						
Nagelkerke R ²	.121			.091		

NOTE: DRC Male Commitment Population (July to December 2009; n = 10,019). Unstandardized coefficients are presented and standard errors are in parentheses.

* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$ (two-tailed).

The Male Security Review instrument was constructed in a similar analytic fashion. The data consisted of incarcerated male offenders that have served one year or more on January 1, 2010. This strategy ensured the inclusion of prior prison misbehavior, a strong predictor of future prison misbehavior, in the statistical models. A similar set of predictors and outcome measures were used during the analysis. Again, the items in the final Security Review model were generally predictive across all outcomes considered. The male Security Review places emphasis on prior institutional misbehavior, placement in local control settings, active/disruptive STG participation, educational attainment, and age. In general and unlike the male Security Designation, the male Security Review is somewhat similar in content to the review tool used prior to its inception. Items on both security instruments are strongly predictive of institutional misconduct, and increasing instrument scores are shown to be highly associated with greater levels of rule infractions (see Table 6-2 as this pertains to the Security Designation Instrument). We expect the implementation of these new security instruments coupled with broader agency-wide efforts to reduce violence to make our prisons safer for both inmates and staff.

Table 6-2: Descriptive Statistics for New Male Security Designation Instrument (n=10,019).

Items	Weight	n	%	% RIB	% Dis RIB
Age at Current Admission					
35 years and older	0	3707	37.0	20.2	5.4
26 to 34 years	1	3075	30.7	30.5	10.9
25 years and younger	2	3237	32.3	46.7	18.3
Most Serious Current Conviction Offense					
Low Adjustment Risk Offenses	0	6919	69.1	28.0	9.3
High Adjustment Risk Offenses	1	3100	30.9	40.7	15.6
Security Level Last Adult Prison Release					
No Priors or Released Level 1/Other State	0	7326	73.1	29.4	9.9
Released Level 2	1	2189	21.8	35.0	13.2
Released Level 3 or Higher	2	504	5.0	54.8	22.0
Assault Conviction History					
No	0	7820	78.1	30.4	10.5
Yes	1	2199	21.9	37.3	14.0
Prior Active or Disruptive STG Participation					
No Prior Active or Disruptive STG	0	9934	99.2	31.7	11.0
Prior Active or Disruptive STG	2	85	0.8	60.0	34.1
Security Level					
Level 1		4172	41.6	18.7	5.0
Level 2		4933	49.2	38.4	13.8
Level 3		901	9.0	56.7	25.3
Level 4		13	0.1	84.6	69.2

Chapter 7: The Prosecution Process of Serious Assaultive Behavior

The Prosecution Process

The steps for processing serious incidents in the department is detailed by policy. The policy language reads, the department will “conduct special investigations when an incident is of great importance or consequence to the institution, the office or the Department, or when the issue is particularly complex.” There are five circumstances described as a serious incident:

- “(1) any incident which threatens or causes death or a significant impact on the health or safety of a person;
(2) escape or attempted escape;
(3) apparent commission of a felony;
(4) a serious breach of or threat to security; or
(5) a major disturbance.”

While a number of different parties can initiate a special investigation or conduct such an investigation, the Ohio State Highway Patrol (OHSP) is given the responsibility over all “incidents that are already known or suspected to be criminal in nature,” although they can then authorize the Department to conduct the investigation.

The next steps that might be taken by the OSHP fall under their jurisdiction and are not specified in DRC policies. The standard expectation is that if the OSHP investigation leads to the conclusion that a particular individual has committed a felony level offense, there will be a referral of the investigation material to the county (Common Pleas) prosecutor responsible for the jurisdiction in which the offense occurred.

Prosecution of Serious Violent Incidents

The Office of Prisons conducted a study to determine the prosecution rates for the two following categories:

- (1) Inmate on Staff assaults where the staff member required outside medical treatment
- (2) Inmate on Inmate assaults where the assailant used a weapon and the victim required outside medical treatment.

The period October 2011 to September 2012 was selected because the data would be the most complete and there would have been time to refer the case to prosecution.

Inmate on Staff

For this time period, there were 35 cases where an inmate assaulted a staff member and the staff member required outside medical treatment. Of those cases:

- 27 of 35 (77%) were presented to the prosecutor
- 6 of 35 (17%) are pending prosecution decision. The average time pending is 110 days since the assault.

- 5 of 35 (14%) were rejected by the prosecutor.
- 16 of 35 (47%) were prosecuted.
- 10 of 35 (28%) were convicted.

For those convicted, the average sentence was 7.6 months. Two of ten cases were given a concurrent sentence thereby resulting in no additional time added to the sentence.

Inmate on Inmate with a Weapon

For this time period, there were 47 cases where an inmate assaulted another inmate, with a weapon, and where the victim required outside medical attention. Of these:

- 20 of 47 (43%) were presented to the prosecutor
- 4 of 47 (8%) are pending prosecution decision. The average time pending is 165 days since the assault.
- 8 of 47 (17%) were rejected by the prosecutor.
- 8 of 47 (17%) were prosecuted.
- 8 of 47 (17%) were convicted.

The average sentence imposed was 16 months. One of eight of the sentences was to be served concurrently, thereby resulting in no extra time.

Recommendations

The Department submits the following recommendations for continued improvement, some of which can be addressed administratively, and others of which will require legislative action.

- DRC should continue its efforts to fully implement the system-wide 3 Tier prison reorganization initiative that is premised on improved general population and STG classification policies, more effective control of the most violent and disruptive inmates, and incentives to transition inmates into pre-release and reintegration settings. Efforts in this regard already may be partly responsible for the promising patterns observed during the first nine months of 2012.
- DRC should continue efforts to fully implement the unit management initiative system wide, which is designed to reduce prison violence by facilitating more direct forms of inmate supervision, increasing rapport and informal mechanisms of social control, and improving staff awareness of inmate readiness for reintegration programming. It is plausible to believe that the increases in several measures of misbehavior of the late 2000's and the decrease in some of those more recently may be related to the cut-backs and recent re-establishment of unit management.
- DRC's Bureau of Classification should work to minimize clustering of inmates who are young and who have active STG affiliations.
- DRC should continue its Sexual Assault education programs, including the re-education of inmates each time they transfer between prisons.
- DRC should explore additional legal mechanisms to increase time in prison for inmates who commit serious assaultive behavior. This may include new ways of working with local prosecutors and courts, but it may also involve new legal mechanisms under which DRC can impose such penalties more directly. Much of this investigation is going forward at present under the Structured Sentencing Work Group, which was convened by Director Mohr in June of 2012. The committee is working to finalize legislative recommendations to be introduced in early 2013.
- To the extent that crowding is regarded as a contributing factor in prison violence, DRC should pursue continued implementation of HB 86 reforms that target population management by improving Institutional Summary Report quality and identifying appropriate candidates for judicial release and risk reduction sentences.
- With RIB dashboard information more readily accessible and available for analysis, DRC staff should routinely use such data to recognize problems but also for more extensive analysis of misbehavior trends, with monthly, quarterly, and longer summaries of the information, by kinds of violations, by facility, and by offender characteristics.
- Certain kinds of additional research and analysis may also be beneficial. First, DRC should conduct further analytical research to better understand the individual and prison-level correlates of prison violence described in this report. Second, DRC should help to integrate Ohio Risk Assessment System (ORAS) assessment information into the internal classification process in

order to better align prison programming with inmate needs and thereby more effectively target the sources of behavioral problems among higher security and control unit inmates. Third, DRC should work to develop a systematic and routine mechanism for ongoing cultural assessment at the institutional level, and use that information to better align perceptions of agency mission across line and supervisory staff and increase fairness and uniformity in staff response to violence.