



THE BRIDGE

From Community to Corrections for Crime Victims

Bob Taft, Governor

Reginald A. Wilkinson, Director

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Hello:

The Office of Victim Services has experienced many changes over the past year. We are proud to announce several new initiatives we have been involved in, such as batterers' intervention programming (P.R.O.V.E.), Offender Reentry and revision of our Department's sex offender management practices. You will also notice that several new staff have joined our office, each bringing their own expertise.

It seems victims are once again facing parole hearings as a result of lawsuits. We are just beginning to feel the impact of the most recent lawsuit ruled in the favor of offenders called "Ankrom vs. Hageman". Just as with the Layne Decision, the Ohio Parole Board is being forced to rehear many cases, nearly 3000 this time. Be sure to read the article enclosed in this newsletter for more information about Ankrom.

There have been several changes over the past year affecting victims. For example, on August 1, 2004, new rules governing Interstate Compact went into effect. These rules outline how offenders are moved from state to state under supervision. Among these changes, the rights of victims to be notified were strengthened in many ways. There have also been numerous legislative changes regarding many issues, such as sex offender registration and notification (SORN) laws. We have worked very hard within the Office of Victim Services to make sure these changes are effectively implemented into the correctional process whenever necessary.

We are meeting challenges together and doing our best to insure the voice of the victim is not forgotten throughout the correctional process...but we need your help! I welcome your continued involvement in the Office of Victim Services. If you are interested in learning more, please let us know.

I look forward to a continued strong working relationship between our office staff and advocates across the state to help improve the lives of crime victims as much as possible. Together we can make a difference!

Take care,

Karin J. Ho, Administrator

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P.R.O.V.E.

Personal Responsibility of Violence Elimination: A Batterers' Intervention Program

This program was developed by the Office of Victim Services as a Reentry initiative with the endorsement of The Ohio Domestic Violence Network and The EMERGE program. The EMERGE program trains individuals as well as agencies on their curriculum and philosophy of Batterers' Intervention. The philosophy is that abusers know how to be non-abusive in most situations, yet CHOOSE to be abusive with their partners and children in situations which benefit themselves in the short term. Most of their abuse is focused on their intimate partners and/or their children, rather than a generalized violent response to everyone in their lives. Batterers' Intervention groups tend to work best for participants whose violence is aimed towards an intimate partner. Batterers' groups should challenge abusers' belief systems and offer alternatives to their destructive beliefs. This program will focus on inmates whose crimes included domestic violence behaviors.

Development of this program began with an advisory group, consisting of various experiences and skills in Batterers' treatment and Domestic Violence intervention. The program was accepted as a mandatory core program in the attitudes domain. Facilitators from various institutions were interviewed, selected and trained on the curriculum in September of 2004. The Office of Victim Services is very excited to announce that the first pilot launched at Marion Correctional Institution on 11/2/04, followed by two classes at Richland Correctional on 11/22/04 and 12/13/04. The chosen pilot for spring is the Noble Correctional Institution.

For questions regarding this program, please contact Shelly Nichols at the Office of Victim Services.

Ankrom vs. Hageman

As many of you are aware, it is not uncommon for inmates within the system to file lawsuits against the Department of Correction. We learned this very well with the Supreme Court ruling in the Layne Decision. As a result of that lawsuit, the Ohio Parole Board reheard several thousand cases, impacting literally thousands of victims. There is no easy way to inform crime victims that their cases are going to be scheduled for another hearing, as the result of a lawsuit.

We have once again found ourselves in the position of trying to explain a court ruling with the recent disposition of Ankrom vs. Hageman. The Parole Board will rescind and rehear approximately 3,000 cases that were decided between March 1, 1998 and September 5, 2003. There are many facets to the Ankrom decision that I will try to outline in this article.

In order to fully understand some of the details of the lawsuit, you must be aware that the Parole Board uses guidelines as a tool in making their decisions. These guidelines were heavily scrutinized in the Ankrom lawsuit. It identified that there was a difference between when an offender was eligible to be considered for release by statute (law) and when the Parole Board guidelines indicated they were most likely to be suitable to be released. This decision stated that the Board must meaningfully consider an offender when they were eligible statutorily rather than according to their guidelines. The Ankrom decision also stated that the Parole Board could not elevate an offense category score

Ankrom vs. Hageman continued

based on criminal behavior for which the offender was not convicted. The Ankrom decision also underscored what the Supreme Court stated in the Layne decision, that the Parole Board retains wide discretion in its release decisions, once it applies the guidelines appropriately.

The following outlines what happened in both Judge Cain's initial decision in the Franklin County court system, as well as what the Appeals Court stated when the Department of Rehabilitation and Correction then appealed the decision. Among other things, Judge Cain of the Franklin County Court of Appeals has stated the following:

The Parole Board denies contract rights and "meaningful consideration" when it:

- >Assigns a guideline range which has a minimum that exceeds the statutory eligibility
- >Assigns an offense category score that is nominally within the offense of conviction, but is elevated due to criminal conduct for which the offender was not convicted
- >Flops (or continues) a class member for more than five years
- >Denies a hearing that complies with post-Layne practices

The Appellate Court Decision (which upheld Judge Cain's decision) stated:

- >Assigning a guideline range which has a minimum that exceeds the statutory eligibility violates Layne and is therefore improper
- >Assigning an offense category score that is nominally within the offense of conviction, but is elevated due to criminal conduct for which the offender was not convicted, violates Layne and is therefore improper
- >The above two improper practices of the Board are a breach of contract and a violation of Separation of Powers
- >Whether AR5120:1-1-10(B)(2), which permits continuances of up to ten years, is unreasonable, is a question of fact. It is remanded back to the trial court for determination. This is the only part of Judge Cain's decision that was reversed

Practical Application for Parole Board:

- >Offenders must be given meaningful consideration for release on parole once eligible for parole according to the statute. A 'minimum' of a guideline range is erased if it exceeds the offender's time already served
- >Offense category scores cannot be 'elevated' due to other criminal conduct for which the offender was not convicted

As you can see, the Ankrom decision details exactly how the Parole Board should apply their guidelines when looking at a case. The guidelines are one tool used by the Parole Board and they still maintain discretion to consider every piece of information at their disposal in making their decisions.

Hearings for Ankrom vs. Hageman will begin June 2005 and will occur over the next 18 months. Victims registered with the Office of Victim Services received a preliminary letter in April alerting them to the fact that their case has been determined to fall under the guidelines of Ankrom and that they will be receiving another letter in the future at least 21 days prior to the actual hearing. We were hoping by getting information to them as quickly as possible, they can better prepare for the hearing. As always, the Parole Board

Ankrom vs. Hageman continued

will consider all information submitted for consideration in previous hearings, but if anyone would like to submit new information, it is certainly welcome at any time.

In addition to the preliminary letter, the Department of Rehabilitation and Correction has posted on our website (www.drc.state.oh.us) an actual listing of offenders who will be having hearings as a result of the Ankrom lawsuit.

2005 Victims' Rights Appreciation Luncheon



Rita Christie

To help commence 2005 National Crime Victims' Rights Week, the Office of Victim Services held its annual Appreciation Luncheon on Saturday, April 9, 2005 at the Corrections Training Academy. This year marked the 25th Silver Anniversary of the celebration and continued recognition of crime victim rights. Attendees included victims and ODRC staff, including Victim Coordinators and Facilitators of the Victim Awareness, Victim/Offender Dialogue, and PROVE programs. Members of Parents of Murdered Children (POMC) and Mothers Against Drunk Drivers (MADD) were also in attendance.

Highlighting this year's luncheon were ODRC Director Reginald Wilkinson's welcoming remarks, an inspirational keynote speech given by Ms. Rita Christie, as well as a song by the Office of Victim Services' Corrennia Price-Jackson. Special Recognition Awards were given to Beth Chaney, Nicole Heidemann, David E. Martin, Andrea Rehkamp, and Russ Simpson, for their devotion to working with the Office of Victim Services in a variety of aspects.



Nicole Heidemann

Question, Comments, Suggestion?

Contact Heather Smith
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Informational Meetings

Beginning this spring, the Office of Victim Services will be conducting informational meetings throughout the State. Victims Connected is an informational meeting where victims, victim advocates, and local organizations can come and hear about the services offered to victims through OVS. Our first Victims Connected meeting is being held at Alum Creek for the Central Ohio Region on May 17th from 6:30-8pm. The presentation is lead by OVS victim advocates and uses a power-point presentation to inform attendees of services available to victims. The OVS has also produced a Victims Connected Information and Services Guide, which includes information on OVS services, as well as other services available to victims throughout Ohio, as well as a resource guide.

IPP Update

Intensive Program Prison (IPP) was originally started as Ohio's boot camp program under Ohio Revised Code 5120 in 1991. It has been modified over time to include more programming and education in order to provide offenders tools needed for living a productive and crime free life and to prevent them from returning to the correctional system. The IPP allows for programming in the areas of: educational achievement, vocational training, community services / conservation work, alcohol and other drug abuse treatment, and other intensive regimens such as; Victim Awareness, Anger Management and Life Skills Enhancement. Upon completion of the IPP Program, offenders will be under intensive supervision for at least six months. Only non-violent, third, fourth, or fifth degree felony offenders with a sentence of five years or less, with no history of violent offenses, and not serving a mandatory sentence or a non-sex offender can participate in this program.

IPP was recently expanded to nine programs at six different prisons. Programs are occurring at Northeast Pre-Release, North Central Correctional Institution, North Coast Treatment Facility, Ohio Reformatory for Women, Pickaway Correctional Institution and Southeastern Correctional Institution.

The Office of Victim Services plans to implement a process to notify victims who our registered with our office, when an offender becomes eligible to participate in IPP. Victims would then be referred to the sentencing judge to voice their input. If an offender is accepted into the program, the Office of Victim Service would then notify registered vic-

Re-Entry Update

The continued emergence of the reentry philosophy has firmly taken root in Ohio and is being put into practice in many aspects of the Department's operations. As part of the Department's continued commitment to reentry, the *Ohio Plan for Productive Offender Reentry* was introduced to address the return of offenders under supervision back to the community after their sentence is served. Ohio is also serving as a pilot state for the Serious and Violent Offender Reentry Initiative with sites in Allen, Cuyahoga, and Franklin counties. Beginning at reception, the reentry process prepares offenders for release and continues this preparation throughout their stay at their parent institution.

In order to help better address reentry in Ohio as well as on a national and eventually, international level, the International Association of Reentry (IAR) was created with the mission "to foster victim and community safety through correctional reform and prison population management... and the successful reintegration of offenders". Accomplishing this mission includes collaboration with many partners, including allied justice professionals and the victim community. The ODRC's Director, Reginald Wilkinson, is currently the President and Executive Director of the Association and its first Inaugural Summit was held in March in Columbus, OH. At this Summit, colleagues involved in reentry issues were able to participate in the establishing Association's actions plans.

Because any reentry initiative should include the voices of victims, the IAR has established the Victims and Restorative Justice subcommittee. The subcommittee's stated goal

Re-Entry Update continued

is to "identify the issues and challenges confronting crime victims, and community victimization, and develop recommendations, and reports that offer strategies and programs for addressing harm, reparation, and offender reentry." At the March summit, members of this subcommittee, including the Office of Victim Services' Administrator, Karin Ho, met to discuss and identify various issues regarding victims in the reentry process and one of the areas focused one was that of victims, offenders, and prison visitation in preparation for a possible family reunification.

For more information about the International Association of Reentry, please visit the website at www.reentry.cc. For more information about reentry in Ohio, please visit

2004 Victim Coordinators of the Year

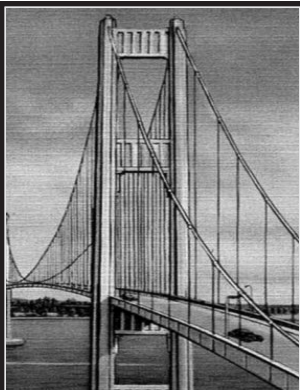
In order to recognize the hard work and dedication of our network of Victim Coordinators, the Office of Victim Services presented the First Annual Institution and Adult Parole Authority (APA) Victim Coordinator of the Year Awards. Awards were handed out at the December 2004 Victim Coordinator Quarterly Meeting.

OVS staff nominated and then voted on a recipient for the awards – one for a Coordinator who works in an institution and one for a Coordinator who works in an APA office. The Institution Award recipient this year was Sally McChesney, who until recently was a Case Manager at the Southern Ohio Correctional Facility and went above and beyond in her assistance to victims involved in the execution process. She has also taken an active role in her community to provide outreach and assistance to crime victims. The APA award went to Eldie Antenuce, a PSI writer in the Akron APA Region who also co-facilitates the only currently run Victim Awareness program in the APA. Eldie is also a Victim/Offender Dialogue Facilitator and a member of the Victim Connection Committee and helped to plan to 2004 Victim Rights' Week Banquet.



Eldie Antenuce

Thank you to Sally and Eldie and a big thank you to all of our Victim Coordinators.



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Interstate Compact for Adult Offender Supervision

The Interstate Compact for Adult Supervision is a formal agreement between member states and seeks to promote public safety by systematically controlling the interstate movement of certain adult offenders. In Ohio, Interstate Compact is administered through the ODRC's Division of Parole and Community Services – Adult Parole Authority.

Eligible offenders on parole or PRC supervision may be transferred to another state that takes part in the Interstate Compact agreement. All 50 states, the District of Columbia and many US territories participate as members of the compact.

Ohio's Interstate Compact office specifically oversees the transfer of supervision services for offenders who will reside and work in a state or territory that is outside the state. The Interstate Compact office also facilitates compliance with all federal and state law regarding the transfer of offender supervision across state lines.

In determining whether an offender will go to another state for supervision, the sending state will send information to the receiving state to make a determination on whether or not they will accept the offender for supervision. If the offender is a resident of the receiving state or has family living there and can obtain employment, then there is a good chance they will be accepted to live there. While the sending state will determine the length of time the offender will be supervised, the receiving state will have the authority to determine the offender's level of supervision and add any special conditions.

It is also important to note that until an offender's transfer request has been approved by a receiving state, they cannot travel to a state outside of Ohio without a travel permit by the Adult Parole Authority. If they do so without that written prior permission, they will be in violation of their parole/PRC and will be given at-large status.

To ensure that victims' voices are included in this process, there are Supervision Rules that address the issue of victim notification and input. Rule 3.108 – Victim Notification states that notification will be made to victims upon transfer of offenders and also made if an offender commits a parole/PRC violation in the receiving state or has another change in their status. In both cases, notification is given to victims in accordance with the state's victim notification laws and procedures.

Rule 3.1081 Victim's Right to be Heard and Comment states that victims have the right to give input and be heard by the Interstate Compact office regarding concerns for their safety or that of their family. They may do this via phone, fax, mail, or e-mail. The sending state shall consider those concerns when deciding whether or not to transfer supervision to the receiving state and as a result, either state may impose special conditions of supervision.

The Office of Victim Services has been working with Ohio's Interstate Compact Office to create a more formal way to notify victims registered with our office if their offender has applied for transfer to another state and also if that application has been approved or rejected. Interstate Compact staff is also very open to hear input and safety concerns, whether from OVS or victims themselves.

For more information about the Interstate Compact rules, please visit www.adultcompact.org, which is the Interstate Commission for Adult Offender Supervision's website and click on the Rules link. For more information about Ohio's Interstate Compact office, please visit www.drc.state.oh.us/web/compact.htm.

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