

Testimony of Geoff Davies in Support of House Bill 338 – Andy’s Law

Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee, thank you for providing the opportunity to testify in support of House Bill 338. My name is Geoff Davies and I am a union representative for SEIU District 1199. We represent eleven hundred staff at ODRC institutions including nurses, mental health professionals, case managers as well as recovery and addiction services professionals.

HB 338 is a good first step in the right direction to address violence and drugs in our state prisons. For too long members that I represent have felt that there is not nearly enough accountability for inmates. That the state is finally doing something about this issue that has been happening for years is welcome. It’s shameful however that it took the brutal murder of a dedicated public servant before anyone decided that this issue deserved any real attention and action. I believe I speak for all our members when I say we hope this is the first of many other steps to address not only the violence in prison, but the actual root causes of violence in our prisons.

This bill provides some important tools. There are real deterrents for murder, assault, and harassment, including the many instances when bodily fluids are thrown, spat and used as weapons against our membership. However, mandatory sentencing for these crimes still requires prosecution. Right now, whether an inmate is held accountable often depends entirely on the county they are incarcerated in, and whether the county prosecutor is willing to act. Too often, these cases go unaddressed. DRC management has told us they are just as frustrated as we are with the lack of enforcement and follow-up because it undermines their ability to prevent these behaviors. Without outside consequences and support, staff inside the prison are stripped of authority and credibility, and inmates continue to act with impunity. It is then encouraging that the County Prosecutors Association testified in support of this bill last week, I suppose we can only hope they follow through and enforce these penalties, and reinforce your work here, because otherwise what is the point?

It is also important and welcome there are deterrents here for conveyance of drugs, but there needs to be deterrents for the use of drugs as well. DRC is concentrating on the supply, and the mandate for dogs and other provisions are very welcome. But demand for drugs is not being addressed. In a recent statewide meeting DRC management stated that their priority was the source of the drugs, the dealers. Dealing with the inmates that are getting high is not the priority: as long as they’re not violent then essentially it is what it is.

This is because even if drug violators' were fully held accountable and their security levels were increased, there simply isn't enough space to house them.

And as one other member of management has said – even if they were sent to Level E, there's drugs there too! Inmates know there are no real consequences for their actions. And so we have to deal with the results of that every single day. A non-violent intoxicated inmate may seem like a small issue, but when you are a nurse who must respond to many, many intoxications a shift while also dealing with the day-to-day healthcare needs of a high acuity population, it takes its toll, and is often impossible.

Ohio doesn't have enough mental health professionals or nurses as it is, and even less of those are actively looking to work in a prison. The state is not doing enough to attract or retain staff. Over the next five years 28% of our union members are eligible for retirement. More still across the whole of DRC. There is no plan to replace them, attract them, or retain them, what then? A hiring consultant is a good step, I hope they talk directly to the frontline staff, because it won't take but a but a handful to tell you what the problem is with hiring: the pay is too low, too compressed, recruiting is not effective, hiring takes too long, and an environment where there is no accountability for inmates. This bill is a good first step, but it needs to be followed up with more. Today's inmates are much more violent as well. If DRC placed or classified all inmates correctly - those who truly belong at Level 3, there would be no room left for inmates who commit new violations inside the facility. And this gets to the key issues of violence and drugs: there simply aren't enough staff and resources to deal with it, or the causes of it. This bill does a lot to provide additional screening tools and training, but it doesn't increase the resources for an already stretched staff to do this important work.

Just last month I asked a Warden at an institution a question that I'll never forget the answer to, as it was so honest and open. I asked that even if they had full staffing, if every position was filled, would they have enough people to do the job they needed to do? His answer was no. This is the unfortunate reality – those who are in charge KNOW that they do not have the proper tools and adequate staffing to accomplish their mission and keep their staff safe.

The After Action report into Andy Lansing/s murder concluded that everything had been done right, that the Institution was fully staffed and that essentially it was the fault of a determined inmate. What it doesn't say is that full staff still isn't enough staff. Some, like CO Lansing, were there on voluntary overtime, to save others from having to do it. Nurses, *right now*, are working more and more overtime to help their colleagues because they don't want to leave them short, or they are being mandated, often on their days off. DRC is operating on the thinly stretched backs of its employees. A nurse, who has been doing the

work of two since the summer, said to me just Monday - I stay because I believe in the work I do, if I leave inmates health will suffer. But there's only so much I can take." That is not only dedication, it is selfless – she deserves to be supported, like all our members deserve but are not getting.

Incarcerated persons these individuals often do not receive the services that would actually help them become rehabilitated, as is the claimed intent. Worse, many of my members agree that there are many inmates who leave prison more addicted than when they came in. Our prison system is failing the public. Where there are Medication Assisted Treatment programs in place – suboxone and so on – inmates are not getting the intensive services they need because the waiting lists are so long. We proposed recruitment and retention incentives to hire more staff to provide these vital services, DBH Recovery Services management response was “We’re giving it to nurses in the hospitals because if they’re not staffed we have to shut down a hospital. We don’t have to do that with recovery services, we just scale back services”. Case Managers in the units, tasked with programming and helping inmates to rehabilitate have more work than they can handle. Management have even acknowledged this: “We know we don’t have enough case managers to program the whole caseload.” And now DRC and Recovery services have to deal with cuts to their budget that already was insufficient. Recovery services have told us that where they don’t have the staff they don’t provide the services, and with this budget cut they are looking wherever they can to justify cutting positions. So, a position comes open, it may not get filled, even though the need has remained. DRC and recovery services are now increasingly using inmates to help facilitate programming, in unit management and in recovery services. Picture that, the inmates are facilitating programming for fellow inmates – because the State of Ohio refuses to adequately staff the institutions.

These are good reforms, and this legislature should pass them. But this is the same legislature that cut the funding of DRC in the last budget and provided nothing more for behavioral health. We urge you to commit to these improvements by putting more funding and support into qualified security staffing and more professional staffing. Otherwise, these good intentions will just add more onto the back backs of our already over capacity membership, and management will continue to expect us to do more with less. Yes, the government should be responsible stewards of taxpayers’ dollars, but they must also ensure public safety by following through on their promises to correct and rehabilitate offenders. The government is obligated to walk and chew gum, not choose between which one they can do, they MUST do both.

This bill is a positive step. It addresses some of these issues and provides important tools. But if we don’t take action on the root causes of violence—the conditions and factors driving it—we won’t solve the problem; we’ll simply perpetuate it. When employees see

that, despite working hard, they aren't making a difference, and that things are actually getting worse, they lose hope and motivation, and all of the dedication in the world doesn't keep staff who have come to terms with the fact that their employer doesn't support them and will never give them the tools necessary and the support they need to perform as the professionals they are. Our government needs to recognize this and not only provide the tools, as you are doing with this bill, but also the resources and investment that staff need to actually do the job they are committed to doing.

Thank you again for allowing me to testify today. I am happy to take any questions from the committee.