



Department of  
Rehabilitation & Correction

Mike DeWine, Governor  
Annette Chambers-Smith, Director

02/10/2020

Chief David Birk  
Middletown City Jail  
1 Donham Plaza  
Middletown, OH 45042

RE: 2019 Annual Jail Inspection

Dear Chief David Birk:

In accordance with Section 5120.10 of the Ohio Revised Code and Executive Order 92-03 of the Department of Rehabilitation and Correction, the Middletown City Jail, a full service jail, was inspected on 11/05/2019. The inspection was restricted to assessing compliance with a group of standards, selected from the Standards for Jails in Ohio promulgated by the Department of Rehabilitation and Correction. The group of standards being inspected focused on Reception & Release, Classification, Security, Housing, Sanitation and Environmental Conditions, Communication, Visitation, Medical and Mental Health Services, Food Service, Recreation and Programming, Inmate Discipline, Administrative Segregation, Grievance, Staffing, and Staff Training. The inspection consisted of this Inspector receiving and/or reviewing requested documentation and/or materials, touring selected areas of the jail, and having discussions with various jail staff.

The total actual general housing capacity for the Middletown City Jail is 70. On the date of the jail inspection, there were 33 inmates incarcerated in the Middletown City Jail. The Ohio Department of Rehabilitation and Correction recommended housing capacity for the jail is 34, which is based upon total available living space and other requirements. Officials should maintain prisoner counts within the Department's recommended capacity figure .

The Middletown City Jail (Full Service Jail) is in compliance with 108 standards, 50 "Essential", and 58 "Important".

5120:1-8-01 (A)(1); -01 (A)(3); -01 (A)(4); -01 (A)(7); -01 (A)(9); -01 (A)(12); -02 (B)(1); -02 (B)(2); -02 (B)(4); -02 (D); -03 (A)(4); -03 (A)(5); -03 (A)(6); -03 (A)(7); -03 (B)(2); -03 (B)(4); -03 (B)(5); -03 (B)(6); -03 (B)(7); -03 (B)(8); -03 (B)(9); -03 (B)(10)(a); -03 (B)(10)(b); -03 (B)(10)(c); -03 (B)(10)(d); -03 (B)(11)(b); -03 (B)(11)(c); -03 (B)(12); -03 (B)(15); -03 (B)(17); -04 (A)(4); -04 (B); -04 (C); -04 (D); -04 (E); -04 (F); -04 (G); -04 (H); -04 (K); -05 (A); -05 (B); -05 (C); -05 (E); -05 (G)(1); -05 (G)(2); -05 (H)(3); -05 (I); -05 (J); -05 (K); -05 (L); -05 (M); -05 (N); -05 (O); -05 (P); -05 (Q); -06 (B); -06 (C); -06 (G); -07 (A); -07 (D); -07 (E); -07 (H); -07 (I); -09 (A); -09 (B); -09 (C); -09 (E); -09 (F); -09 (G); -09 (H); -09 (J); -09 (K); -09 (M); -09 (N); -09 (P); -09 (Q); -09 (R); -09 (U); -09 (V); -09 (W); -09 (X); -10 (A); -10 (B); -10 (C); -10 (D); -10 (E); -10 (F); -10 (G)(1); -10 (G)(2); -11 (A); -11 (B); -11 (E); -12 (B); -12 (C); -12 (F); -12 (G); -12 (H); -15 (B); -15 (D); -15 (E); -16 (A); -17 (D); -17 (E); -17 (G); -18 (A); -18 (B); -18 (D); -18 (E);

The Middletown City Jail did not comply with 6 standards, 3 "Essential", and 3 "Important". This letter is intended to serve as a basis for developing plans of action for bringing the facility into compliance with the deficiencies noted during the inspection.

5120:1-8-03 (A) Each full service jail shall maintain the following minimum standards in regard to security of the jail. (1) (Essential) An established security perimeter.

Comments: While completing this inspection process, it was discovered that corrections officers carry perimeter keys and use them as part of their daily function. Jail officials need to remove all perimeter keys from the inside perimeter of the jail. Keys for exterior doors, gates and other barriers providing egress from the jail's security perimeter, shall not be carried or stored in areas accessible to inmates.

5120:1-8-03 (A) Each full service jail shall maintain the following minimum standards in regard to security of the jail. (3) (Essential) A secure booking and release area.

Comments: While completing this inspection process, it was discovered that corrections officers carry perimeter keys and use them as part of their daily function. Jail officials need to remove all perimeter keys from the inside perimeter of the jail. Keys for exterior doors, gates and other barriers providing egress from the jail's security perimeter, shall not be carried or stored in areas accessible to inmates.

5120:1-8-03 (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained. (16) (Important) Keys, tools and culinary equipment are inventoried and use is controlled.

Comments: While completing this inspection process, it was discovered that corrections officers carry perimeter keys and use them as part of their daily function. Jail officials need to remove all perimeter keys from the inside perimeter of the jail. Keys for exterior doors, gates and other barriers providing egress from the jail's security perimeter, shall not be carried or stored in areas accessible to inmates.

5120:1-8-04 (J) (Important) Natural light shall be provided in housing units, dorms, cells and/or dayspaces.

Comments: On the day of inspection, the jail was not in compliance of the standard, due to physical plant issues with the jail being construed underground. The jail should consider alternatives in providing natural light in all housing units, dorms, cells and/or day spaces.

5120:1-8-09 (D) (Essential) Health appraisal. Within fourteen days, a licensed nurse, physician, physician's assistant, EMT or paramedic shall complete a health appraisal to determine the medical and mental health condition for each inmate in custody. Such appraisal shall at least include the following:

- (1) Review of receiving screen.
- (2) Collection of additional data to complete the medical, dental and mental health history.
- (3) Laboratory and/or diagnostic tests to detect tuberculosis and other suspected communicable diseases as designated by the health authority.
- (4) Recording the height, weight, pulse, blood pressure and temperature.
- (5) Medical examination as determined by the examiner.
- (6) Mental health assessment.
- (7) Initiation of therapy when determined necessary by the examiner.
- (8) Development and implementation of a treatment plan.
- (9) Other test and examination as determined by the examiner or health authority.

Comments: On the day of the inspection, the jail's practice and procedure did not show compliance of the standard. The jail shall perform tests to detect tuberculosis on all inmates in the jail prior to the 14th day of incarceration.

5120:1-8-18 (C) (Important) Administrators and supervisors shall receive training in addition to the training specified in paragraph (B) of this rule as follows:

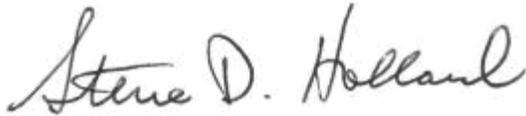
- (1) Training in jail policies and procedures prior to assignment to jail duties.
- (2) During the first year of assignment, forty hours of training including legal aspects of jail management, managerial principles, labor relations, and records/information management.

(3) Eight hours of in-service training each subsequent year of employment addressing special issues, skills-enhancement, and other assignment related topics.

Comments: On the day of the inspection, no documentation was provided demonstrating supervisors forty hours training. Jail officials should make sure all supervisors complete forty hours of training including legal aspects of jail management, managerial principles, labor relations and records/information management during first year of assignment.

Plan of action forms are enclosed. Completed form(s) and/or corrective materials addressing the noted deficiencies must be completed and submitted through the Ohio Jail Management System (OHJMS) at [www.OHJMS.Intelligrants.com](http://www.OHJMS.Intelligrants.com) within 45 days of receipt of this correspondence. Please feel free to contact the Bureau if you need assistance or clarification in this effort. The Bureau remains available to discuss the aspects of this report or to provide reference materials or assistance as desired.

Sincerely,



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Stephen Holland, State Jail Inspector  
Bureau of Adult Detention  
1580 St Rt 56  
London, Ohio 43140  
Phone: (614) 981-2040  
Email: [stephen.holland@odrc.state.oh.us](mailto:stephen.holland@odrc.state.oh.us)