I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to define the procedures for classifying inmates into an Extended Restrictive Housing (ERH) status.

III. APPLICABILITY

This policy applies to all Ohio Department of Rehabilitation and Correction (ODRC) staff involved in the inmate classification process.

IV. DEFINITIONS

Annual - A twelve (12) month period

Extended Restrictive Housing (ERH) - A security classification level represented as “E” in the Departmental Offender Tracking System (DOTS). ERH is the most restrictive security level in the ODRC reserved for inmates who constitute the greatest threat to the safety and security of the community, staff, others, and/or the secure operations of a correctional facility.

Extended Restrictive Housing- Ineligible for Presumptive Release (EN) - A classification given to an inmate in ERH who is ineligible for presumptive release. It is represented as “EN” in DOTS. EN inmates are the same security level as E inmates, but they have different review procedures as contained in ODRC Policy 53-CLS-10, Review and Release of Extended Restrictive Housing Inmates.

Extended Restrictive Housing-Enhanced Behavioral Health Monitoring (EM) - A classification given to an inmate in ERH who is classified as C1 or IDD. Represented as “EM” in DOTS. An EM classified inmate must be offered more than two hours out of cell time daily.
**ERH Transitional (ERHT)** - ERHT is a security level where the inmate is introduced to limited and small group congregate recreation and programming in preparation for release to General Population from ERH.

**Inmate Adjustment Plan (IAP)** - A case plan which specifically outlines expected behaviors for an inmate placed in Extended Restrictive Housing (ERH). The IAP is comprised of behavioral and programmatic requirements which relate specifically to the inmate’s misbehavior that resulted in the placement in ERH.

**Limited Privilege Housing (LPH)** - Assignment of an inmate to a designated area for the purpose of reducing their privileges, controlling movement, and reducing their access to other inmates. An LPH inmate is considered General Population and shall have access to prison services, although that access can be reasonably limited as part of their privilege reduction. Designated out of cell time shall be more than two (2) hours daily.

**Multidisciplinary Services Team** - A group of unit, treatment, programming, and security staff who provide integrated services to inmates in Specialized Units and Restrictive Housing. The team assesses inmate needs, integrating the treatment plan, and develops an individualized plan to ensure security measures support the delivery of treatment services and privileges.

**Multidisciplinary Treatment Team** - Provides an integrated team approach to inmate care and treatment. The members meet to develop and provide necessary health and behavioral health care services and individualized treatment for inmates with emphasis on addressing needs during confinement in health and behavioral health care specialized units and for those on the mental health caseload in step-down programs, including restrictive housing settings. The team may include, but is not limited to, Mental Health professionals, psychiatric attendants, Medical and Recovery Services staff, Sex Offender Services, Custody and Unit Management staff.

**Presumptive Release** - Inmates who are placed in ERH are assigned a presumptive release date. This is a date which is 6, 12, or 24 months from the original offense resulting in the placement. The inmate must be released on, or before, this date unless they violate their Inmate Adjustment Plan’s behavioral requirements. In some rare circumstances, an inmate may be designated as ineligible for presumptive release by the chief of the Bureau of Classification and Reception if their placement offense and/or the totality of their behavior indicate more than twenty-four (24) months may be required before they can be safely managed in General Population at a lower security level.

**Residential Treatment Unit (RTU)** - A specialized housing unit within the institution that facilitates a secure treatment environment and on-site care from a multidisciplinary team consisting of psychiatrists, nurse practitioners, psychologists, social workers, nurses and other specialized mental health professionals.

**Restrictive Housing (RH)** - Housing that separates an inmate from the general population and restricts the inmate to their cell twenty-two (22) hours or more per day.
Serious Misconduct Panel (SMP) - A panel of two (2) correctional staff selected and assigned by a regional director and trained by Legal Services, who are authorized to conduct all misconduct hearings for offenses that would qualify for placement in ERH. The panel must consist of two (2) individuals who are not employed in the same prison where the behavior leading to the recommendation for ERH placement occurred.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to limit the use of Extended Restrictive Housing (ERH) to only those inmates who pose the greatest threat to the safety and security of a correctional facility and cannot be managed safely in general population. ERH is not to be used for punishment and is reserved for those whose violent, disruptive, predatory, riotous or other serious misbehavior poses a serious threat to other inmates, staff, the orderly operation of the institution, or the general public.

No youthful offender or pregnant female shall be housed in ERH.

An inmate diagnosed with a serious mental illness (C1) or who is diagnosed as Intellectually/Developmentally Disabled (IDD) may be designated as security level ERH, but they shall not be subjected to Restrictive Housing conditions of confinement for more than twenty-nine (29) continuous days.

VI. PROCEDURES

A. Referral for Placement in ERH

1. At Reception

Inmates may be referred to ERH from reception if one, or more, of the following conditions are met:

a. The inmate was released from ODRC custody while in ERH within the past twelve (12) months and was eligible for presumptive release from ERH. In these circumstances, the inmate may be returned to ERH or ERHT for up to six (6) months. The reception coordinator is authorized to not place an inmate back into the ERH security level upon their return if after a full assessment of all intake instruments and assessments there is reason to believe the inmate can be safely managed in a less restrictive security level.

b. The inmate was released from an Ohio prison while in any ERH status and was ineligible for presumptive release from ERH. Inmates who meet this criterion will be placed back into ERH-N status. They shall be reviewed within thirty (30) days of arrival to their parent institution to determine if ERH placement shall continue and to determine if they shall remain ineligible for presumptive release from ERH.

c. The nature of the criminal offense, including documented behavior in another correctional agency, committed prior to incarceration with the ODRC constitutes a current threat to the security and orderly operation of the institution and to the safety
of others. For example, serious assaults against law enforcement, participation in organized criminal activity, serious violent acts in other correctional jurisdictions or actions indicating a serious escape risk. In these circumstances, a classification hearing must be conducted with the inmate and they shall be presented with all evidence used to justify the recommendation of placement into ERH. The inmate shall be provided the opportunity to present written and oral statements challenging any of the documentation justifying the placement, or the appropriateness of the placement into ERH. They shall be provided with a written explanation of the justification for their placement and shall retain the right to appeal the recommendation to the chief of the Bureau of Classification and Reception (BOCR).

2. Inmates who meet one of these criteria can be referred to ERH by the reception coordinator using the BOCR Regional Response to SMP Recommendation (DRC4031) and shall forward the form to the regional classification administrator.

3. All placements from reception shall be reviewed by a regional classification administrator from the BOCR who shall respond, in writing, either affirming or denying the recommendation for placement into ERH. After receiving the decision of the regional classification administrator, the inmate shall have a right to appeal the decision to the chief of the BOCR.

4. While pending transfer to a permanent ERH facility, the conditions of confinement shall be guided by ODRC Policy 55-SPC-02, Restrictive Housing Procedures.

5. While in ERH at reception, the inmate shall be reviewed at least monthly by the unit team in compliance with ODRC Policy 55-SPC-02, Restrictive Housing Procedures, and may be released from ERH during any of those reviews if the inmate’s behavior indicates there is reason to believe the inmate could be managed safely in a less restrictive security level. All procedures associated with ERH reviews and release, as outlined in ODRC Policy 53-CLS-10, Review and Release of Extended Restrictive Housing Inmates, must be followed in these circumstances.

6. If an ERH inmate at reception is approaching his/her presumptive release date, or the prison chooses to release them early, the reception center’s unit management chief (UMC) shall ensure a review is completed in compliance with ODRC Policy 53-CLS-10, Review and Release of Extended Restrictive Housing Inmates. In these circumstances, the inmate is not required to be placed into ERH Transition (ERH-T) and shall be given a security designation of 1-4 and subsequently transferred to the appropriately secure facility where a placement into LPH is considered a suitable substitute for ERH Transition.

7. Following Reception

After the Security Designation (DRC2568/DRC2691) has been completed, an inmate may only be placed in ERH by using the procedures outlined in this policy and ODRC Policy 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel (SMP).
8. Criteria for all ERH Placements

An inmate may be considered for placement in ERH if the inmate satisfies both an administrative and a behavioral criteria listed below.

B. Administrative Criteria for Placement in ERH

An inmate may not be considered for placement in ERH unless one (1) of the following administrative criteria are met:

1. The serious misconduct panel (SMP) has found the inmate guilty of violating an institutional rule and because of the finding recommended the inmate be considered for placement in ERH; or

2. The inmate is guilty of a criminal offense that is described under behavioral criteria listed in this policy, and has been sentenced and committed to the custody of the DRC; or

3. The inmate has committed a criminal or institutional offense in another jurisdiction that would qualify for placement in ERH and there is enough documentation from the other jurisdiction to justify placement in ERH; or

4. The inmate was previously held under the custody of the ODRC and was held in ERH prior to their release.

C. Behavioral Criteria Governing Placement in ERH

Inmates may not be placed in ERH unless they demonstrate behavior meeting one (1) or more of the following behavioral criteria. These criteria guide the exercise of discretion, but do not mandate the outcome.

1. Assault and Related Acts

   a. The inmate caused or attempted to cause physical harm or death to another person including all assault related rules;
   b. The inmate compelled or attempted to compel another person without consent to engage in sexual conduct or sexual contact;
   c. The inmate compelled or coerced another person, by force or the threat of serious physical harm or death, to provide anything of value, to perform any act, or to violate any rule;
   d. Stalking, extortion, harassment, or intimidation of staff with approval of legal services.

For all placements involving assault related acts, the seriousness of the offense as well as the inmate’s history of assaultive behavior shall be considered in determining whether a placement in ERH is warranted, as well as the length of the placement. The seriousness of the offense may include factors such as the amount of harm (or attempted harm), the intensity/duration of the assault and the motivation/intent of the aggressor(s).
2. The nature of the criminal offense or offenses in other correctional jurisdictions, committed prior to incarceration constitutes a current threat to the security and orderly operation of the institution and to the safety of others, for example, serious assaults against law enforcement/corrections officers, participation in organized criminal activity/riot or actions indicating a serious escape risk.

3. The inmate has led, organized, participated in, or incited a serious disturbance or riot, or attempted to commit any of these acts, that resulted in, or was planned/intended to result in, the taking of a hostage, significant property damage, physical harm, interruption of vital institutional services, loss of control of a facility or part thereof, or loss of life.

4. The inmate has conspired or attempted to convey, introduce, or possess major contraband which poses a serious threat or danger to the security of the institution. This includes without limitation:

   a. Deadly weapons. “Deadly weapon” means any instrument, device, or thing capable of inflicting death, and designated or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

   b. Ammunition. “Ammunition” means anything hurled by a weapon or exploded as a weapon, such as bullets, gunpowder, shots, shells, bombs, grenades, rockets, etc.

   c. Escape Instruments. “Escape instruments” include any substance, device, instrument, or article designed or specially adapted for criminal use in an escape attempt; or possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use in an escape attempt.

   d. Drugs or Intoxicating Substances.

For all placements involving contraband related acts, the seriousness of the offense, as well as the inmate’s overall history of behavior, shall be considered in determining whether a placement in ERH is warranted, as well as the length of the placement. The seriousness of the offense may include factors such as the amount of contraband, the danger associated with the specific type of contraband, the method the inmate used to possess (attempt) the contraband, and previous attempts to house the inmate in less restrictive environments.

5. The inmate functions as a leader, enforcer, or recruiter of a security threat group.

6. The inmate was involved in group violence or a serious disruption to orderly prison operations and his/her involvement was motivated by their membership in, or identifying with, a security threat group; or, the inmate was classified as Level 4 security, engaged in group violence or serious disruption to orderly operations, and they have a history of group violence or serious disruption to orderly operations.
7. Escape and related acts:
   a. The inmate escaped from the custody of a correctional agency, or aided another in the successful escape from a correctional agency.
   b. The inmate attempted to escape from the custody of a correctional agency by taking significant actions to further their plan.

For all placements involving escape and related acts, the decision to place, as well as the length of the placement, shall be based upon the overall circumstances related to the escape. These include, but are not limited to: the type of institution the inmate escaped from, the totality of the circumstances related to the escape, the inmate’s previous escape history, and the amount of time the inmate has left to serve or other factors which could affect their motivation to try and escape again.

8. The inmate has demonstrated an ability to compromise the integrity of staff which resulted in a threat to the security of the institution or the general public.

9. The inmate knowingly exposed others to the risk of contracting a dangerous disease, including without limitation HIV or hepatitis.

10. The inmate has engaged in repetitive violent or threatening behavior while at Level 4, and less restrictive means of housing them have been ineffective at protecting inmates and staff from their offenses.

11. The inmate has a history of assault against others while in prison which would qualify for ERH placement and makes threats to repeat the assaultive behavior.

12. The inmate has committed an offense which constitutes a serious threat to the safety and security of a correctional facility or the greater community; or, he/she has committed an offense which constitutes a criminal act against a member of the greater community, and:
   a. Less restrictive means would not be able to prevent the inmate’s behavior again; or
   b. The inmate has engaged in the behavior on more than one occasion and less restrictive measures have been unsuccessful in deterring the behavior.

For criterion 12, approval from the managing director of Operations is required prior to placement into ERH.

D. Seriously Mentally Ill (SMI) and Intellectual Developmental Disability (IDD) Inmates and ERH

1. If a C1/IDD inmate is found guilty by the SMP and they have been recommended for placement into ERH, the case shall be referred to the joint BOCR/BOBHS placement committee at the Operations Support Center (OSC). This committee is comprised of Classification and Mental Health leadership who shall determine if the inmate can be diverted from ERH or the appropriate prison where the inmate shall serve his/her time in ERH.
2. If an SMI or IDD inmate must be placed in ERH, there must be an active individualized treatment plan that includes weekly monitoring by mental health staff, treatment as necessary, and steps to facilitate the transition of the inmate back into general population. The inmate shall also be provided more than two (2) hours out-of-cell time daily.

3. The deputy warden of special services (DWSS), in conjunction with the UMC and chief of security, are responsible for identifying all C1 and IDD inmates designated as ERH at their facility. The DWSs shall identify all C1 and IDD inmates in ERH status, communicate this information to the UMC and chief of security, and ensure the inmate receives a treatment plan which specifically addresses their needs in ERH. The UMC shall ensure the DOTS designator “EM” is applied to any of these identified inmates. The UMC shall also be responsible for removing the tag if the inmate is no longer classified as C1 or IDD. The chief of security shall ensure the inmate is provided more than two (2) hours out-of-cell time daily and is provided access the Mental Health programming and services as prescribed in the treatment plan.

E. BOCR Procedures for Placing an Inmate into ERH

1. The BOCR shall receive the recommendation of the SMP for a placement in ERH after review by Legal Services in accordance with the processes set forth in ODRC Policy 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel (SMP).

2. The assigned BOCR representative shall, at a minimum, consider the recommendation of the SMP, the severity of the offense giving rise to the recommendation by the SMP, the overall behavioral history of the inmate, any relevant reports from behavioral health, any appeal submitted by the inmate to Legal Services, and the review and recommendation of Legal Services when rendering a final decision. The regional BOCR representative must act within thirty (30) days of the recommendation from Legal Services and may affirm, reject or modify the recommendations of the SMP. In cases where the inmate is C1/IDD, the regional BOCR representative may defer the final placement for 30-60 additional days to allow for a complete assessment and review of the inmate’s mental health needs to determine if less restrictive alternatives exist. The BOCR representative shall report his/her decision, in writing, to the inmate and the SMP using the BOCR Regional Response to SMP Recommendation (DRC4031).

3. If the BOCR representative rejects the recommendation of the SMP to place the inmate into ERH, the BOCR representative may use the information provided by the SMP to place the inmate into the appropriate security level needed to safely manage the inmate.

4. If the decision is made to place the inmate into ERH, the inmate shall be given a presumptive release date that is either 6, 12, or 24 months from the date of the ERH qualifying rule infraction. The length shall be dependent on the severity of the current offense and/or the overall behavioral history of the inmate which would indicate how likely they would be to commit a similar offense in the future. In rare cases when either the ERH qualifying offense represents the most severe and aggravated conduct or the inmate has an extensive and repetitive history of violence and disruption, the BOCR representative may consider making the inmate ineligible for presumptive release.
make an inmate ineligible for presumptive release, the regional BOCR representative must consult with the chief of the BOCR.

5. If the inmate is already in ERH when a new placement is recommended by the SMP, the BOCR representative shall assign a new presumptive release date and that date is thereafter controlling. ERH time shall not be stacked or applied consecutively.

6. At the time of placement, the BOCR representative may, at his/her discretion, also approve the ERH placement, give credit for time served, and then order the release of the inmate back into general population on a specified date and at the appropriate security level and prison as determined by the BOCR representative. This action is authorized if all the following criteria are met:

   a. The inmate was given a presumptive release date six (6) months from the qualifying rule violation;
   b. The inmate has not committed any RIB violation since the original qualifying offense which would be considered a violation of the IAP.

The inmate may be released into limited privilege housing (LPH) either at the current facility or at a new facility as determined by the BOCR. In these circumstances, the time in LPH shall serve as the transition stage and the inmate shall not be required to go through ERH-T.

7. The effective date of the inmate’s placement into ERH shall be the date the inmate was originally placed in RH for the offense which resulted in their referral to the SMP. In all cases, the inmate shall receive credit for time served in RH.

8. The BOCR shall forward a copy of the BOCR Regional Response to SMP Recommendation (DRC4031) to the prison where the inmate is currently housed. A copy of the shall be served on the inmate by the unit team and the serving staff member shall sign and date the form. The completed form shall be scanned by the unit team to the attachments of the referenced SMP case in DOTS.

9. The inmate may appeal the decision of the BOCR Representative by filing a Notice of Objection – ERH Placement/Review (DRC2596) with the chief of the BOCR within fifteen (15) days of being served the BOCR decision. If fifteen (15) days expires, no additional response from the chief of the BOCR is required. The decision of the regional BOCR representative shall be affirmed and the inmate shall be placed in the appropriate security level and/or status.

F. Inmate Adjustment Plan (IAP) and Thirty (30) Day Transfer Review

1. When the recommendation of the SMP is affirmed by the BOCR and the inmate is placed into ERH, the inmate shall receive a preliminary IAP which shall be in effect while they are awaiting transfer to an ERH approved facility. This shall be documented on a Bureau of Classification’s Decision form (DRC4031).
2. All inmates placed into ERH and transferred to an approved ERH facility must have a review completed by an assigned unit staff member within thirty (30) calendar days of arrival to determine if they have been properly assigned. This review must include a review of the inmate’s file to ensure that proper documentation has been included detailing how/why the inmate has been placed in ERH. Depending on the length of time the inmate was pending transfer, and their behavior during that time, the individual completing the 30-day review may recommend the release of the inmate to ERHT. If the inmate is retained in ERH, the assigned staff member shall then create a permanent IAP, including both programmatic and behavioral criteria the inmate must follow to be eligible for presumptive release from ERH. The behavioral criteria of the IAP shall only be related to the offense which resulted in the current ERH placement. This review and IAP shall be documented on an Extended Restrictive Housing (ERH) Placement Orientation, Review, and IAP form (DRC4036) and the inmate shall be provided a copy.

3. While in ERH, the behavioral criteria of the IAP shall only be changed if all the following conditions are met:
   a. The inmate commits a new ERH qualifying offense; and
   b. The conduct report for the new ERH qualifying offense is referred to the SMP; and
   c. The inmate is found guilty of the new ERH qualifying offense by the SMP;
   d. Legal Services and BOCR uphold the decision of the SMP.

Related Department Forms

- Security Designation/Long Form Male Page 1 DRC2568
- Inmate Appeal of ERH level placement/review to Bureau Chief DRC2596
- Summary of Inmate's Information/ERH Placement/Review DRC2627
- Summary of Staff's Information/ERH Placement/Review DRC2628
- Security Designation (Long Form) Male (Page 2 of DRC2568) DRC2630
- Notice of Hearing/ERH Review DRC2646
- ERH Review DRC2647
- Security Level Review (Pg 2 of DRC2647) DRC2648
- Classification Committee Record of Hearing/ERH Review DRC2649
- Recommendation of Warden/Security ERH Review DRC2650
- Decision/Bureau of Classification/ERH Review DRC2656
- Recommendation of the Classification Committee/ERH DRC2660
- Classification Committee Record of Hearing/ERH DRC2662
- Security Designation/Female (Pg1) DRC2690
- Security Designation/Female (Pg2) DRC2691
- ERH Level Review DRC4029
- ERH Transitional Monthly Review DRC4030
- BOCR Regional Response to SMP Recommendation DRC4031
- ERH Orientation, Review, and Adjustment Plan DRC4036

DRC 1362