I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish guidelines for the fair, uniform, and objective security classification of inmates of the Ohio Department of Rehabilitation and Correction (DRC). Appropriately classifying inmates is a means of protecting the public, ensuring staff safety, and achieving DRC’s rehabilitative goals.

III. APPLICABILITY

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

IV. DEFINITIONS

Extended Restrictive Housing (ERH) - Housing that separates an inmate from the general population and restricts the inmate to their cell twenty-two (22) hours or more per day for a period of thirty (30) days or longer.

Limited Privilege Housing (LPH) - Assignment of an inmate to a cell or other designated area for the purpose of separating them from other inmates, but is still considered general population. Designated out-of-cell time shall be more than two (2) hours daily. Inmates may participate in meaningful activities, programs, and recreational opportunities as deemed appropriate by the managing officer.

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 - A panel of two (2) correctional staff who have been selected 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 SMP makes decisions on culpability and makes recommendations for appropriate housing assignments based upon the results of the hearing. 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.

**Transitional Program Unit (TPU)** - A specialized housing unit requiring close supervision of offenders that are placed in Restrictive Housing, Extended Restrictive Housing, or may be placed in Limited Privilege Housing.

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to maintain a classification level system that creates a process for the classification of inmates according to their security risk. The assignment of inmates to institutions shall always consider the needs of the offender, the safety of persons in the institution, and the operational stability of the institution.

Inmates shall be placed at the lowest level of security possible that is still sufficient to ensure the safety and security of persons, the institution, and the community. Inmates shall be placed at institutions that are consistent with their security classification rating. An inmate may be immediately transferred to a different institution when the criteria of this policy have been demonstrated and communicated or documented as required below.

VI. **PROCEDURES**

A. **Criteria for Immediate Transfer to an Extended Restrictive Housing (ERH) Unit/Prison**

1. A managing officer may immediately transfer an inmate to an ERH Unit/Prison when:
   a. The inmate meets the criteria for ERH level placement as set forth in DRC policy 53-CLS-04, Extended Restrictive Housing (ERH).
   b. The inmate’s continued presence in the current institution has a detrimental effect on the safety, security, or good order of the institution; and,
   c. The detention of the inmate in a Transitional Program Unit (TPU) in Restrictive Housing (RH) at the current institution will not be sufficient to address the needs of the institution.

B. **Criteria for Other Immediate Transfers.**

A managing officer may immediately transfer an inmate to another general population prison when:

1. The inmate’s continued presence in the current institution has a detrimental effect on the safety, security, or good order of the institution; and

2. The detention of the inmate in a TPU in RH or Limited Privilege Housing (LPH) at the current institution will not be sufficient to address the needs of the institution.
C. Approval and Notification Procedures for an Immediate Transfer.

Approval for an immediate transfer shall be obtained as follows:

1. The managing officer shall contact the appropriate regional director with the facts and the circumstances surrounding the request, details of the events leading to the request, and a summary of potential outcomes justifying the need for an immediate transfer of the inmate. The managing officer shall request authorization to initiate an immediate transfer.

2. The regional director shall give notice of a proposed immediate transfer to the chief of the Bureau of Classification and Reception (BOCR) at the same time the request is sent to the regional director by the sending institution for approval.

3. If the inmate is approved for an immediate transfer, the regional director shall advise the managing officers of both the sending and receiving institutions. The sending managing officer shall prepare the inmate for transfer in accordance with applicable inter-institutional transfer policies and procedures.

4. The regional director shall also notify the BOCR chief, unit management chief (UMC) at the receiving institution and the managing officer at the receiving institution upon approval of the request. The regional director shall provide any critical identifying information. The managing officer of the sending institution shall ensure medical and mental health staff of both the sending and receiving institution communicate any pertinent medical and/or mental health information prior to the inmate’s transfer.

5. The sending institution shall prepare and serve a notice on the inmate of the immediate transfer using the Notice of Inter-Institutional Transfer (DRC2446), as required by A.R. 5120-9-21(D) Inter-Institutional Transfer of Inmates, and DRC policy 53-CLS-01, Inmate Security Classification Levels 1 through 4.

   a. The notice shall include identification of the receiving institution and an explanation of the procedures that shall be used to hear any pending conduct charges and reclassification decisions.

   b. The UMC at the receiving institution shall notify the BOCR chief and the regional director if the inmate has not received written notice of the transfer as required. The regional director shall contact the sending managing officer to cause the written notice to be issued and delivered immediately.

6. The Immediate Transfer Process form (DRC2095) shall be utilized in every transfer.

7. At the receiving institution, the inmate shall be maintained in RH or LPH status as absent with leave (AWL) on the rolls of the sending institution until a final disposition and assignment is determined.

8. If the immediate transfer does not require a conduct report, a Serious Misconduct Panel (SMP), or a reclassification hearing, the managing officer of the sending institution shall
D. Procedures for Immediate Transfer with Discipline Pending.

The procedures applicable to disciplinary and reclassification proceedings as required by policy directive or rule must be implemented whenever the reason for the inmate’s transfer requires a conduct report.

1. For immediate transfers of misconduct that do not require consideration of placement in ERH, a hearing shall be held within seven (7) business days of service of the conduct report supporting the immediate transfer by staff members from the sending institution either in person, by video conference, or by telephone conference to complete the Rules Infraction Board (RIB) process as set forth in Administrative Rules 5120-9-07, Conduct Report and Hearing Officer Procedures; 5120-9-08, Disciplinary Procedures for Violations of Inmate Rules of Conduct Before the Rules Infraction Board; DRC policy 56-DSC-01, Conduct Report and Hearing Officer Procedures; and, DRC policy 56-DSC-02, Disciplinary Procedures for the Rules Infraction Board (RIB).

2. In the event the facts support a guilty finding by the RIB, the disposition of the RIB shall indicate whether the panel is recommending a reclassification, an institutional separation and/or a transfer.

3. For immediate transfers of misconduct that do require consideration of placement in ERH, a hearing shall be held within twenty-one (21) business days of service of the conduct report supporting the immediate transfer by staff members appointed by the regional director in person to complete the SMP process as set forth in Administrative Rules 5120-9-07, Conduct Report and Hearing Officer Procedures; 5120-9-8.1 Disciplinary Procedures for Violations of Inmate Rules of Conduct before the Serious Misconduct Panel (SMP); DRC policy 56-DSC-01, Conduct Report and Hearing Officer Procedures; and, DRC policy 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel (SMP).

4. In the event the facts support a guilty finding by the SMP, the disposition of the SMP shall indicate whether the panel is recommending a reclassification, an institutional separation, transfer and/or placement in ERH.

5. If the decision is made to recommend reclassification to security levels 1 through 4, by either the RIB or SMP, the classification committee of the sending institution shall complete the reclassification hearing of the inmate within seven (7) business days of the completion of the RIB or SMP. This hearing may be done in person, by video or by phone. The classification committee shall follow the procedures in 53-CLS-01 for reclassification hearings.

6. If the decision is made to recommend the inmate to ERH, the inmate shall be placed and retained in ERH pending the appeals processes set forth in DRC policy 53-CLS-04, Extended Restrictive Housing (ERH), DRC policy 56-DSC-01, Conduct Report and
Hearing Officer Procedures, and DRC policy 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel.

7. If at any point during the disciplinary or reclassification hearing process the reassignment is found to be inappropriate, the inmate shall be returned to the sending institution or another comparable facility in no less than seven (7) business days from the determination of an inappropriate placement.

E. Notifications and Reviews Following an Immediate Transfer.

1. If the inmate has been sent to an ERH institution, the UMC at the receiving institution shall notify the BOCR chief and the regional director whenever it is believed that the misconduct alleged to have been committed by an immediate transferee does not meet the criteria for ERH placement as required in DRC policy 53-CLS-04, Extended Restrictive Housing.

   a. The BOCR chief and the regional director shall discuss the matter. If the BOCR chief and the regional director agree that the misconduct qualifies for ERH placement, the BOCR chief shall notify the UMC and the appropriate SMP processes shall be followed.

   b. If the BOCR chief and the regional director agree that the conduct does not meet the criteria for ERH placement, the BOCR chief shall transfer the inmate to the sending institution or another appropriate prison for appropriate RIB processes.

   c. If the BOCR chief and the regional director disagree as to whether the misconduct satisfies the criteria, the matter shall be presented to the Managing Director of Operations for a final decision.

2. Upon receipt of the inmate at the receiving institution, the UMC shall notify the managing officer at the sending institution of the requirements of an RIB hearing for misconduct that does not require consideration for placement in ERH within seven business days of service of the conduct report supporting the immediate transfer. A copy of this communication shall be sent to the BOCR.

3. Upon receipt of the inmate at the receiving institution, the UMC shall ensure that notification has been made to the regional director that an SMP hearing is required to consider placement in ERH within twenty-one (21) business days of the service of the conduct report supporting the immediate transfer. A copy of this communication shall be sent to the BOCR.

4. If the RIB or SMP recommend consideration of reclassification to another general population institution, the UMC shall notify the managing officer at the sending institution that a classification committee hearing is required within seven days of the disposition issued by the RIB or SMP. A copy of this communication shall be sent to the BOCR.
5. The UMC at the receiving institution shall notify the BOCR chief and the regional director, with a copy to the managing officer of the sending institution, when a hearing on the conduct charge has not occurred within the applicable timelines indicated above and further set forth in DRC policies 56-DSC-01, 56-DSC-02 and 56-DSC-03.

6. The BOCR chief shall consult with the regional director about the delay in the disciplinary hearing and, in the absence of extenuating circumstances, shall order the return of the inmate to the sending institution or a transfer to another appropriate facility.

7. The UMC at the receiving institution shall notify the BOCR chief and the regional director, with a copy to the managing officer of the sending institution, when the RIB or SMP has recommended reclassification to another general population institution and the classification committee has not conducted a hearing within seven (7) business days following completion of the discipline process.

8. Following a hearing on the reclassification, the managing officer of the sending institution shall notify the BOCR chief, with a copy to the UMC at the receiving institution, of the recommendation on the reclassification hearing. If such notification is not sent within seven (7) days, the UMC shall contact the BOCR chief for further instructions.

9. The BOCR chief shall consult with the regional director about the delay in the reclassification hearing and, in the absence of extenuating circumstances, shall order the return of the inmate to the sending institution or a transfer to another appropriate facility.

10. The BOCR chief shall receive notice of an SMP recommendation to place an inmate in ERH through the processes set forth in DRC 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel.

11. In the event that the inmate is found not guilty of the misconduct charge, the inmate shall be returned to the sending institution or moved to an institution of an equally appropriate security level in seven (7) days or less.

Related Department Forms:

Immediate Transfer Process form DRC2095
Notice of Inter-Institutional Transfer DRC2446