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 reviewing and releasing inmates from Extended Restrictive Housing (ERH).

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 53-CLS-10.

**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 (MST)** - 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 (MTT)** - 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 24 months may be required before they can be safely managed in General Population at a lower security level.

**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. Therefore, any inmate placed into an ERH status through the Serious Misconduct Panel (SMP), shall receive regular reviews and shall be released from ERH as soon as they can be safely managed in a less restrictive environment.

VI. PROCEDURES

A. Release from ERH

1. All inmates in ERH who have been provided a presumptive release date shall be released from ERH before their presumptive release date unless:
   a. The inmate has violated their IAP as indicated by a finding of guilt by the RIB; or
   b. The inmate has committed a new ERH qualifying offense and has been referred to the SMP.

2. Any inmate in ERH shall be considered for release during all unit team 7-day and 30-day status reviews as outlined in ODRC Policy 55-SPC-02, Restrictive Housing Procedures. If during a status review, the unit staff member completing the review believes the inmate is possibly ready for a release, they shall refer the inmate to the ERH review committee.

3. Inmates who are eligible for presumptive release shall be formally reviewed by the ERH review committee at least every six (6) months.

4. Inmates who are ineligible for presumptive release shall be formally reviewed by the ERH review committee at least annually.

B. ERH Review Committee Guidelines

1. General Provisions for the Review of Inmates in ERH
   a. The unit classification committee shall serve as the ERH review committee as assigned by the managing officer of the facility.
   b. An inmate shall be released from ERH when there are no longer sufficient security concerns justifying retention in ERH and the committee can reasonably conclude the inmate can be safely managed in a less restrictive environment.
   c. Presumptive release dates, for those inmates eligible, are maximum dates and inmates shall be released on/before that date if they are IAP compliant. In addition, inmates who are compliant with their IAP, particularly those engaging in programs, shall be considered for an earlier release.
d. Regardless of eligibility for presumptive release from ERH, all inmates shall be meaningfully considered at each review for release from ERH if they are compliant with their IAP.

e. An ERH review is considered a replacement for the annual security review as required in ODRC Policy 53-CLS-01, Inmate Security Classification Levels 1 through 4.

2. Inmates who were placed in ERH prior to this policy taking effect, and who were eligible for presumptive release, shall have a review within six (6) months of this policy’s effective date. During that review, the ERH review committee shall consider the inmate for release from ERH. If they choose to retain the inmate, they shall determine whether or not the inmate’s original placement would have qualified for 6, 12, or 24 months and set a corresponding presumptive release date. Any assignment of twenty-four (24) months during one of these reviews requires the approval of the BOCR.

3. All inmates currently in ERH who are currently considered ineligible for presumptive release shall be reviewed on their annual review dates.

C. ERH Review Procedures for Inmates Eligible for Presumptive Release

1. All ERH inmates eligible for presumptive release shall be reviewed by the ERH review committee at least every six (6) months.

2. Prior to the review, the inmate shall receive forty-eight (48) hours notice using the Classification and Reclassification Processing form (DRC2099).

3. At any review, if an inmate is compliant with their IAP, he/she shall be considered for a release to ERHT. No inmate shall be held longer in ERH solely for not complying with the programmatic aspects of their IAP. In situations where the inmate has spent less than six (6) months in ERH, the committee may recommend release into general population and use an LPH placement as a substitute for ERHT.

4. If an inmate is not compliant with the behavioral aspects of his/her IAP, as indicated by findings of guilt by the RIB for behaviors outlined in his/her IAP, he/she may be held in ERH for up to an additional six (6) months from the time of the IAP violation, or his/her original presumptive release date, whichever is greater. If the inmate has exceeded his/her original presumptive release date because of an IAP violation, the committee shall set the next review no later than five (5) months after the date of the IAP violation. IAP violations shall never be stacked or applied consecutively.

5. The ERH review shall be documented using ERH Review form (DRC4029). During the review, the committee shall notify the inmate of their recommendation and the inmate’s right to appeal their recommendation to the managing officer.
6. The committee shall forward their recommendation to the managing officer who shall consider any appeal by the inmate, review the case, and then either approve, disapprove or modify the decision. A copy of the ERH Review form (DRC4029) shall be served on the inmate, with the serving staff member writing their name and the date of service on the form. No BOCR action is required unless the managing officer chooses to release the inmate from ERH and place them into general population or ERHT.

7. The inmate has fifteen (15) days to appeal the decision of the managing officer to the BOCR by completing and submitting a Notice of Objection to ERH Placement/Review form (DRC2596).

8. A BOCR representative shall hear any appeal by the inmate and respond in writing either affirming or modifying the decision. If the inmate does not appeal the review, the managing officer’s decision shall be final.

D. ERH Review Procedures for Inmates Ineligible for Presumptive Release

1. Notice of hearing

The inmate must be served with a Notice of Hearing/ERH Review (DRC2646/2647/2648) at least forty-eight (48) hours prior to the hearing, unless waived in writing, and afforded the opportunity to appear before the entire committee, unless waived in writing, to offer any pertinent information, explanation, or objections to ERH retention.

2. ERH Review Committee

a. The ERH review committee must consist of three (3) members, who may include the deputy warden of operations (DWO) or designee, unit management chief (UMC), a unit manager, a case manager or other unit staff member and may include mental health staff.

b. The inmate must be afforded the opportunity to appear and to submit a written statement and other documents.

c. If the ERH review committee intends to rely on a statement that previously was not made known to the inmate, the ERH review committee shall disclose the substance of such information to the inmate. Before utilizing such information, the ERH review committee shall provide the inmate with a reasonable opportunity to respond with a written statement and/or the submission of documentary evidence.

d. The ERH review committee must document information presented by the staff and inmate on the Notice of Hearing/ERH Review (DRC2649/2627/2628). The ERH review committee shall make an audio recording of the hearing.

e. The ERH review committee must review the Notice of Hearing/ERH Review (DRC2646/2647/2648) and must take into consideration at a minimum the following information:
i. Reason for placement in ERH and relevant circumstances;
ii. Guilty findings by the RIB and SMP;
iii. Total time spent in ERH;
iv. Time left to spend on current sentence;
v. Time since last incident that resulted in inmate being designated ERH;
vi. Program involvement;

vii. Behavior, including behavior prior to current ERH placement;
viii. Security level prior to current ERH placement;
ix. Adjustment/behavior after placement and during previous placements in general population;
x. Factors which indicate a risk of future violence;
xi. Interaction with others (staff or inmates);
xii. Recognition and acknowledgment of the factors contributing to the commission of the placement offense and nature;
xiii. The findings and recommendations of the previous ERH review committees;
xiv. The findings and recommendations of all security and ERH review committees subsequent to placement in ERH.

f. The ERH review committee shall use professional correctional judgment to evaluate the inmate’s likelihood to repeat the same or similar offense which resulted in his/her placement into ERH. The ERH review committee must make a comprehensive review of the inmate’s institutional adjustment and behavior including his/her behavior since placement in ERH to make an assessment of the risk to safety and security posed by the inmate. The ERH review committee must consider the factors listed above, the circumstances underlying the placement in ERH, the reasons for initial placement, the inmate’s subsequent adjustment, and his/her demonstrated attitude. The ERH review committee must determine whether there has been a diminishing of the inmate’s risk to the safety of persons within their correctional judgment.

g. The ERH review committee must make a recommendation accordingly and must articulate the reason(s) for its recommendation in a written statement on the Recommendation of the Classification Committee/ERH Review (DRC2660) and list the sources of information relied on for the recommendation. The statement need not be lengthy; however, it must include every basis for the recommendation and may not be merely conclusory.

h. The ERH review committee must consider and communicate in enough detail the inmate’s positive behavior during the annual review process.

i. The ERH review committee must provide a reasoned decision to the inmate that tells what he/she can do to increase the likelihood of reducing his or her ERH status to ERHT.

j. The inmate must be provided promptly with a copy of the ERH review committee’s recommendation and reason(s), ensuring the inmate sufficient time to review it,
prepare a defense, and file any objections on a Notice of Objection – ERH Placement/Review (DRC2596) before the next review. The inmate must be notified upon receipt of the ERH review committee’s recommendation that he or she may file a formal objection with the managing officer or designee no later than fifteen (15) calendar days from the date the inmate is served with the ERH review committee’s recommendation and reason(s).

3. The Managing Officer or Designee

a. If the ERH review committee recommends against retention and recommends placement in ERHT, the process for ERH retention shall terminate and the recommendation against retention must control; unless the managing officer or designee overturns the recommendation against retention. In that event, the inmate must receive notice, the reason for the contemplated reversal, an opportunity to respond, and a reasoned decision for any subsequent reversal of the ERH review committee’s recommendation against retention in ERH.

b. The managing officer or designee must review the Notice of Hearing/ERH Review (DRC2646/2647/2648), the written recommendation and reasons of the Recommendation of the Classification Committee/ERH Review (DRC2660), any objections filed by the inmate on a Notice of Objection – ERH Placement/Review (DRC2596), and any other relevant information presented by staff or the inmate.

c. If the managing officer/designee intends to rely on a statement that previously was not made known to the inmate, the managing officer/designee shall disclose the substance of such information to the inmate. Before utilizing such information, the managing officer/designee shall provide the inmate with a reasonable opportunity to respond with a written statement and/or the submission of documentary evidence.

d. The managing officer/designee must make a recommendation to retain or reduce the inmate’s ERH Level to ERHT, must articulate the reason(s) for the recommendation in a written statement on the Recommendation of Managing Officer/ERH Review (DRC2650), and list the sources of information on which he/she relied. The statement need not be lengthy but must include every basis for the decision and may not be merely conclusory.

e. The inmate must be provided promptly with a copy of the managing officer recommendation and reason(s), ensuring the inmate sufficient time to review it, prepare a defense, and file any objections on a Notice of Objection – ERH Placement/Review (DRC2596) before the review of the chief of the BOCR or designee. The inmate must be notified upon receipt of the managing officer recommendation that he/she may file a formal objection with the chief of the BOCR or designee no later than fifteen (15) days from the date he/she is served with the managing officer recommendation and reason(s).

4. Chief of the BOCR or Designee
a. If the managing officer or designee recommends against retention and recommends placement in ERHT, the process for ERH retention shall terminate and the recommendation against retention must control; unless the chief of the BOCR or designee overturns the recommendation against retention. In that event, the inmate must receive notice, the reason for the contemplated reversal, an opportunity to respond, and a reasoned decision for any subsequent reversal of the managing officer/designee’s recommendation against retention in ERH.

b. The chief of the BOCR/designee must review the Notice of Hearing/ERH Review (DRC2646/2647/2648), the written recommendations and reasons of the Recommendation of the Classification Committee/ERH Review (DRC2660) and the Recommendation of Managing Officer/ERH Review (DRC2650), any objections filed by the inmate on a Notice of Objection – ERH Placement/Review (DRC2596), and any other relevant information presented by staff or the inmate.

c. If the BOCR intends to rely on a statement that previously was not made known to the inmate, the BOCR shall disclose the substance of such information to the inmate. Before utilizing such information, the BOCR shall provide the inmate with a reasonable opportunity to respond with a written statement and/or the submission of documentary evidence.

d. The chief of the BOCR/designee must decide whether to retain or reduce the inmate and must articulate the reason(s) for his or her decision in a written statement. The chief of the BOCR/designee must articulate the justification for the decision in a written statement of reasons on the Decision of the Bureau of Classification/ERH Review (DRC2656) and list the sources of information relied on for the decision. The statement need not be lengthy; however, it must include every basis for the decision and may not be merely conclusory.

e. The inmate must be provided promptly with a copy of the decision and the reason(s).

f. The decision of the chief of the BOCR/designee is final and not appealable.

E. ERHT Reviews (All ERH Inmates)

Once an inmate is placed in ERHT, he/she is automatically considered eligible for presumptive release. An inmate may only be made ineligible again if they are found guilty of a rule violation by the SMP and are exempted from presumptive release by the chief of the BOCR.

1. The ERH review committee for inmates in ERHT shall consist of Multi-Disciplinary Services and Treatment Teams (for MH caseload and IDD inmates) as defined in this policy. There shall be at least two (2) members from the committee from two (2) different disciplines present at the hearing. Prior to rendering any decision, the committee shall consult with a licensed practitioner in any area where the inmate has a significant need. This consultation shall be documented on the ERH Transitional Monthly Review (DRC4030) committee comments section.
2. Once any inmate is placed into ERHT, he/she shall be reviewed monthly after his/her placement in ERHT to consider release to general population. No inmate shall be held in ERHT for more than six (6) months unless he/she has violated his/her IAP, or committed an offense which has been referred to the SMP.

3. If an inmate violates his/her IAP, as indicated by a finding of guilt at the RIB, the ERH review committee may hold a hearing and either retain the inmate in ERHT or return him/her to ERH for up to six (6) months from the date of the IAP violation. If the inmate is retained in ERHT, the next review shall be set one (1) month later. If the inmate is returned to ERH, the next review shall be set for five (5) months from the date of the IAP offense being used to place him/her back into ERH.

4. The ERH review shall be documented using an ERH Transitional Monthly Review form (DRC4030). The BOCR approval is only needed if the inmate is placed back into ERH for a violation of their IAP.

5. The inmate’s adjustment plan while in ERHT must be updated and monitored to reflect the specific step-down programs which will be offered to the inmate while in this transition phase in addition to the behavioral expectations. All of this information shall be documented on the ERH Transitional Monthly Review form (DRC4030) in the Program Transition Plan section.

6. The first month in ERHT is considered an evaluation phase where the inmate is integrated into limited congregate activity and increased out-of-cell time.

7. During each subsequent monthly review, the committee shall evaluate the programs and activities the inmate has been involved in during the transition phase as well as any behaviors which may possibly lead to negative or positive adjustment in general population. At each review, the committee shall document gradual increases in: out-of-cell time, group interaction, program/education opportunities, and privileges on the ERH Transitional Monthly Review form (DRC4030).

8. Prior to release from ERHT, the inmate shall have a complete review of his/her behavior and programmatic progress while in ERHT. The reasons an inmate refused any recommended programs shall be documented but shall NOT be used solely to retain him/her in ERHT.

9. If the committee chooses to release the inmate from ERHT, they shall also determine which security level the inmate shall be placed in upon release. The committee may examine a multitude of factors when deciding the final security level placement; however, the seriousness of the ERH placement offense, the inmate’s security level when they committed the offense, the inmate’s adjustment while in ERH and ERHT, and the inmate’s overall behavioral history shall all be considered. Once a suitable security level is determined, the committee shall set an annual security level review date twelve (12) months from the release date.

10. After an inmate is released from ERHT to general population, a final monthly review shall be completed at least thirty (30) days after his/her release, but no more than sixty
(60) days. This review does not require the completion of the ERH Transitional Monthly Review (DRC4030), it can be documented using the case plan in the ORAS case management system. During this review, the inmate may NOT be placed back into ERH for any reason by the review committee. If an inmate has committed any violation which requires consideration of placement back into ERH, he/she must be placed using the SMP procedures as outlined in this policy and in ODRC Policy 56-DSC-03, Disciplinary Procedures for the Serious Misconduct Panel (SMP). However, during this review, the committee shall discuss the inmate’s progress and identify any barriers or concerns the inmate has about successful reintegration back into general population. This includes referrals for medical and mental health follow-up if needed and updates to programming and service needs. The committee shall document any follow-up or actions taken to resolve the inmates concerns or to overcome any barriers to successful reintegration. No BOCR review is required for this after release review.

Related Department Forms

- Security Designation/Long Form Male Page 1: DRC2568
- Inmate Appeal of ERH 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
- Security Level Review (ERH): DRC2647
- Security Level Review (Pg 2 of DRC2647): DRC2648
- Classification Committee Record of Hearing/ERH Review: DRC2649
- Recommendation of Warden/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 Review: DRC4029
- ERH Transitional Monthly Review: DRC4030
- BOCR Regional Response to SMP Recommendation: DRC4031
- ERH Orientation, Review, and Adjustment Plan: DRC4036