

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>10</u>
<b>APA Transitional Control and Treatment Transfer Supervision</b>	NUMBER: 100-APA-32
RULE/CODE REFERENCE: ORC 2921.01; 2967.26; 2967.15; 5120.035; 5120.17	SUPERSEDES: 108-ABC-01 dated 11-21-14
RELATED ACA STANDARDS: 4-APPFS-2C-04	EFFECTIVE DATE: June 21, 2016
	APPROVED: 

**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 supervision guidelines for offenders transferred to the Transitional Control (TRC) Program or the Treatment Transfer (TT) Program.

**III. APPLICABILITY**

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (DRC) and the offenders under their supervision who transfer to the Transitional Control Program or Treatment Transfer (TT) Program.

**IV. DEFINITIONS**

**Absconder** - An offender under the supervision of the DRC who fails to remain under the limits of supervision or confinement or who fails to return to a facility as directed.

**Approved Residence** - The place in which an offender is permitted to reside while on home pass, electronic monitoring or upon release to Adult Parole Authority (APA) supervision in accordance with DRC policy 101-PLA-01, Reentry Supervision Release Process.

**Behavioral Review Committee (BRC)** - A committee composed of three (3) or more halfway house staff responsible for reviewing offender behavior to either award incentives for positive behavior or determine if significant program rule violations have occurred. The BRC is responsible for making program termination recommendations to the Bureau of Community Sanctions (BCS) when an offender has had an unacceptable adjustment to the transitional control program.

**Behavioral Review Committee Report** - A report completed by the halfway house (HWH) summarizing the offenders Transitional Control adjustment and recommendations.

**Be On the Look Out (BOLO)** - A broadcast from the Ohio State Highway Patrol to its personnel and/or to other law enforcement agencies to alert them to look for a wanted person who is to be arrested, or a person of interest. This is utilized by the Department of Parole and Community Service (DPCS) to minimize the risk to public safety.

**Bureau of Community Sanctions (BCS)** - Bureau within the DRC that provides oversight and funding to Community Based Correctional Facilities (CBCFs), Community Correction Act (CCA) Programs, Halfway House (HWH) Programs, Community Residential Centers (COMRCs), Transitional Control (TRC), and Electronic Monitoring (EM) Programs.

**Business Days** - The days of the week excluding Saturday, Sunday and holidays.

**Business hours** - The hours between 8:00am and 4:45pm during business days.

**Calendar Days** - The days of the week including Saturday, Sunday and any legal holiday.

**Case plan (TRC Only)** - An individualized plan for offenders designed to identify and target an offender's identified dynamic risk factors based upon the completion of the Ohio Risk Assessment Tools.

**Co-Defendant** - A defendant who has been joined together with one (1) or more other defendants in a single action.

**Community Corrections Information System (CCIS)** - A computerized information system used to track the criminal history and progress of offenders under the supervision of the APA.

**Department Offender Tracking System (DOTS)** - A computerized information system used to track offenders in the custody of the DRC.

**Electronic Monitoring Device** - Any device that can be operated by electrical or battery power and meets all other requirements as defined in ORC 2929.01.

**Halfway House (HWH)** - A facility licensed by the DRC, pursuant to section 2967.14 of the Ohio Revised Code, as a suitable facility for the care and treatment of adult offenders.

**Hold Order** - The order or act of a parole officer, unit supervisor or other APA official that causes an offender under the jurisdiction of the APA to be detained or held in custody for an alleged violation. The order may be placed into effect by the use of an APA Hold Order, APA Arrest Order, a teletype, fax or verbal order.

**Host** - The primary owner or tenant of an approved residence where an offender will be residing during a pass or a term of Electronic Monitoring (EM).

**Interstate Compact** - The agreement codified in Ohio Revised Code 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

**Investigating Authority** - The individuals responsible for conducting pass investigations that include employees of the APA and/or halfway house staff.

**Law Enforcement Automated Data System (LEADS)** - An Ohio data repository that interfaces with the National Crime Information Center (NCIC), the Ohio Bureau of Criminal Identification and Investigation (BCI&I), and the Interstate Identification Index (III) that is used to review criminal histories and driving records.

**Needs Assessment** - An assessment tool used to accurately determine the level of need of an offender in a particular domain.

**NOTECC** - A section in the Community Corrections Information System (CCIS) to record information regarding offender's activity while under supervision.

**Notification** - The reporting of any information such as violations, serious equipment failure, itinerary changes, emergencies, or any situation that would affect the offender's program adjustment or impact public safety.

**Ohio Risk Assessment System (ORAS)** - A collection of risk and needs assessment tools to accurately determine the risk of Ohio offenders.

**Parole** - The release from confinement in any state penal or reformatory institution by the APA that is created by section 5149.02 of the Ohio Revised Code and under any terms and for any period of time that is prescribed by the APA in its published rules and official minutes. A parolee so released shall be supervised by the APA. Legal custody of a parolee shall remain in the DRC until a final release is granted by the APA, pursuant to section 2967.16 of the Ohio Revised Code. The above applies to all persons who have committed felonies prior to July 01, 1996.

**Positive Incentive** - A reward of varying degrees that recognizes constructive, pro-social behaviors demonstrated by offenders in an effort to reinforce successful reentry into society.

**Post Release Control** - A period of supervision for an offender by the APA following release from imprisonment that includes one (1) or more post release control sanctions imposed by the parole board pursuant to section 2967.28 of the Ohio Revised Code.

**Relative or Immediate Family** - Includes parents, spouse, siblings, children, grandparents, or legal guardians of the offender. Persons who have served as substitute (in loco parentis) during the offender's formative years shall also be included where such status is proven. In accordance with the law, adoptive or step-relationships shall be the same as biological relationships. Proof may be required for some relationships including, but not limited to, birth certificates of the person the offender is claiming as a relative.

**Sanction** - Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 of the Ohio Revised Code.

**Slate** - A notice of individuals recently arrested and residing in some type of detention facility operated by law enforcement agents other than the DRC. This may also be referred to as a “booking”.

**Supervising Authority** - Includes employees of a halfway house and/or the APA designated to provide supervision to offenders placed under supervision.

**Transitional Control (TRC)** - Offenders approved for release up to 180 days prior to the expiration of their prison sentence or release on parole or post release control supervision under closely monitored supervision and confinement in the community, such as a stay in a licensed halfway house or restriction to an approved residence on electronic monitoring in accordance with section 2967.26 of the Ohio Revised Code.

**Transitional Control Behavioral Guidelines** - A summary of prohibited behaviors/acts and positive incentives while on Transitional Control supervision.

**Transitional Control Rules of Program Participation** - Those general and special rules and regulations with which offenders on Transitional Control are expected to comply as part of the Transitional Control program.

**Treatment Transfer (TT)** - A prison transfer program authorized by ORC section 5120.035 that provides substance use disorder assessment and treatment through licensed community treatment providers to help reduce substance use relapse and recidivism for prisoners convicted of felony level 4 and 5 non-violent offenses. Eligible inmates may be transferred from state correctional facilities to the community facilities for up to 365 days prior to the expiration of their prison sentences. The inmates transferred will be under closely monitored supervision and confinement in the community, such as a stay in a licensed halfway house or restriction to an approved residence on electronic monitoring.

**Victim** - A person who has been directly affected or who has suffered from an act committed by an offender.

**Violation Hearing** - An administrative hearing conducted by a representative(s) of the parole board or designee of the chief of the APA to determine whether an offender has violated one or more of the conditions of release and, if so, the specific sanction that should be imposed upon the offender. For the purposes of this policy, the violation hearing process applies to TRC cases with crimes committed prior to July 1, 1996.

**Violator at Large** - An offender, as defined by the Ohio Revised Code 2967.15, who absconds the supervision of the APA/Supervising Authority.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to ensure Transitional Control (TRC) and Treatment Transfer (TT) offenders are supervised in such a manner and under such conditions to ensure the safety of the general public and to assist the offender in making a successful transition from prison to the community.

## VI. PROCEDURE

The Transitional Control (TRC) Program provides offenders the opportunity to participate in treatment options in the community at a state contracted TRC Halfway House (HWH) during the last 180 days of their sentence. Offenders are supervised by contracted HWH staff, and assisted by the Adult Parole Authority (APA) and the Bureau of Community Sanctions (BCS).

All APA regions shall designate a minimum of one (1) TRC/TT liaison unit/contact person to coordinate TRC/TT duties.

The Treatment Transfer (TT) Program provides offenders the opportunity to participate in treatment options in the community at a state contracted halfway house (HWH) up to 365 days prior to the expiration of their prison sentences. Offenders are supervised by contracted HWH staff, and assisted by the APA and the BCS.

### A. Pass Guidelines (TRC and TT Offenders)

TRC offenders may obtain passes pursuant to Ohio Administrative Rule 5120-12-06, Issuance of Passes and TT offenders may obtain passes pursuant to Ohio Administrative Rule 5120-17-06, Issuance of Passes. Passes offer eligible offenders the opportunity to re-establish family relationships and community ties. The granting of a pass is a privilege and/or positive incentive that must be earned through positive program participation.

1. Passes shall only be granted to visit relatives/immediate family members and/or those with whom the offender has a pre-established relationship, prior to most recent/current incarceration.
2. Passes outside of the state of Ohio shall not be approved.
3. Individuals who have been convicted of a felony offense within the past five (5) years or released from felony supervision within the past five (5) years shall not be approved as a pass host.
4. Hosts who have an active criminal warrant shall not be approved.
5. Residences of any victim or co-defendant involved in any of the offender's past or present offenses shall not be approved. (HWH staff shall be responsible for reviewing pre-sentence investigations, file material and/or other collateral information to determine if the person on the pass request is a victim or co-defendant).

### B. Pass Investigations (TRC and TT offenders)

1. Prior to permitting a TRC or TT offender to go on a pass, a home investigation, and walkthrough shall be completed at the proposed residence of the requested host. The results of the investigation for TRC offenders shall be documented on the Transitional Control Pass/Electronic Monitoring Investigation Request form (DRC3112) noting approval or disapproval. The results of the investigation for TT offenders shall be documented on the Treatment Transfer Pass/Electronic Monitoring Program Home Investigation Request form (DRC3055) noting approval or disapproval.

2. Investigations located in a county with a state contracted TRC HWH or TT HWH shall be conducted by HWH staff.
3. Investigations located in a county without a state contracted TRC HWH or TT HWH shall be conducted by APA staff.
  - a. The HWH shall forward the Transitional Control Pass/ Electronic Monitoring Investigation Request form (DRC3112) or the Treatment Transfer Pass/Electronic Monitoring Program Home Investigation request form (DRC3055) to the general APA account in the region the pass will be located so they can assign a special investigation in the region of the proposed pass.
  - b. The parole officer assigned the investigation shall complete it and e-mail the results to the originating HWH email account noted on the Transitional Control Pass/Electronic Monitoring Investigation Request form (DRC3112) or the Treatment Transfer Pass/Electronic Monitoring Program Home Investigation request form (DRC3055) within fifteen (15) business days of receipt.
4. The investigating authority shall:
  - a. Review Transitional Control Rules of Program Participation (DRC3005) or the Treatment Transfer Rules of Program Participation (DRC3083) with the host, including the requirement that offenders shall remain at the residence at all times unless given prior written permission to go to another location by the HWH.
  - b. Advise the host that the HWH staff and APA staff may enter the residence at any time to ensure the offender is in compliance with program guidelines.
  - c. Advise the host the offender is subject to warrantless searches.
  - d. Advise the host the offender shall make themselves available to the HWH or APA at all times.
  - e. Ensure the host is aware there shall not be any weapons in the residence or otherwise available to the offender while on pass.
  - f. Advise the host the offender is subject to breathalyzer tests and urinalysis upon returning to the HWH.
  - g. Verify the proposed pass residence has telephone service in conformance with the Halfway House's current program requirements. The requirement shall be indicated on the Transitional Control Pass/Electronic Monitoring Investigation Request form (DRC3112) or the Treatment Transfer Pass/Electronic Monitoring Program Home Investigation Request form (DRC3055).

**C. Release Planning (TRC and TT offenders)**

1. Procedures for TRC offender assessed a period of PRC/Parole supervision after completion of the TRC program shall be handled according to the following guidelines:
  - a. The TRC HWH shall initiate placement plan(s) located inside Ohio by completing the TRC Admission/Release Planning Report (DRC 3109) and submit to BCS a minimum of sixty (60) calendar days prior to release at [drcbcs.transportation@odrc.state.oh.us](mailto:drcbcs.transportation@odrc.state.oh.us). BCS shall coordinate the placement process with the HWH and APA in accordance to the procedures outlined in DRC policy 101-PLA-01, Reentry Supervision Release Process.
  - b. BCS shall forward TRC Admission/Release Planning Report (DRC 3109) to the general APA email account in the region where the placement investigation is to occur.
  - c. The APA shall assign the case, and conduct investigations in accordance to the procedures outlined in DRC policy 101-PLA-01, Reentry Supervision Release Process.
  - d. The APA shall notify BCS at [drcbcs.transportation@odrc.state.oh.us](mailto:drcbcs.transportation@odrc.state.oh.us) in the event a plan is rejected. BCS shall work with the HWH to obtain alternative plans from the offender.
  - e. When an offender's placement plan is approved, the APA shall forward reporting orders directly to the HWH email account noted on TRC Admission/Release Planning Report (DRC 3109).
  - f. The HWH shall provide appropriate program completion documents to the APA, for offenders transitioning from TRC to Parole or Post-Release Control supervision, which includes but is not limited to: termination reports, aftercare plans, signed expiration of sentence document/supervision reporting orders, and any other related documentation from the offender's term of TRC.
2. Procedures for TT offender assessed a period of PRC supervision after completion of the TT program shall be handled according to the following guidelines:
  - a. The TT HWH shall initiate placement plan(s) located inside Ohio by completing the Treatment Transfer Status Review Report (DRC3054) and submit to the parole board. BCS shall coordinate the placement process with the HWH and APA in accordance to the procedures outlined in DRC policy 101-PLA-01, Reentry Supervision Release Process.
  - b. BCS shall forward Treatment Transfer Status Review Report (DRC3054) to the general APA email account in the region where the placement investigation is to occur.
  - c. The APA shall assign the case and conduct investigations in accordance to the procedures outlined in DRC policy 101-PLA-01, Reentry Supervision Release Process.
  - d. The APA shall notify BCS at [drcbcs.transportation@odrc.state.oh.us](mailto:drcbcs.transportation@odrc.state.oh.us) in the event a plan is rejected. BCS shall work with the HWH to obtain alternative plans from the offender.

- e. When an offender's placement plan is approved, the APA shall forward reporting orders directly to the HWH email account noted on the Treatment Transfer Status Review Report (DRC3054).
- f. The HWH shall provide appropriate program completion documents to the APA for offenders transitioning from TT to Post-Release Control supervision, which includes but is not limited to: termination reports, aftercare plans, signed expiration of sentence document/supervision reporting orders, and any other related documentation from the offender's term of TT.

#### **D. TRC and TT Violation Process**

All offenders under TRC supervision are subject to the Transitional Control Behavior Guidelines (Appendix A). All offenders under TT supervision are subject to the Treatment Transfer Behavior Guidelines (Appendix B).

1. The APA shall arrest and transport all TRC/TT offenders. Arrests shall occur pursuant to DRC policies 100-APA-05, APA Search and Arrest Procedures, and 100-APA-14, Sanctions for Violations of Conditions of Supervision. Transportation of the arrested TRC/TT offenders shall occur pursuant to DRC policy 100-APA-28, Offender Transportation.
2. The APA shall issue and release Arrest/Hold Orders on all TRC/TT arrests.
3. The APA shall replace Hold Orders with Acknowledgement of Requirement to Retain Inmates in Custody until Expiration of Sentence or Return to Prison form (DRC2560) if an offender has pending charges in addition to the technical violations from the HWH, and the offender will remain in local custody on those charges. A copy of the form shall be forwarded to BCS via email at [drc.TCviolations@odrc.state.oh.us](mailto:drc.TCviolations@odrc.state.oh.us) so BCS can complete an Administrative Return.
4. The APA shall notify BCS of TRC/TT arrests by email at [drc.TCviolations@odrc.state.oh.us](mailto:drc.TCviolations@odrc.state.oh.us) and complete an entry in NOTEC that includes, but is not limited to, the name of the institution, inmate number, arresting agency, date of arrest, date of knowledge of arrest, details of arrest/offense, details of any pending charges known to APA, and the location of the offender. (Arrests include but are not limited to: those in which an APA Field Unit/ VAL Unit conducted the arrest and those cases where the APA received a notification via local custody slates).
5. Hearings:
  - a. Pre-Senate Bill 2 Offenders/Violators (Only TRC offenders)

TRC offenders that committed instant offenses prior to July 1, 1996 are subject to the APA violation sanction process (VSP) pursuant to DRC policies 100-APA-14, Sanctions for Violations of Conditions of Supervision and 100-APA-24, Violation Reports.

- i. The HWH shall review the offender's behavior record and write a Transitional Control Behavioral Review Committee Report (DRC 2393) outlining the

offender's history of supervision and alleged violations if they feel a VSP hearing is warranted.

- ii. APA shall schedule a violation standard process hearing, serve the violation sanction process documents, and issue subpoenas pursuant to DRC policy 105-PBD-09, Violation Hearing Process, on Pre-Senate Bill 2 cases.
- iii. APA shall present violation standard process hearings on Pre-Senate Bill 2 cases if new criminal charges (other than escape) are involved.

b. Post-Senate Bill 2 Offenders/Violators (TRC and TT Offenders)

TRC offenders committing instant offenses on or after July 1, 1996 are subject to a disciplinary administrative return per Ohio Administrative Rule 5120-12-08, Return to the Institution for Administrative Reasons. TT offenders committing instant offenses on or after July 1, 1996 are subject to a disciplinary administrative return per Ohio Administrative Rule 5120-17-08, Return to the Institution for Administrative Reasons.

- i. The HWH shall review the offender's behavior record and write a Transitional Control Behavioral Review Committee Report (DRC 2393) or the Treatment Transfer Behavior Review Committee Report (DRC3075) outlining the offender's history of supervision and alleged violations if they feel an administrative return is warranted and forward it to BCS.
- ii. BCS shall review the report and confirm the offender shall be administratively returned. If warranted, an administrative return letter shall be forwarded to the appropriate DRC Reception Center, Bureau of Sentence Computation, APA TRC/TT liaison unit/contact and the supervising HWH.

**E. Absconders (TRC and TT offenders):**

1. BCS shall notify the APA via the general APA region email account when a VAL warrant is requested and forward Violator at Large (VAL) Minutes, when completed, to the general APA email account for the region in which the HWH is located. If an offender is on EM and the approved address is in a different APA region than the monitoring HWH, BCS shall notify the APA Region that the residence is located via email.
2. APA shall assign the case to a unit where the offender was residing at the time they absconded unless the parole services regional supervisors/designee make alternative arrangements with another region. The APA shall also notify any unit investigating TRC or TT to PRC plans of the VAL status.
3. APA shall attempt to locate offenders who abscond supervision pursuant to DRC policy 102-FUG-01, APA Fugitive Apprehension.
4. APA shall pursue escape charges, pursuant to DRC policy 102-FUG-02, Violator at Large.
5. Once the offender is apprehended, the case shall be reassigned to the supervision of BCS.

**F. Non-Disciplinary Transportation Duties:**

1. The APA shall transport TRC and TT offenders to parent institutions for all Non Disciplinary Administrative Returns.
2. The APA shall transport TRC and TT offenders for medical returns, to FMC/OSU and return them to the HWH after it is determined the offender no longer requires treatment, and is fully capable of participating in the TRC or TT program. When medical professionals have determined a TRC or TT offender must be transported by ambulance due to a serious medical condition, the APA is not responsible for transporting the offender to FMC/OSU.
3. BCS shall complete the Administrative Return documents needed for the transports, and forward them to the APA liaison to complete the returns.

**Attachments:**

Appendix A Transitional Control Behavior Guidelines  
 Appendix B Treatment Transfer Behavior Guidelines

**Related Department Forms:**

Transitional Control Behavior Record	DRC2395
Acknowledgement of Requirement to Retain Inmate in Custody	DRC2560
Transitional Control Rules of Program Participation	DRC3005
Treatment Transfer Status Review Report	DRC3054
Treatment Transfer Pass/Electronic Monitoring Program Home Investigation Report	DRC3055
Treatment Transfer Behavioral Review Committee Report	DRC3075
Treatment Transfer Rules of Program Participation	DRC3052
TRC Admission/ Release Planning Report	DRC3109
Transitional Control Pass/Electronic Monitoring Home Investigation Request	DRC3112

<b>Transitional Control Behavioral Guidelines</b>
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The halfway house shall log all sanctions, violation points, positive incentives, and positive incentive point reductions on the Transitional Control Behavior Record DRC 2395. The record shall be reviewed for accuracy at a minimum one (1) time every thirty (30) days or when the value of the discipline points would warrant a review by the BRC for an administrative return.

**Violation Codes**

<b>A</b>	<b>Automatic Referral to Behavioral Review Committee</b>
<b>H</b>	<b>High</b>
<b>MH</b>	<b>Moderate High</b>
<b>M</b>	<b>Moderate</b>
<b>LM</b>	<b>Low Moderate</b>
<b>L</b>	<b>Low</b>

**Assaults and Related Acts**

1. Causing, or attempting to cause, the death of another. (A)
2. Hostage taking, including any physical restraint of another. (A)
3. Causing, or attempting to cause, any physical harm to another. (H)
4. Throwing, expelling or otherwise causing a bodily substance to come into contact with another. (H)

**Threats**

5. Threatening bodily harm to another (with or without a weapon). (H)
6. Threatening harm to the property of another, including state property. (MH)
7. Extortion by threat of violence or other means. (MH)

**Sexual Misconduct**

8. Non-consensual sexual conduct or contact with another, whether compelled:
  - a. by force (A)
  - b. by threat of force (A)
  - c. by intimidation other than threat of force (A)
  - d. by any other circumstances evidencing a lack of consent by the victim(A)
9. Consensual physical contact for the purpose of sexually arousing or gratifying either person. (MH)
10. Seductive or obscene acts, including indecent exposure or masturbation; including, but not limited to any word, action, gesture, or other behavior that is sexual in nature and would be offensive to a reasonable person. (MH)

**Riots, Disturbances, and Unauthorized Group Activity**

11. Severe interference with staff in performing duties. (M-MH)
12. Severe disruption with the security or orderly running of the facility. (MH-H)

## APPENDIX A

### **Resistance to Authority**

13. Physical resistance to a direct order from the supervising authority. (MH)
14. Failure to follow directives from the supervising authority. (L-M)

### **Unauthorized Relationships and Disrespect**

15. Establishing or attempting to establish a personal relationship with an employee, staff, contractor or volunteer:
  - a. Sending personal mail to an employee at his or her residence or address not associated with employment. (MH)
  - b. Making a telephone call to or receiving a telephone call from an employee at his/her residence or location not associated with employment. (MH)
  - c. Engaging in any form of business with an employee; including buying, selling, or trading any item or service. (MH-H)
  - d. Engaging in, or soliciting, sexual conduct, sexual contact or any act of a sexual nature with an employee. (H)
16. Disrespect to any employee, contractor, volunteer, visitor or offender. (M)

### **Lying and Falsification**

17. Giving false information or lying to supervising authority. (LM-M)
18. Forging, possessing, or presenting forged or counterfeit documents. (M)

### **Escape and Itinerary Violations**

19. Escape, failure to remain within the extended limits of confinement, and/or Violator at Large (A)
20. Out of place/off itinerary (unaccountable time) under 4 hours. (LM-H)
21. Out of place/off itinerary (unaccountable time) over 4 hours. (A)
22. Attempting or planning an escape. (MH)
23. Possession of any unauthorized locking device, lock pick, or tampering with locks or keys. (M)
24. Leaving State of Ohio. (A)
25. Failure to adhere to Transitional Control home pass and electronic monitoring rules. (M)
26. Utilizing unauthorized methods of transportation. (M)

### **Weapons**

27. Possession, manufacture, or introduction of a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition. (H)
28. Procuring, or attempting to procure, a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition; aiding, soliciting or collaborating with another person to procure a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition; or to introduce or convey said items in a state-contracted facility. (MH)

### **Drugs and Other Related Matters** (Consideration should be given to the type of substance and surrounding circumstances)

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29. Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance not prescribed by medical staff without additional violations. (M-H)
30. Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance not prescribed by medical staff with additional violations. (MH)
31. Procuring or attempting to procure, unauthorized drugs; aiding, soliciting, or collaborating with another to procure unauthorized drugs or to introduce unauthorized drugs into state-contracted facility. (M)
32. Unauthorized possession of drug paraphernalia. (M)
33. Misuse of authorized medication. (M)
34. Refusal to submit urine sample or breathalyzer, or otherwise to cooperate with drug testing, or mandatory substance abuse sanctions. (M-MH)

### **Gambling, Dealing and Other Related Offenses**

35. Gambling or possession of gambling paraphernalia. (L-LM)
36. Dealing, conducting, facilitating, or participating in any transaction, occurring in whole or in part, within a state-contracted facility, or involving an offender, staff member or another for which payment of any kind is made, promised or expected. (M)
37. Entering any business operations, legal contracts or agreements without prior permission of supervising authority. (M)

### **Property and Contraband**

38. Steal or embezzlement of property, obtaining property by fraud or receiving stolen, embezzled, or fraudulently obtained property. (M)
39. Destruction, altercation, or misuse of property. (M-MH)
40. Possession of contraband. (L-M)

### **Fire Violations**

41. Setting a fire or any unauthorized burning. (H)
42. Tampering with fire alarms, sprinklers, or other fire suppression equipment. (MH)
43. Smoking where prohibited. (LM-M)

### **Telephone, Mail and Visiting**

44. Unauthorized use or possession of telephone (including cellular phones and accessories) without permission. (L-LM)
45. Use of telephone or mail to threaten, harass, intimidate or annoy another. (M)
46. Violation of visiting rules as set forth by supervising authority. (LM)

### **Tattooing and Self-Mutilation**

47. Self-mutilation, including tattooing. (LM)
48. Possession of devices or material used for tattooing. (LM)

### **Health and Safety**

49. Failure to follow safety or sanitation regulations. (L)

## APPENDIX A

### **Financial**

50. Failure to submit earnings in accordance with rule 5120:12-05 of the Administrative Code. (LM-M)
51. Possession of unauthorized funds. (LM)
52. Failure to provide receipts for purchased goods and services. (L-LM)
53. Deliberate failure to secure employment, or maintain employment as directed (LM-M)
54. Failure to job search (LM)

### **Programming**

55. Failure to attend/tardy to required programming (L-LM)
56. Disrupting class while in programming (L)

### **New Criminal Charges**

**Evidence and details of the offense shall be reviewed on all new charges prior to issuing discipline points.**

57. Felony (A)
58. Misdemeanor (M-H) (Charges for violence, sex offenses, in house drug possession/use, & upper level misdemeanors shall be assessed at the higher end of consequence grid)

### **General**

59. Violation of House Rules. (L-LM)
60. Violation of the Transitional Control Rules of Participation (L-H)

**Violations that have a range of potential points shall be reviewed for severity and violation history when assigning violation points. The lower end of the point scale should be used on the first offense and gradually increase with subsequent violations when possible.**

**When offenders commit multiple violations in one (1) act, all violations shall be listed on the Transitional Control Behavior Record (DRC2395), but ;however, the points issued shall be based on the highest level violation as opposed to assigning points based on each violation he/she committed.**

**Cases that are deficient or exceed the 100 points recommended by the Behavior Guidelines should be staffed with the Bureau of Community Sanctions.**

**A violation enhancement may be given when the offender is issued three (3) or more same/~~or~~ similar violations. (Points may be issued one level above the violations noted point value).**

## APPENDIX A

### Consequences and Violation Points for Program Rule Violations

<b>Low 0-5 points</b>	<ul style="list-style-type: none"> <li>a) Cognitive-Behavioral Intervention (<del>i.e.</del> e.g. Thinking Reports)</li> <li>b) Loss of privileges for 2 days (Phone, visits, passes, vehicle, smoking, television, recreation, outings, late nights)</li> <li>c) Change of quarters</li> <li>d) Removal from program/group activities for 2 days</li> <li>e) Confiscate Contraband</li> <li>f) Extra Duty Hours</li> <li>g) Monetary Restitution/Community Service hours</li> </ul>
<b>Low/Moderate 6-15 points</b>	<ul style="list-style-type: none"> <li>a) Loss of privileges for 7 days (Phone, visits, passes, vehicle, smoking, television, recreation, outings, late nights)</li> <li>b) Change of quarters</li> <li>c) Removal from program/group activities for 7 days</li> <li>d) Confiscate Contraband</li> <li>e) Extra Duty Hours or additional household chores</li> <li>f) Cognitive-Behavioral Intervention (<del>i.e.</del> e.g. Thinking Reports)</li> <li>g) Monetary Restitution/Community Service hours</li> </ul>
<b>Moderate 16-35 points</b>	<ul style="list-style-type: none"> <li>a) Loss of privileges for 14 -21 days (Phone, visits, passes, vehicle, smoking, television, recreation, outings, late nights)</li> <li>b) Change of quarters</li> <li>c) Removal from program/group activities for 14 -21 days</li> <li>d) Confiscate Contraband</li> <li>e) Extra Duty Hours or additional household chores</li> <li>f) Cognitive-Behavioral Intervention (<del>i.e.</del> e.g. Thinking Reports)</li> <li>g) Monetary Restitution/Community Service hours</li> <li>h) Possible status review by Behavioral Review Committee</li> </ul>
<b>Moderate/High 36-50 points</b>	<ul style="list-style-type: none"> <li>a) Loss of privileges for 21-30 days (Phone, visits, passes, vehicle, smoking, television, recreation, outings, late nights)</li> <li>b) Change of quarters</li> <li>c) Removal from program/group activities for 21-30 days</li> <li>d) Confiscate Contraband</li> <li>e) Extra Duty Hours or additional household chores</li> <li>f) Cognitive-Behavioral Intervention (<del>i.e.</del> e.g. Thinking Reports)</li> <li>g) Monetary Restitution/Community Service hours</li> <li>h) APA/Parole Board intervention/ summons (Parole Only)</li> <li>i) Status review by Behavioral Review Committee-(Behavioral Accountability Contract)</li> </ul>
<b>High 51-100 points</b>	<ul style="list-style-type: none"> <li>a) Loss of privileges for 30 or more days (Phone, visits, passes, vehicle, smoking, television, recreation, outings, late nights)</li> <li>b) Change of quarters</li> <li>c) Removal from program/group activities for 30 or more days</li> <li>d) Confiscate Contraband</li> <li>e) Extra Duty Hours or additional household chores</li> <li>f) Cognitive-Behavioral Intervention (<del>i.e.</del> e.g. Thinking Reports)</li> <li>g) Monetary Restitution/Community Service hours</li> <li>h) APA/Parole Board intervention/hearing (Parole Only) (Possible Termination)</li> <li>i) Status review by Behavioral Review Committee (Possible Termination)</li> </ul>
<b>Automatic Referral to Behavioral Review Committee</b>	<ul style="list-style-type: none"> <li>a) Status review by Behavioral Review Committee (Termination probable in most cases)</li> </ul>

**\*The Behavioral Review Committee (BRC) will convene when the halfway house feels that it is necessary, an offender reaches the Moderate/High consequence level, and/or the offender reaches 100 violation points.**

**\*The above violations and consequences are subject to review by program management.**

APPENDIX A

**Transitional Control Positive Incentives**

(A) PROGRAM	Group attendance/participation or completion with no unexcused absences for 30 days.
(B) PROGRAM	Completion of treatment/group above and beyond program expectations with no unexcused absences for 30 days.
(C) PROGRAM	Maintaining Mental Health treatment plans and expectations for 30 days.
(D) BEHAVIORAL	Remains free of discipline points for 30 days.
(E) EMPLOYMENT	Maintains employment requirements for 30 days.
(F) EDUCATION	Passing GED Test, Maintaining 3.0 for college courses, or obtaining vocational certification.
(G) FINANCIAL	Compliance with all financial obligations: Child Support, Court Obligations, DRC fees, etc....
(H) COMMUNITY SERVICE	Benefits outside non-profit agency
(I) SPECIAL HWH PROJECTS	Large non-routine projects that have program manager approval. (Painting facility or construction work to the facility)

**Positive Incentives points for offenders with a discipline record shall be calculated and documented on the Transitional Control Behavior Record (DRC2395) every thirty (30) days based on the Transitional Control Positive Incentive Guidelines. The record shall be maintained by clinical/programming staff, a designee of management, or the Behavioral Review Committee.**

**The offender shall be notified of incentive awards by clinical/programming staff, a designee of management, or the Behavioral Review Committee via the Positive Incentive Award form.**

**Any offender who has discipline points on their Behavior Record is eligible for a point reduction if they meet the Transitional Control Positive Incentive Guidelines noted above. Offenders who complete or meet one (1) incentive during a thirty (30) day period will be granted a 25% reduction to their behavior points. Offenders who complete or meet two (2) or more incentives during a thirty (30) day period will receive a 50% reduction to their behavior points. Incentives may not be banked for future reductions if an offender does not have discipline points on their record. Offenders who illustrate excellent behavior without discipline points may be subject to other awards as set forth by the program.**

<b>Treatment Transfer Behavioral Guidelines</b>
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The halfway house shall log all sanctions, violation points, positive incentives, and positive incentive point reductions on the Treatment Transfer Behavior Record (DRC3083). The record shall be reviewed for accuracy at a minimum one (1) time every thirty (30) days or when the value of the discipline points would warrant a review by the BRC for an administrative return.

### Violation Codes

<b>A</b>	<b>Automatic Referral to Behavioral Review Committee</b>
<b>H</b>	<b>High</b>
<b>MH</b>	<b>Moderate High</b>
<b>M</b>	<b>Moderate</b>
<b>LM</b>	<b>Low Moderate</b>
<b>L</b>	<b>Low</b>

### Assaults and Related Acts

1. Causing, or attempting to cause, the death of another. (A)
2. Hostage taking, including any physical restraint of another. (A)
3. Causing, or attempting to cause, any physical harm to another. (H)
4. Throwing, expelling or otherwise causing a bodily substance to come into contact with another. (H)

### Threats

5. Threatening bodily harm to another (with or without a weapon). (H)
6. Threatening harm to the property of another, including state property. (MH)
7. Extortion by threat of violence or other means. (MH)

### Sexual Misconduct

8. Non-consensual sexual conduct or contact with another, whether compelled:
  - a. by force (A)
  - b. by threat of force (A)
  - c. by intimidation other than threat of force (A)
  - d. by any other circumstances evidencing a lack of consent by the victim(A)
9. Consensual physical contact for the purpose of sexually arousing or gratifying either person. (MH)
10. Seductive or obscene acts, including indecent exposure or masturbation; including, but not limited to any word, action, gesture, or other behavior that is sexual in nature and would be offensive to a reasonable person. (MH)

### Riots, Disturbances, and Unauthorized Group Activity

11. Severe interference with staff in performing duties. (M-MH)
12. Severe disruption with the security or orderly running of the facility. (MH-H)

### Resistance to Authority

13. Physical resistance to a direct order from the supervising authority. (MH)
14. Failure to follow directives from the supervising authority. (L-M)

### **Unauthorized Relationships and Disrespect**

15. Establishing or attempting to establish a personal relationship with an employee, staff, contractor or volunteer:
  - a. Sending personal mail to an employee at his or her residence or address not associated with employment. (MH)
  - b. Making a telephone call to or receiving a telephone call from an employee at his/her residence or location not associated with employment. (MH)
  - c. Engaging in any form of business with an employee; including buying, selling, or trading any item or service. (MH-H)
  - d. Engaging in, or soliciting, sexual conduct, sexual contact or any act of a sexual nature with an employee. (H)
16. Disrespect to any employee, contractor, volunteer, visitor or offender. (M)

### **Lying and Falsification**

17. Giving false information or lying to supervising authority. (LM-M)
18. Forging, possessing, or presenting forged or counterfeit documents. (M)

### **Escape and Itinerary Violations**

19. Escape, failure to remain within the extended limits of confinement, and/or Violator at Large (A)
20. Out of place/off itinerary (unaccountable time) under 4 hours. (LM-H)
21. Out of place/off itinerary (unaccountable time) over 4 hours. (A)
22. Attempting or planning an escape. (MH)
23. Possession of any unauthorized locking device, lock pick, or tampering with locks or keys. (M)
24. Leaving State of Ohio. (A)
25. Failure to adhere to Treatment Transfer home pass and electronic monitoring rules. (M)
26. Utilizing unauthorized methods of transportation. (M)

### **Weapons**

27. Possession, manufacture, or introduction of a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition. (H)
28. Procuring, or attempting to procure, a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition; aiding, soliciting or collaborating with another person to procure a weapon or knife, hazardous tools, dangerous chemicals, explosive or ammunition; or to introduce or convey said items in a state-contracted facility. (MH)

### **Drugs and Other Related Matters** (Consideration should be given to the type of substance and surrounding circumstances)

29. Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance not prescribed by medical staff without additional violations. (M-H)
30. Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance not prescribed by medical staff with additional violations. (MH)
31. Procuring or attempting to procure, unauthorized drugs; aiding, soliciting, or collaborating with another to procure unauthorized drugs or to introduce unauthorized drugs into state-contracted facility. (M)
32. Unauthorized possession of drug paraphernalia. (M)

33. Misuse of authorized medication. (M)
34. Refusal to submit urine sample or breathalyzer, or otherwise to cooperate with drug testing, or mandatory substance abuse sanctions. (M-MH)

### **Gambling, Dealing and Other Related Offenses**

35. Gambling or possession of gambling paraphernalia. (L-LM)
36. Dealing, conducting, facilitating, or participating in any transaction, occurring in whole or in part, within a state-contracted facility, or involving an offender, staff member or another for which payment of any kind is made, promised or expected. (M)
37. Entering any business operations, legal contracts or agreements without prior permission of supervising authority. (M)

### **Property and Contraband**

38. Steal or embezzlement of property, obtaining property by fraud or receiving stolen, embezzled, or fraudulently obtained property. (M)
39. Destruction, alteration, or misuse of property. (M-MH)
40. Possession of contraband. (L-M)

### **Fire Violations**

41. Setting a fire or any unauthorized burning. (H)
42. Tampering with fire alarms, sprinklers, or other fire suppression equipment. (MH)
43. Smoking where prohibited. (LM-M)

### **Telephone, Mail and Visiting**

44. Unauthorized use or possession of telephone (including cellular phones and accessories) without permission. (L-LM)
45. Use of telephone or mail to threaten, harass, intimidate or annoy another. (M)
46. Violation of visiting rules as set forth by supervising authority. (LM)

### **Tattooing and Self-Mutilation**

47. Self-mutilation, including tattooing. (LM)
48. Possession of devices or material used for tattooing. (LM)

### **Health and Safety**

49. Failure to follow safety or sanitation regulations. (L)

### **Financial**

50. Failure to submit earnings in accordance with rule 5120:12-05 of the Administrative Code. (LM-M)
51. Possession of unauthorized funds. (LM)
52. Failure to provide receipts for purchased goods and services. (L-LM)
53. Deliberate failure to secure employment, or maintain employment as directed (LM-M)
54. Failure to job search (LM)

## Programming

- 55. Failure to attend/tardy to required programming (L-LM)
- 56. Disrupting class while in programming (L)

## New Criminal Charges

**Evidence and details of the offense shall be reviewed on all new charges prior to issuing discipline points.**

- 57. Felony (A)
- 58. Misdemeanor (M-H) (Charges for violence, sex offenses, in house drug possession/use, & upper level misdemeanors shall be assessed at the higher end of consequence grid)

## General

- 59. Violation of House Rules. (L-LM)
- 60. Violation of the Treatment Transfer Rules of Participation (L-H)

**Violations that have a range of potential points shall be reviewed for severity and violation history when assigning violation points. The lower end of the point scale should be used on the first offense and gradually increase with subsequent violations when possible.**

**When offenders commit multiple violations in one (1) act, all violations shall be listed on the Treatment Transfer Behavior Record (DRC3083), but however, the points issued shall be based on the highest level violation as opposed to assigning points based on each violation he/she committed.**

**Cases that are deficient or exceed the 100 points recommended by the Behavior Guidelines should be staffed with the Bureau of Community Sanctions.**

**A violation enhancement may be given when offender is issued three (3) or more same or similar violations. (Points may be issued one level above the violations noted point value).**

### **Consequences and Violation Points for Program Rule Violations**

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