

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Transitional Control Screening</b>	PAGE <u> 1 </u> OF <u> 6 </u> NUMBER: 108-ABC-05
RULE/CODE REFERENCE: 2967.16 2967.26 2930.16	SUPERSEDES: 108-ABC-05 dated 06/19/15
RELATED ACA STANDARDS:	EFFECTIVE DATE: August 25, 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 screening guidelines for offenders transferred to the Transitional Control (TRC) Program

**III. APPLICABILITY**

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (DRC) and all offenders under the supervision of DRC.

**IV. DEFINITIONS**

**Independently Licensed Mental Health Professional (ILMHP)** - Psychiatrists, Psychologists, Advance Practice Nurse – Mental Health (APN-MH), Licensed Professional Clinical Counselors (LPCC), and Licensed Independent Social Workers (LISW), who by virtue of their training and experience and state licensure laws, are qualified to provide mental health care and have been specifically assigned identified tasks in this policy.

**Transitional Control (TRC)** - A prison release program to release approved inmates up to 180 days prior to the expiration of their prison sentence, release on parole, or release to post release control supervision. The inmates 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 in accordance with section 2967.26 of the Ohio Revised Code.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation (DRC) that offenders shall be screened to determine transitional control eligibility based upon the criteria established pursuant to Ohio Revised Code section 2967.26, and Administrative Rules 5120-12-01, Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility, and 5120-12-02, Screening, Selection and Notice of Transfer.

## **VI. PROCEDURE**

### **A. General Guidelines**

1. All inmates shall be screened to determine initial transitional control eligibility based on the criteria established in Administrative Rule 5120-12-01, Establishment of a Transitional Control (TRC) Program and Minimum Criteria Defining Eligibility.
2. The Ohio Parole Board is the section of the Adult Parole Authority (APA) designated with the duty of determining which eligible inmates shall be recommended for transfer to the transitional control program. If recommended for transfer, inmates may participate in the program up to 180 days prior to their release or expiration of sentence.
3. If it is determined at any time that the inmate shall not be placed on transitional control, the inmate shall be notified in writing of this fact.

### **B. Transitional Control Screening Procedures for the Ohio Parole Board and Institutional Staff**

1. Initial eligibility is determined utilizing a checklist which is auto-populated and reported on the PBTC screen in DOTS Portal, which determines whether or not an inmate is initially eligible to participate in the program.
2. Utilizing the TRCRP Report in DOTS Portal, the unit manager/designee shall interview all inmates determined to be initially eligible to explain the transitional control program and determine if the inmate wishes to participate.
3. Based on the interview, the decision of the inmate shall be documented on a Transitional Control Program Request Waiver (DRC3181), which shall be signed by the inmate. The unit manager/designee shall also enter this information into the TCOK screen in DOTS Portal by checking either "Participate" or "Waive."
4. If the inmate elected to participate in the TRC program, the unit manager/designee shall provide the Transitional Control Program Request Waiver (DRC3181) to the designated parole board parole officer (PBPO). Upon receipt of the Transitional Control Program Request Waiver (DRC3181), the PBPO shall enter the screening into the TRC1 screen in DOTS Portal.
5. Inmates serving sentences imposed for crimes committed prior to July 1, 1996, who request placement into the TRC program, shall have a parole board hearing in accordance with DRC policy 105-PBD-03, Parole Board Release Process. In these instances, the PBPO shall send a request to BOSCO for a TRC review hearing.
6. Inmates serving sentences imposed for crimes committed on or after July 1, 1996 who request placement into the TRC program shall have a file review completed by the PBPO who will make a recommendation for/against transfer into the TRC program. This review shall include the following: all available DOTS Portal information, journal entries, LEADS, current and previous presentence investigations and offender background investigations, and any detainers and/or notifies.

- a. If it is determined that no investigation has been completed on the case(s) for which the inmate is incarcerated, then the PBPO shall utilize court documents and any previously completed investigation to include a review of the current computerized criminal history (i.e., Law Enforcement Automated Data System (LEADS) report).
- b. If the inmate is eligible for the program, a file review shall be completed by the PBPO to include a review of the Institutional Summary Report (ISR). The recommendation for/against transfer into the TRC program shall be based on criteria as established in Administrative Rule 5120-12-01, Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility, and any other information pertaining to the inmate's prior criminal record and institutional adjustment deemed relevant.
  - i. The PBPO shall make a SB143 notation in DOTS Portal CONDR screen to include the initials of the reviewer and the date the notation was entered if the inmate is serving an aggregate sentence of two (2) years and one (1) day or more.
  - ii. After a TRC recommendation has been entered into DOTS Portal, the PBPO shall email designated parole board staff the name and inmate number of any inmate recommended for Transitional Control in which SB160 victim notification applies by the end of the business day.
- c. The results notification from DOTS Portal shall be forwarded to the inmate, indicating whether transfer to the program has been recommended or denied.

Copies of the results notification for those inmates recommended for transfer to the TRC Program shall be forwarded to designated parole board staff.

- d. If exclusionary criteria exists that makes an inmate ineligible to participate in the TC program, the PBPO shall complete the Transitional Control Ineligibility Form (DRC3114). A copy of this form shall be forwarded to the inmate.
- e. If the inmate is recommended for transfer to TRC by the PBPO, designated parole board staff shall give notice of the pendency of transfer to the sentencing court if the offender is serving less than two (2) years and one (1) day of an aggregate sentence. Notice to the sentencing court is not required for an offender who has an aggregate sentence of two (2) years and one (1) day or more.
- f. All relevant documents utilized in the transitional control screening process shall be forwarded to the Bureau of Records Management Document Imaging Group.

### **C. Transitional Control Screening Procedures for Mental Health**

1. The mental health administrator/mental health manager (MHA/MHM) or designee shall review the Transitional Control Recommended Inmates on Mental Health Caseload report on the TRC1 screen in DOTS Portal at a minimum one (1) time a week to determine if any offender being considered for TRC release is currently on the mental health caseload.

2. The MHA/MHM or designee shall assign any Severely Mentally Ill (SMI) or Non-SMI (on psychotropic medication) offender being considered for TRC release to a psychiatrist/APN-MH to review and determine, based on clinical judgment, if the offender is able to complete the requirements of the TRC program.
3. The MHA/MHM or designee shall assign any Non-SMI (not on psychotropic medication) offender being considered for TRC release to an independently licensed mental health professional (ILMHP) to review and determine, based on clinical judgment, if the offender is able to complete the requirements of the TRC program.
4. The MHA/MHM or designee shall complete the referral section of the Mental Health Caseload Transitional Control Release form (DRC5514) and forward it to the assigned psychiatrist/APN-MH or ILMHP.
5. The psychiatrist/APN-MH or ILMHP shall review the offender's mental health file and conduct a face-to-face interview, if necessary, within two (2) weeks of the assignment to determine if the offender meets the following criteria.
  - a. The offender must be at least 80% medication compliant (if applicable) and clinically stable for a minimum of ninety (90) days.
  - b. The offender must be able to work full time (32 or more hours/week) and/or participate in full time educational or vocational training.
6. The psychiatrist/APN-MH or ILMHP shall document his/her recommendation in the recommendation section of the Mental Health Caseload Transitional Control Release form (DRC5514) and on the MHOK screen in DOTS Portal. A brief progress note shall be completed in the offender's mental health file.
7. A copy of Mental Health Caseload Transitional Control Release form (DRC5514) shall be sent to the unit management chief (UMC)/designee and the assessment outcome shall be documented in DOTS Portal on the TRCP and MHOK screen by the MHA/MHM or designee.
8. The Mental Health Caseload Transitional Control Release form (DRC5514) shall be filed in the offender's mental health file.
9. When notified by the Bureau of Community Sanctions (BCS) that an offender has been approved for the TRC program in accordance with section VI.E.5 of this policy, the MHA/MHM or designee shall ensure that the psychiatrist/APN-MH or ILMHP is aware of the approval. If an offender is on medication, a psych/MR nurse will be assigned to follow-up with the offender.
10. A copy of the Transitional Control Release Certificate shall be filed in the offender's mental health file.

**D. Placement Packet**

If the inmate is determined to be recommended for the transitional control program in accordance with sections VI.B and VI.C of this policy, the unit manager/designee shall prepare and send a placement packet to the BCS pursuant to DRC policy 101-PLA-01, Reentry Supervision Release Process.

**E. Transitional Control Screening Procedures for the Bureau of Community Sanctions**

1. A BCS designee shall review the Transitional Control Eligibility Pending List on the TRC1 screen in DOTS Portal to determine which offenders have been screened eligible for TRC participation by the Ohio Parole Board. A BCS designee shall perform a review of the status of each recommended offender to ensure the non-static factors associated with the inmate's current institution number have not changed since the time of the eligibility screening performed by the parole board that would render the offender ineligible for participation in the TRC program.
2. A BCS designee may refer the case back to the Ohio Parole Board for reconsideration if newly discovered evidence associated with the inmate's current institution number would make the offender statutorily ineligible for TRC participation. This may also include input from the victim, or any other reason when the transfer would be contrary to law or inconsistent with the purposes of the TRC program. BCS reserves the right to cancel offender TRC participation in lieu of referring the case back to the parole board for reconsideration for reasons including newly discovered medical or mental health information, the offender is not available for transfer, or repeated institutional disciplinary or institutional adjustment infractions inconsistent with the purposes of TRC program requirements.
3. If an offender is deemed statutorily eligible by the PBPO, and the BCS review determines that there is not any newly discovered information associated with the inmate's current institution number that would render them ineligible for the program, the BCS designee shall schedule and coordinate transportation with the institution and halfway house and send a Transitional Control Release Certificate to the Bureau of Records Management (BORM), UMC, two (2) additional unit staff designated by the UMC, halfway house designee, and APA no less than ten (10) days prior to release.
4. If the inmate is determined to be ineligible for participation in TRC prior to being scheduled for release to a HWH due to newly discovered evidence associated with the inmate's current institution number, a BCS designee shall forward an ineligibility letter to the UMC. If the inmate has been scheduled for a HWH, the BCS designee shall also notify the BORM.
5. The BCS shall email a copy of the Transitional Control Release Certificate to the MHA/MHM or designee when an offender is scheduled for transfer to TRC and is designated as severely mentally ill (SMI) or Non-SMI (on psychotropic medication). The certificate shall include the date of transfer and the location of the HWH.

6. Status changes that are discovered by an UMC/designee after an offender has been recommend by the Ohio Parole Board, that effect an offender's eligibility status, shall be reported to BCS via an email to [DRCBCS.Transportation@odrc.state.oh.us](mailto:DRCBCS.Transportation@odrc.state.oh.us). This may include but is not limited to out-to-court status changes, disciplinary status changes, detainer updates, changes to medical or mental health status, etc.

#### **F. Victim Notification**

At least sixty (60) days before an inmate is transferred to transitional control, the designated parole board staff shall notify every registered victim of that inmate of the pendency of the transfer and of the victim's right to submit a statement regarding the impact of the transfer. If the victim submits a statement to the Ohio Parole Board or through the Office of Victim Services (OVS) in a timely manner, it shall be considered in deciding whether transfer to the transitional control program is appropriate. If the offense to which the transfer relates is a Senate Bill 160 offense, designated parole board staff shall attempt to provide notice of the transfer to every victim of the inmate regardless of whether the victim has registered with the OVS, unless the victim has opted out of notice.

#### **Related Department Forms:**

Institutional Summary Report (ISR)	DRC 2666
Transitional Control Ineligibility Form	DRC 3114
Transitional Control Program Request Waiver	DRC 3181
Mental Health Caseload Transitional Control Release Form	DRC 5514