

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Receiving/Release of Offenders From/To Transporting Agencies</b>	PAGE <u> 1 </u> OF <u> 4 </u> NUMBER: 52-RCP-04
RULE/CODE REFERENCE:	SUPERSEDES: 52-RCP-04 dated 07/20/07
RELATED ACA STANDARDS: 4-4285	EFFECTIVE DATE: July 2, 2012
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Ohio 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 releasing and receiving offenders to and from transporting agencies.

**III. APPLICABILITY**

This policy applies to all state and contract employees of the Ohio Department of Rehabilitation and Correction who are involved in the release of offenders into the physical custody of a transporting agency and/or who are receiving an offender from a transporting agency.

**IV. DEFINITIONS**

**Unusual Hours** - Any hours that are before or after the normal working hours of the area of the institution responsible for the receiving and discharge of offenders.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to provide guidelines for processing offenders into the physical custody of the Department, properly releasing offenders to the custody of a transporting agency for either a temporary or permanent separation from the Department's custody, and required possession of appropriate documentation before an offender is received from or transferred to a transporting agency.

## **VI. PROCEDURES**

### **A. Scheduled Transports**

1. When a transporting agency has scheduled or requested an offender transport, the institution is responsible for having the offender ready for transport or has a staff member available to receive an offender from transport before the scheduled arrival time of the transporting agency.
2. If a safety and security issue creates a significant delay or possible cancellation of the institution's ability to process the offender for a scheduled transport or the institution to receive an offender, the Managing Officer or designee shall notify the transporting agency, as soon as practicable, in order that the agency may adjust their transport times or reschedule the transport.
3. The transporting agency may request to transport an offender during unusual hours. The institution should attempt to accommodate the request. If the Managing Officer or designee believes the request places an undue hardship on the staff or operation of the institution, the Managing Officer or designee may deny the request.

### **B. Unscheduled Transport**

1. When a transporting agency arrives unscheduled at the institution during normal working hours, the Bureau of Records Management responsible for the receiving and discharge of offenders will, to the best of its ability, expedite the receiving and discharge processing to minimize any institutionally generated delays created by the unscheduled transport.
2. Should the transporting agency arrive unscheduled during unusual hours, the institution should, if at all possible, release the offender to or accept the offender from the transporting agency. However, the Managing Officer or designee may refuse to accept or release an offender, if it is deemed that an undue hardship on the staff or operation of the institution is created. Whenever the institution elects to accommodate the transporting agency, the institution shall expedite the processing of the offender in an effort to minimize any undue delays.

### **C. Required Documentation and Court Paperwork**

1. When releasing an inmate to a transporting agency for further court proceedings, institution personnel shall ensure they have received proper documents authorizing the release of the inmate from the central record office and return signed out to court documents to the central record office.
2. The following documentation must be presented by the transporting agency at the time the offender is received into the physical custody of the Department.
  - a. A time stamped filed copy of the entry that clearly lists each violation of the Ohio Revised Code;

- b. A time stamped filed entry that designates the sentence imposed for each offense;
  - c. A time stamped filed entry and/or documentation which specifies the number of days, if any, that the offender was confined prior to conviction and sentencing; and
  - d. A time stamped filed copy of the indictment.
3. Prior to receiving an offender from another agency, institution staff must use DOTS Portal to confirm that the offender is not past his/her release date and that the offender is being received at the correct institution.
  4. In the event an offender is returned to the institution as a parole violator or a post release control violator, a revocation order shall be provided or Order to Hold (DRC3064).
  5. In the event an offender is returned to the institution as a probation violator, a certified revocation entry showing that the probation has been revoked and a sentence imposed shall be provided.
  6. In the event an offender is to be released to a transporting agency for participation in legal matters, the proper documentation must be presented before the offender is released. The employee is directed to review the chart below citing the reason for transport, relevant ORC section, and procedure to be used.

**D. Notifications to Transport Agencies**

Each institution shall be responsible for notifying the county Sheriffs in the State of Ohio of any Ohio Department of Rehabilitation and Correction and local institution policy change, which may impact the Sheriffs' departments.

**E. Notification of the Office of Victim Services**

Each institution shall be required to notify the Office of Victim Service in accordance with Department Policy 03-OVS-01, Crime Victims Services.

**Related Department Forms:**

Order of Hold

DRC3064

<b>Reason for Transport</b>	<b>Relevant ORC Section</b>	<b>Procedure to be used</b>
For trial or arraignment on an indictment of information for a felony	2941.40-41	By certified warrant of the Common Pleas Court directed to the Sheriff of the county requesting him/her.
For sentencing on a felony where offender escaped or jumped bail before being sentenced	2941.40-41	By certified warrant of the Common Pleas Court directed to the Sheriff of the county requesting him/her.
For testimony in any criminal proceeding (misdemeanor or felony)	2945.47	The Court shall require the person's testimony be taken by deposition at the prison, unless the person is a defendant or the person is a prosecution witness so that the interests of justice require him/her to be present. If the court requires him/her to be present, a subpoena should be issued to the Sheriff for the return of the offender.
For testimony in a civil action	2317.06(B)	The court shall require the person's testimony be taken by deposition unless the court determines that the interests of justice demand that the person be present. If the court requires him/her to be present, a subpoena should be issued to the Sheriff for the return of the offender.
For attendance at a revocation hearing	2951.13	A copy of the journal entry ordering the hearing and the defendant's presence in the court must be presented at the institution.
For attendance as a witness at a criminal proceeding in another state	2939.26	By order of Common Pleas Court of incarcerated county and certificate of court of record of other state
For attendance at a criminal proceeding in another state.	2963.30	By Interstate Agreement on Detainers Forms 2,4,6,7 or 5 as necessary.
For attendance at a Judicial Release Hearing	2929.20(F)	A copy of the journal entry ordering the defendant's presence in court must be presented at the institution