

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Intensive Program Prison Selection Process	PAGE <u>1</u> OF <u>8</u>
	NUMBER: 52-RCP-08
RULE/CODE REFERENCE: AR 5120-11-03; -07; -21; ORC 5120.031; 5120.032; 5120.033	SUPERSEDES: 52-RCP-08 dated 07/11/13
RELATED ACA STANDARDS:	EFFECTIVE DATE: February 23, 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 a review process that ensures compliance with the eligibility and administrative requirements of Administrative Rule 5120-11-03, Intensive Program Prison Eligibility and Selection Criteria, and to provide procedures for determining the suitability of inmates for selection into the Intensive Program Prison (IPP), otherwise known as the “Second Chance to Change” program.

III. APPLICABILITY

This policy applies to all Department of Rehabilitation and Correction employees.

IV. DEFINITIONS

Applicant - An inmate who has signed the IPP Application form (DRC2370), but has been neither approved nor disapproved for placement into the IPP.

Participant - An inmate who has been placed in the IPP and is actively engaged in the activities of the IPP.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to conduct initial and periodic reviews of all available information pertaining to applicants and participants in the IPP to ensure these placements are in compliance with the selection requirements of the IPP. The Managing Officers of reception centers and institutions with an IPP shall designate staff to screen for eligibility into that program based on the requirements in this policy.

VI. PROCEDURE

A. Record Screening For Statutory Eligibility Requirements

1. An inmate is not eligible for selection to the IPP if the sentencing entry states the inmate is not eligible for placement in an IPP, disapproves such placement or denies any reduction in sentence. If the sentencing court finds statutory eligibility for the inmate's placement in an IPP and/or the sentencing entry either approves or recommends such placement, or such entry is silent on such placement, then an inmate shall be initially screened during reception processing for IPP eligibility.
2. During the first seven (7) calendar days of reception processing or, if applicable, at a level one and/or two institution, the Managing Officer's designee shall screen an inmate's commitment papers and pre-sentence and/or post-sentence investigation reports, if available, and criminal histories including Bureau of Criminal Investigation (BCI) report, Federal Bureau of Investigation (FBI) report, and "complete wants and warrants records check" for any felony offense through the Law Enforcement Administrative Data System (LEADS)/National Crime Information Center System (NCIC). The request for a "wants and warrants records check" through LEADS/NCIC shall be accomplished by sending an email to "DRC Records LEADS Request Mail Box". This screening is required for all inmates in order to complete Sections 1-A or 1-B or 1-C of the IPP Selection Process Checklist (DRC 2453) on DOTS Portal, which is used to determine statutory eligibility for placement in the IPP.

B. Statutory Ineligibility

Inmates who do not meet the statutory criteria are not eligible for participation in the IPP.

C. Orientation

1. The inmate who is statutorily eligible for the IPP shall be invited to an orientation program, presented by the Managing Officer's designee, who shall explain the benefits and operation of the program including, if applicable, the thirty (30) day curriculum on motivation, in order to determine the inmate's desire to participate. The staff member conducting the orientation shall allow the inmates ample opportunity to ask questions about the behavior that will be required of them during their participation in the IPP. If an inmate does not understand English, the orientation materials shall be translated in his/her language.
2. At the end of the orientation, an applicant interested in participating in IPP shall be given an opportunity to read and sign the IPP Application Form (DRC2370) in order to be considered for placement into IPP. An inmate is required to sign the application in order to proceed further with the screening process.
3. While conducting screening for IPP, unit staff shall consider an inmate's Ohio Risk Assessment System (ORAS) during the IPP eligibility/screening process. All inmates in IPP shall have appropriate programming recommendation in line with Department policy 02-REN-01, Prison Reentry Assessment and Planning.

D. Administrative Rule Eligibility Requirements

1. If the applicant is statutorily eligible pursuant to Paragraph (A) of this procedure, the Managing Officer's designee shall determine if the applicant meets the administrative requirements of Administrative Regulation 5120-11-03 (E), Intensive Program Prison Eligibility and Screening Criteria, by completing Section 2 of the IPP Selection Process Checklist (DRC2453). If the Managing Officer's designee finds the applicant meets all of those requirements, he/she shall refer the applicant to the health professionals as defined in Administrative Regulation 5120-11-03 (F), Intensive Program Prison Eligibility and Screening Criteria.
2. If the Managing Officer's designee finds the applicant does not meet all of the requirements of Section 2 of the IPP Selection Process Checklist (DRC 2453), the application process shall be terminated and the IPP Notice of Disapproval form (DRC2376) shall be completed.

E. Health Screenings

1. Medical
 - a. For each applicant to Camp REAMS or Camp MERIDIAN who is a medical level two (2) or above, the institution physician shall determine by review of the applicant's medical file if there are any medical conditions that render him/her not physically able to participate in the IPP.
 - b. If no such conditions are identified, the applicant shall be approved from the medical standpoint for participation in the IPP. Approval shall be noted in Section 3(a) of the IPP Selection Process Checklist (DRC2453).
 - c. If there is a medical condition that might render him/her not physically able to participate in the IPP, the applicant shall be scheduled for an evaluation by the physician.
 - i. If the physician diagnoses and/or confirms a medical condition that renders him/her not physically able to participate in the IPP, disapproval shall be noted in Section 3(a) of the IPP Selection Process Checklist (DRC2453) after consideration of Paragraph (E)(3) below.
 - ii. If after an evaluation the physician determines the applicant is physically able to participate in IPP, approval shall be noted in Section 3(a) of the IPP Selection Process Checklist (DRC2453).
2. Mental Health
 - a. For each applicant to Camp REAMS or Camp MERIDIAN who is classified as C1, his/her mental health file shall be screened to determine if there is a mental health condition that would significantly reduce his/her ability to participate in IPP or that such participation would exacerbate that condition. This file review shall include the Initial/Detailed Mental Health Screens, psychological testing, any mental health

evaluations, and documented contacts with mental health staff, and shall be documented.

- b. If no such condition is identified, the applicant shall be approved from a mental health standpoint for participation in the IPP. Approval shall be noted in Section 3(b) of the IPP Selection Process Checklist (DRC2453).
- c. If there is a mental health condition that might preclude participation in the IPP, the applicant shall be seen for a clinical interview.
 - i. If it is determined a potential mental health condition exists and that condition would likely be exacerbated by participation in IPP or would significantly reduce his/her ability to participate in IPP, disapproval shall be noted in Section 3(b) of the IPP Selection Process Checklist (DRC2453) after consideration of Paragraph (E)(3) below.
 - ii. If after the clinical interview it is determined that there are no mental health conditions that would likely be exacerbated by or significantly reduce his/her ability to participate in IPP, approval shall be noted in Section 3(b) of the IPP Selection Process Checklist (DRC2453).
3. If the medical and/or mental health screenings or, if applicable, the medical evaluation and/or clinical interview, result in a finding of a medical or mental condition that might preclude participation in IPP, consultation between the applicable healthcare staff and the unit administrator or the program supervisor of the IPP(s) shall take place to determine whether reasonable accommodations can be made to allow the applicant to participate to a sufficient degree to perform the essential functions of any of the IPP's. See Section 3(c) of the IPP Selection Process Checklist (DRC2453) for a more detailed analysis of such accommodations.

F. Record Gathering

1. Once an inmate has applied in accordance with Paragraph (C) of this procedure, the Managing Officer's designee shall immediately initiate efforts to obtain all records necessary to reach a placement decision pursuant to Section 4 of the IPP Selection Process Checklist (DRC2453). These records shall include, but are not limited to, a current pre- or post-sentence investigation requested from the Superintendent of Field Services/designee, and criminal histories (e.g., BCI, FBI, and LEADS/NCIC).
2. In the event any one of these records is available, but its relevant content is incomplete, the Managing Officer's designee shall request such information by contacting local law enforcement agencies, courts of record, other agencies or individuals that may be able to supply needed information affecting the placement of the applicant in the IPP.
3. If the records required under this paragraph are unavailable or inadequate to make an informed recommendation as to whether the applicant should be placed in the IPP, the selection process shall be held in abeyance for a reasonable period of time pending the availability of records or obtaining requested information. If, after a reasonable period of time, adequate information is still not available, the Managing Officer's designee shall

determine if the selection process should continue or be terminated. If terminated, the IPP Notice of Disapproval form (DRC2376) shall be completed.

G. Record Review

The Managing Officer's designee shall review all relevant records and information, such as those required by Paragraph (F) of this procedure, to verify if the applicant remains statutorily eligible. If the Managing Officer's designee finds the applicant is not statutorily eligible, then the application process shall be terminated and the IPP Notice of Disapproval form (DRC2376) shall be completed.

H. Final Review

1. If a final file review by the Managing Officer indicates the applicant does not meet all of the requirements of sections 1-A, 1-B, 1-C, and/or 2, of the IPP Selection Process Checklist (DRC2453), the application process shall be terminated and the Notice of Disapproval form (DRC2376) shall be completed.
2. If there is no change in the applicant's selection status pursuant to Section 4 of the Checklist, then the Managing Officer's designee shall forward the completed IPP Selection Process Checklist (DRC 2453) to the Managing Officer for further evaluation pursuant to Paragraph I of this policy.

I. Managing Officer Review

1. Based on all relevant information affecting the applicant's selection, the Managing Officer shall approve or disapprove the applicant's placement in the IPP by completing Section 4 of the IPP Selection Process Checklist (DRC2453).
2. Despite a recommendation for placement, the Managing Officer may disapprove placement and shall complete and note the reason(s) on the IPP Notice of Disapproval form (DRC2376).
3. If the Managing Officer approves placement, the IPP Notice of Approval form (DRC2382) shall be completed and a copy served on the successful applicant who shall sign the form, acknowledging receipt.

J. Classification Action

If the Managing Officer approves the applicant for placement in IPP, the Managing Officer's designee shall forward the appropriate classification forms to the Bureau of Classification and Reception for the applicant's assignment of a security level and approval of a transfer to the parent institution of the IPP. Preference shall be given to the applicant's choice of IPP unless precluded by programming availability and/or the programming needs of the applicant.

K. Placement Notice to Sentencing Judge

1. The Notice to Sentencing Court of Offender's Recommended Placement into the IPP (DRC2502) shall be sent immediately after the Managing Officer has approved placement in the IPP and not sent if so disapproved. Notice to Sentencing Court of Offender's Recommended Placement into the IPP (DRC2502) only applies if the applicant is eligible per the procedure above and the sentencing entry is silent on the inmate's placement in an IPP. This notification process does not apply if the sentencing entry either approves or recommends IPP placement.
2. The Notice to Sentencing Court of Offender's Recommended Placement into the IPP (DRC 2502) shall be sent via fax to the sentencing Judge immediately after the Managing Officer has approved placement into IPP. If a disapproval or approval notice is received from the sentencing Judge within five (5) business days, no certified letter shall be mailed to the sentencing Judge. If a response is not received from the sentencing Judge within five (5) business days, a certified letter with return receipt requested shall be sent to the sentencing Judge and copied to the Prosecutor's Office by regular mail, at least twenty-one (21) calendar days prior to the inmate's admission into IPP. The letter shall contain the Notice to Sentencing Court of the Offender's Recommended Placement into the IPP (DRC2502), the applicant's sentencing entry/entries, and the attachment to Notice to Sentencing Court of Offender's Recommended Placement into IPP (DRC2502).
3. If the Managing Officer/institution receives post-marked, e-mailed or faxed within thirty (30) calendar days of the signature date on the certified-mail receipt, the Judge's disapproval decision, the Managing Officer shall complete the IPP Notice of Disapproval form (DRC2376) which shall be served upon the inmate. The Managing Officer/designee shall also send a copy of the IPP Notice of Disapproval (DRC2376) to the attention of the institutional Parole Board Hearing Officer.
4. If the Managing Officer/institution receives post-marked, e-mailed or faxed more than thirty (30) calendar days from the signature date on the certified-mail receipt, the Judge's disapproval decision, the IPP shall contact the Division of Legal Services for direction. A program removal shall not be initiated until the Division of Legal Services makes a determination.
5. If the Managing Officer/institution receives postmarked, e-mailed or faxed within thirty (30) calendar days of the signature date on the certified-mail receipt, one of the following responses from the Judge: (1) approved; (2) no opinion; or (3) no response; the Managing Officer shall complete the IPP Notice of Approval (DRC2382) which shall be served upon the inmate and the inmate shall be placed in IPP. The Managing Officer/designee shall also send a copy of the IPP Notice of Approval (DRC2382) to the attention of the institutional Parole Board Hearing Officer. Unit staff shall complete a PRC release packet for all inmates successfully completing IPP following the guidelines in Department policy 101-PLA-01, Reentry Supervision Release Process.
6. The responsible coordinator of IPP shall send an email to "DRC Record OTC Documents" notifying the central record office of the IPP candidate's final placement into IPP Program.

L. Revocation of Application

If an applicant is no longer interested in being considered for placement in the IPP, he/she shall sign the IPP Voluntary Revocation of Application form (DRC2375). An applicant may voluntarily revoke the application any time before admission into the IPP.

M. Review of Relevant Information

If any Department employee receives any information subsequent to the participant's admission to the program, which would affect the participant's placement, he/she shall, immediately upon receipt, notify the IPP staff of such information. The IPP staff shall immediately conduct a review of this information to ensure the participant's continued compliance with the requirements for placement in the IPP set forth in Administrative Regulation 5120-11-03 (C)(1), or (C)(2), or (C)(3), (E) and (F) Intensive Program Prison Eligibility and Selection Criteria. If this review indicates the participant may not meet all of these requirements, an IPP Referral to Program Review form (DRC2389) shall be completed for action consistent with Administrative Regulation 5120-11-07, Program Review Hearing, unless the inmate voluntarily withdraws from the IPP. However, an inmate is not permitted to voluntarily withdraw from the IPP within twenty-one (21) days of admittance.

N. Continued Compliance Reviews

Three (3) weeks subsequent to the participant's admission to the program and two (2) weeks prior to his/her release from incarceration, the IPP staff shall conduct a review of the information in the participant's files to ensure continued compliance with all the relevant requirements for placement in the IPP as provided in Administrative Regulation 5120-11-03 (C)(1), or (C)(2), or (C)(3), (E) and (F), Intensive Program Prison Eligibility and Selection Criteria. If the review indicates the participant may not meet all of these requirements, an IPP Referral to Program Review Form (DRC 2389) shall be completed for action consistent with Administrative Regulation 5120-11-07, Program Review Hearing, unless the inmate voluntarily withdraws from the IPP. However, an inmate is not permitted to voluntarily withdraw from the IPP within twenty-one (21) days of admittance.

O. Removal Notice to Sentencing Judge

If the inmate is removed from the ninety (90) day phase of the program, the Managing Officer shall send a Notice to Sentencing Court of Offender's Removal from the Program (DRC2390) to the sentencing judge and Parole Board Hearing Officer. The IPP Coordinator shall send an email to "DRC Record OTC Documents" notifying central record office of the IPP offender's removal from the IPP Program. If the inmate is about to successfully complete the ninety (90) day phase of the program, the Managing Officer shall send a Notice to Sentencing Court of Offender's Removal from the Program (DRC2390) by regular mail to the sentencing judge two (2) weeks prior to the inmate's release. Additionally, upon successful completion, the IPP Coordinator shall send an email to "DRC Record Release Documents notifying the central record office". The Managing Officer/designee shall send the inmate (Senate Bill 2 offenders only) a Certificate of Release to Post-Release Control (DRC2384).

Related Department Forms:

IPP Application	DRC2370
IPP Voluntary Revocation of Application	DRC2375
IPP Notice of Disapproval	DRC2376
IPP Notice of Approval	DRC2382
Certificate of Release to Post-Release Control	DRC2384
IPP Referral to Program Review	DRC2389
Notice to Sentencing Court of Offender's Removal from the Program	DRC2390
IPP Selection Process Checklist	DRC2453
Notice to Sentencing Court of Offender's Recommended Placement into the IPP	DRC2502