



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Privilege Levels	PAGE <u> 1 </u> OF <u> 7 </u>
	NUMBER: 53-CLS-02
RULE/CODE REFERENCE:	SUPERSEDES: 53-CLS-02 dated 10/19/12
RELATED ACA STANDARDS:	EFFECTIVE DATE: May 27, 2015
	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 the procedures for privilege level reviews at classification levels 2, 3, 4 and 5.

III. APPLICABILITY

This policy applies to all staff and inmates involved in the privilege level review process.

IV. DEFINITIONS

Privilege Level A – The less restrictive privilege level associated with any given security level.

Privilege Level B – The more restrictive privilege level associated with any given security level.

Privilege Level 4AT – 4AT refers to “4A-Transition”, a less restrictive privilege level than 4B occurring after an inmate is lowered from 4B to 4A. The privilege level is designed to prepare the inmate for the less restrictive environment in 4A.

Privilege Level Review Committee – The Privilege Level Review Committee shall consist of two members, designated by the Managing Officer/designee, such as the inmate’s unit manager, case manager (to comment on education programming, and other programming), mental health staff and/or a custody staff person.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction and the objective of the privilege level review system to assess inmates’ attitudes and conduct upon arrival at a new security

classification, and to establish an incentive program based on an increased level of privileges for demonstrated appropriate behavior and program compliance.

VI. PROCEDURES

A. General Provisions

1. The privilege level review process is not to be confused with a security review. The privilege level review process weighs appropriate inmate behavior, program compliance, proper interaction with staff and other inmates, the absence of institutional misconduct and any other indication of adjustment for the purpose of adjusting an inmate's privilege level within his or her security classification. The Bureau of Classification and Reception does not decide or review increases or decreases in a privilege level. An inmate's eligibility for a security classification review is not determined by his or her privilege level.
2. Mental health visits and approved programming are independent of this policy and shall not be considered as out-of-cell time as referenced in Appendix A of this policy.

B. Privileges Following Initial Assignment to a Security Level

1. With the exception of Level 1 and 2, inmates placed into classification levels at reception shall initially be assigned to privilege level A, unless a review by the Chief of the BCR determines Level B is more appropriate. They shall remain in this privilege level until recommended for an increase by the Privilege Level Review Committee and approved by the Managing Officer/designee as outlined in sections C, D and E of this policy.
2. Following an inmate's transfer to any prison, the inmate's security classification and privilege level shall be reviewed within 30 calendar days. The inmate's classification or privilege level may be adjusted by the Managing Officer as deemed appropriate following this 30-day calendar review. This review does not require the completion of a classification instrument or a privilege level review form, nor does it require a meeting with the inmate.
3. Inmate privileges at level 4A, 3A and, 3B must meet the minimum requirements as outlined in Administrative Rule 5120-9-09, Limited Privilege Housing Assignments.

C. Privilege Level Review for Levels 3

1. Inmates in privilege level B at level 3 shall be reviewed, at a minimum, every six months for an increase in their privilege level. A review may occur earlier as deemed necessary by the unit team.
2. Inmates in privilege level A may be reviewed for a decrease in their privilege level if recommended by the Rules Infraction Board (RIB) or as deemed necessary by the unit team.
3. Privilege Level Review Process at Level 3

- a. The inmate shall be given the opportunity to attend and participate in the privilege level review meeting. A member of the privilege level review committee shall inform the inmate of the date of the hearing if the inmate inquires.
 - b. The inmate shall meet with at least one member of the privilege level review committee to discuss the review process. The inmate shall have the opportunity to present information and express objections. The inmate shall be advised of the steps to take to improve eligibility for an increase in privileges.
 - c. At the conclusion of the hearing, the privilege level review team representative shall inform the inmate of the decision. The recommendation shall be recorded on the Privilege Level Review (3B, SPECIAL) (DRC2626). The inmate shall sign and receive a copy of this form.
 - d. Privilege level reviews are not appealable.
4. Inmates who arrive at a level 3 facility as a result as a result of a security level increase/decrease, shall begin at privilege level B. The anniversary date for the six-month review coincides with the date of the classification actions, not the date when the inmate arrives at the facility. However, behavior occurring following the decision to change a security level, but prior to the arrival at the new facility, may be considered during the privilege level review.
 5. Inmates who have laterally transferred from one facility to another while retaining their current security level shall retain the privilege level they had prior to the transfer. The anniversary date established for any six-month review, if applicable, shall also transfer with the inmate.
 6. At any time, the unit team may choose to conduct a special privilege level review to either increase or decrease an inmate's privilege level.
 7. Inmates in Protective Control at Level 3, at the discretion of the Managing Officer, may be considered privilege Level 3A. Therefore, privilege level reviews are not required by policy for inmates in Protective Control. Hearing Officer and RIB sanctions may be used to apply different privilege reductions as deemed appropriate by the Managing Officer.

D. Privilege Level Review for Level 4

1. All newly classed level 4 inmates shall be assigned privilege level 4B, unless a review by the BCR determines Level 4A is sufficient to safely manage the inmate. The unit team shall conduct a file review within the first 30 calendar days to determine if the privilege level should be changed. The Managing Officer of the receiving facility may change the privilege level after this first review as they deem appropriate.
 - a. While inmates are at Level 4B and 4AT they should be encouraged to take programs which address the specific reasons why they have been placed in a control unit. Privilege level increases may be denied because an inmate refuses to participate in programs which would address their identified needs, however no inmate shall be

refused a privilege level increase solely because they have not completed programs if they have signed up for programs which are unavailable due to limited availability.

- b. An inmate at level 4B shall receive a privilege level review, at a minimum, every six months. If at the time of the six-month review the inmate has had an RIB conviction and/or has not completed two programs, the inmate may be continued for six months and heard every six months thereafter until he is RIB conviction free and has completed two programs. If the inmate has completed two programs and has not had any RIB convictions at the time of the review, he may be considered for an increase to privilege level 4A Transitional after the unit team has assessed his overall behavior and attitude. During a privilege level review, the unit team shall consider the complete behavioral history of the inmate, especially previous adjustment at higher privilege levels. If the inmate has committed very serious acts, or has had previous difficulties adjusting to higher privilege levels, they may be held longer at privilege level 4B or 4AT.
 - c. Once an inmate has completed the above requirements and placed in the 4A Transitional stage, he shall be given a privilege level review in three months to determine his eligibility for 4A. If an inmate receives an RIB conviction while in the transitional stage, he shall be given a privilege level review to consider placing him back at the 4B privilege level.
 - d. At any time, the unit team may choose to conduct a special privilege level review to either increase or a decrease a privilege level.
2. The inmate shall be served with advance written notice Privilege Level Review (4AT, SPECIAL) (DRC2629) at least 48 hours prior to the commencement of the Privilege Level Review hearing.
 3. The inmate shall appear before the Privilege Level Review Committee to discuss and review the placement issues. The inmate shall have the opportunity to present information and express his objections. The committee shall advise the inmate of its expectations and any steps the inmate can take to improve his eligibility for an increase to privilege level 4A and a subsequent reduction in security level.
 4. At the conclusion of the hearing, the Privilege Level Review Committee shall inform the inmate orally of its recommendation. The committee shall prepare a written recommendation with supporting reasons. The committee shall provide the inmate with a copy of its recommendations Privilege Level Review (4AT, SPECIAL) (DRC2629).
 5. After the Managing Officer/designee receives the Privilege Level Review Committee's written recommendation and related documents, he/she shall independently review those documents and render a decision. The Managing Officer/designee shall then prepare a written decision with supporting reasons. The Managing Officer/designee shall provide the inmate with a copy of his/her decision (DRC2629). This decision is not appealable.
 6. The Privilege Level Review Committee may also recommend a special security level review if that is warranted, in their judgment. Such special reviews must be approved by an individual who could initiate such a placement and shall follow the procedures

described for an annual security review described by Department Policy 53-CLS-01, Inmate Security Classification Levels 1-4.

E. Privilege Level Review for Level 5

1. Privilege level 5B is the entry level privilege status for an indeterminate period. Inmates who are at privilege level 5B and have been reviewed pursuant to this subsection may be placed at privilege level 5A. The first review for level 5B inmates shall take place three months after the initial placement, and shall continue every three months thereafter. The first review of inmates placed at 5A shall take place six months after the initial placement, and shall continue every six months thereafter. Institutional misconduct could result in a reduction in privilege level from 5A to 5B.
2. The inmate shall be served with advance written notice Privilege Level Review (5B, Special) (Page 1)/ Privilege Level Review (5B, Special) (Page 2) (DRC2634/DRC2636) at least forty-eight (48) hours prior to the commencement of the Privilege Level Review hearing.
3. The inmate shall appear before the Privilege Level Review Committee to discuss and review the placement issues. The inmate shall have the opportunity to present information and express his objections. The committee shall advise the inmate of their expectations and any steps the inmate can take to improve his eligibility for an increase to privilege level 5A and a subsequent reduction in security level.
4. At the conclusion of the hearing, the Privilege Level Review Committee shall inform the inmate orally of its recommendation. The committee shall prepare a written recommendation with supporting reasons. The committee shall provide the inmate with a copy of its recommendations on Privilege Level Review (5B, Special) (Page 3) (DRC2642).
5. After the Managing Officer/designee receives the Privilege Level Review Committee's written recommendation and related documents, he/she shall independently review those documents and render a decision. The Managing Officer/designee shall then prepare a written decision with supporting reasons. The Managing Officer/designee shall provide the inmate with a copy of his/her decision on Privilege Level Review (5B, Special) (Page 4) (DRC2643). This decision is not appealable.
6. The Privilege Level Review Committee may also recommend a special security level review if that is warranted, in their judgment. Such special reviews must be approved by an individual who could initiate such a placement and shall follow the procedures described for an annual security review described by Department Policy 53-CLS-04, Inmate Security Classification Level 5.

F. Documentation for Control Unit Inmates (5B, 5A, 4B only)

Documentation of the activities for each level 5B, 5A, and 4B inmates housed in a control unit shall be primarily contained on the Control Unit Daily Activity Log (DRC4120) and the Control Unit Individual Record Sheet (DRC4121). The Control Unit Individual Record Sheet (DRC4121) shall be posted immediately adjacent to the cell door of the inmate unless the

physical layout does not permit and the alternate placement is approved by the appropriate Regional Operations Manager.

1. The following activities and reviews shall be noted on the Control Unit Daily Activity Log (DRC4120). The institution and unit/block shall be recorded at the top of the log. The first record on the Control Unit Daily Activity Log (DRC4120) shall always be for a Sunday.
 - a. For each day and meal, the times that meals were offered to the inmates shall be noted under Serving Times. The time that the first meal is offered in the unit for that particular meal service (Breakfast, Lunch, or Dinner) shall be noted in the Serving Times column. The satellite snack and brunch meal shall replace breakfast and lunch on weekends.
 - b. Whether or not linen exchange was provided, clothing exchange was provided, and barbering services were available shall be noted on the Control Unit Daily Activity Log. A notation (Y or N) shall be recorded for each service on every shift. If the services are provided, the time shall also be recorded. The correction officer documenting activities for that shift shall place their initials in the appropriate box.
 - c. The qualified medical professional completing rounds in the control unit shall enter their signature and their title in the Daily Medical Round Acknowledgement section of the Control Unit Daily Activity Log (DRC4120).
 - d. Mental health rounds and documentation shall be conducted in accordance with Department Policies 67-MNH-02, Mental Health Screening and Assessment Activities, and 67-MNH-27, Transfer of Offenders to the Ohio State Penitentiary.
 - e. As each Control Unit Daily Activity Log (DRC4120) is completed, it shall be maintained in the unit for a period of five years.
2. The following activities and reviews shall be noted on the Control Unit Individual Record Sheet (DRC4121):
 - a. The inmate's name, number, institution, status, and assigned cell shall be documented at the top of the Control Unit Individual Record Sheet (DRC4121) and continued on subsequent Control Unit Individual Record Sheets (DRC4121) where indicated.
 - b. Only refusals or alternative meal service shall be documented on the Control Unit Individual Record Sheets (DRC4121). For each day and meal, the times that the meal was refused or the time the alternative meal service was offered shall be noted under meal times. The satellite snack and brunch meal shall replace breakfast and lunch meals on weekends. If refused, the time the satellite snack and/or brunch meals were offered shall be noted under the breakfast and/or lunch column.
 - c. If the inmate accepts the opportunity for shower, the opportunity for shaving, or replacement/issuance of hygiene items e.g. toilet paper, an "X" shall be placed in the appropriate box for that date and shift. If the inmate was offered the opportunity but

refused, an “R” shall be placed in the appropriate box. Documentation of shower activities on the Control Unit Individual Record Sheets (DRC4121) is unnecessary for facilities that have showers in their cells.

- d. If the inmate was offered an opportunity for exercise and accepts, the start and end times of the exercise period shall be noted under either indoor or outdoor as appropriate. If the inmate refuses the exercise opportunity, an “R” shall be placed in the start time and the time refused noted in the end box under the indoor or outdoor as appropriate.
- e. The correction officer documenting activities for that shift shall place their signature in the appropriate box.
- f. Visits by other staff and unusual behavior, concerns, or issues shall be noted in the comment box and the staff member making the notes shall provide the date of entry, their signature, and title.
- g. As each Control Unit Individual Record Sheet (DRC4121) is completed, it shall be scanned into the electronic unit file in OnBase.

Attachment

Appendix A

Privileges for Levels 2, 3, 4 and 5

Related Department Forms:

Privilege Level Review (4B, 4AT, SPECIAL)	DRC2629
Privilege Level Review (5B, Special) (Page 1)	DRC2634
Privilege Level Review (5B, Special) (Page 2)	DRC2636
Privilege Level Review (5B, Special) (Page 3)	DRC2642
Privilege Level Review (5B, Special) (Page 4)	DRC2643
Privilege Level Review (2B, 3B, SPECIAL)	DRC2626
Control Unit (5B, 5A, 4B) Daily Activity Log	DRC4120
Control Unit Individual Activity Log	DRC4121

PRIVILEGES FOR LEVELS 2, 3, 4 and 5

	Level 5B	Level 5A	Level 4B	Level 4AT	Level 4A	Level 3B	Level 3A	Level 2
Privilege Level Review	3 Months	N/A	6 Months	3 months	N/A	6 Months	N/A	N/A
Classification Status Review	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually
Minimum Recreation/Out of Cell Time	5 one-hour daily periods per week; inside or outside recreation areas.	5 one-hour daily periods per week; inside or outside recreation areas.	5 one-hour daily periods per week; inside or outside recreation pods.	Seven 1-hour daily periods per week. Small group, congregated activities and staff contact without restraints.	Seven 1.5-hour daily periods per week. Congregate recreation with at least one other inmate. Minimum 3 hours out of cell.	3 hours of recreation per day, in groups. 4 hours total out of cell time.	4 hours of recreation per day, in groups. 5 hours total out of cell time.	Large group daily. Limited only by institutional operations needs
Visits	Non-contact, 2 visits per month, per visitor for up to 2.5 hours; Attorney of Record, Clergy of Record.	Non-contact, 2 visits per month, per visitor for up to 3.5 hours; Attorney of Record, Clergy of Record.	Non-contact, 2 visits per month, per visitor for up to 4 hours; Attorney of Record, Clergy of Record.	Contact, 4 visits per month for up to 7 hours, subject to space and staffing levels.	Contact, 6 visits per month for up to 7 hours, subject to space and staffing levels.	Contact. Only limited by space and staffing levels	Contact. Only limited by space and staffing levels	Contact. Only limited by space and staffing levels
Programming	Broadcast over TVs provided in each cell. Small group programming in program booths. Cell front.	Broadcast over TVs provided in each cell. Small group programming in program booths. Cell front.	Broadcast over TVs provided on range or in cell. Small group programming in program booths. Cell front.	Broadcast over TV's; Small group unrestrained.	Broadcast over TV's; Small group unrestrained; small classroom.	Small group unrestrained and classroom	Group and classroom (unrestrained)	Group and classroom (unrestrained)
Minimum Commissary Spending Limits	\$20/week or \$40/every other week	\$25/week or \$50/every other week	\$35/week or \$70/every other week	\$40/week or \$80 every other week	\$45/week or \$90 every other week	\$55/week or \$110 every other week	\$60/week or \$120 every other week	\$90/week or \$180 every other week
Meal Service	Served in Cell	Served in Cell	Served in Cell	Small group in unit or dining hall (optional- Based on space and staffing levels) *In cell feeding prohibited	Small group in unit or dining hall *In cell feeding prohibited	Large group in dining hall-controlled movement	Large group in dining hall	Large group in dining hall