

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Inmate Security Classification Levels 1,4 and Protective Control at O.S.P.	PAGE <u>1</u> OF <u>6</u> NUMBER: 53-CLS-06
RULE/CODE REFERENCE:	SUPERSEDES: 53-CLS-06 dated 04/13/08
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 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 state the guidelines representing the operation of level 4 classification processes at the Ohio State Penitentiary (OSP).

III. APPLICABILITY

This policy applies to all level 1, level 4, and protective control inmates at the Ohio State Penitentiary and all staff involved in the security classification process.

IV. DEFINITIONS

None

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to create an informal, non-adversarial process for the classification of inmates according to their security risk. This process shall consider behavior and such other objective factors as are available and relevant when assessing an inmate's institutional security needs. Factors considered include, but are not limited to:

- Current Offense
- Escape history
- History of violence
- Medical and Mental Health Needs
- Security Threat Group Affiliation
- Institutional Conduct
- Age

The goal of the classification process is to place inmates in the lowest security level deemed necessary to ensure the safety and security of persons, the institution and the community. Inmates shall be placed at institutions that are consistent with their security classification rating. All forms referenced in this policy shall be completed according to guidelines established in the Ohio DRC Inmate Security Classification Manual and Administrative Regulations 5120-9-52, Initial Classification of Inmates, and 5120-9-53, Classification Committees.

VI. PROCEDURES

A. Reasons for Voluntary Placement of Classification Level 4 Inmates at the Ohio State Penitentiary

1. An inmate may be voluntarily placed at Classification Level 4 at the OSP for the following reasons:
 - a. An inmate confined at Classification Level 5 at the Ohio State Penitentiary is reduced to Classification Level 4B. Following the classification decision, the inmate requests to remain at Classification Level 4 at the OSP instead of being transferred to Classification Level 4 at the Southern Ohio Correctional Facility (SOCF) and his request is granted.
 - b. An inmate confined at Classification Level 4 at the SOCF requests to be transferred to Classification Level 4 at the OSP and his request is granted.
 - c. An inmate who is reduced from Level 5 to Level 4B at the OSP or an inmate already on Level 4 who is transferred to the OSP will be provided with an orientation meeting with a member of the unit staff within 14 calendar (fourteen) days of placement on Level 4B at the OSP.
2. An inmate's request to be retained or placed at the OSP is governed by the following rules:
 - a. No inmate shall be placed or retained at Classification Level 4 at the OSP without his written consent.
 - b. The inmate can withdraw his consent in writing at any time and request a transfer. Following receipt of the written request for transfer, the Bureau of Classification and Reception (BCR) shall transfer him to another institution with all due speed (14 days or less).
 - c. For a Level 4 inmate at the OSP, absent serious misconduct, the inmate shall not be retained at privilege level 4B for more than one (1) calendar year.
3. When an inmate is retained or placed at OSP according to this policy, the staff at OSP shall obtain the inmate's signature on the Request for Permission to Remain at the Ohio State Penitentiary (DRC2739).

B. Procedural Requirements Governing Annual Security Reviews for Classification Level 4B Inmates at the OSP

1. Classification Committee Review
 - a. All Classification Level 4B inmates at the OSP shall have a security review at least annually.
 - b. The annual security review shall be conducted by a Classification Committee composed of three members.
 - c. The inmate shall be served with advance Notice of Hearings/Security Level 4B Review (DRC2684) of the hearing at least forty-eight (48) hours prior to the commencement of the hearing.
 - d. Attached to the notice will be a copy of the completed Security Level Review (DRC2647/DRC2648).
 - e. The Classification Committee shall conduct an informal, non-adversarial hearing.
 - f. The inmate shall be afforded the opportunity to appear before the Classification Committee to make an oral statement.
 - g. The inmate shall be afforded the opportunity to submit a written statement and other written documents.
 - h. At the conclusion of the hearing, the Classification Committee shall inform the inmate orally of its recommendation.
 - i. At the conclusion of the hearing, the Classification Committee shall prepare a written statement, which shall include its recommendation and a brief description of the reason(s) supporting the recommendation (DRC2681). The Classification Committee shall provide the inmate with a copy of this form.
 - j. The Classification Committee shall inform the inmate that he has fifteen (15) days following his receipt of the Classification Committee's recommendation within which to file an appeal with the Managing Officer.
 - k. The Classification Committee shall provide the inmate with a copy of the Appeal Form (DRC2680) upon request.
2. Managing Officer's Review
 - a. After the Managing Officer /designee receives the Classification Committee's written recommendation and related documents, he/she shall independently review those documents and render a recommendation.

- b. The Managing Officer /designee shall prepare a written statement which shall include his/her recommendation and a brief description of the reason(s) supporting the recommendation (DRC2682). The Managing Officer /designee shall provide the inmate with a copy of the recommendation (DRC2682).
 - c. The Managing Officer /designee shall inform the inmate that he has fifteen (15) days following his receipt of the Warden/designee's recommendation within which to file an appeal with the BCR.
 - d. The Managing Officer /designee shall provide the inmate with a copy of the appeal form upon request (DRC2680).
3. The Bureau of Classification Review
- a. After the BCR receives the recommendations of the Classification Committee and Managing Officer /designee and related documents, the Chief of the Bureau or designee shall review those document(s) and then render a decision.
 - b. The Chief of the Bureau/designee shall prepare a written statement which shall include his/her decision and a brief description of the reason(s) supporting the decision (DRC2683). The Chief of the Bureau/designee shall provide the inmate with a copy of the decision (DRC2683).

C. Procedural Requirements Governing Annual Security Review for Classification Level 4A Inmates at the OSP.

1. Classification Committee Review
 - a. All Classification level 4A inmates at the OSP shall have a security review at least annually.
 - b. The annual security review shall be conducted by a Classification Committee composed of three members.
 - c. The inmate shall be served with advanced written notice (DRC2099) of the hearing at least forty-eight (48) hours prior to the commencement of the hearing.
 - d. Attached to the notice will be a copy of the completed Security Level Review (DRC2098).
 - e. The Classification Committee will conduct an informal, non-adversarial hearing.
 - f. The inmate shall be afforded the opportunity to appear before the Classification Committee to make an oral statement.
 - g. The inmate shall be afforded the opportunity to submit a written statement and other written documents.

- h. At the conclusion of the hearing, the Classification Committee shall inform the inmate orally of its recommendation.
- i. At the conclusion of the hearing, the Classification Committee shall prepare a written statement, which shall include its recommendation and a brief description of the reason(s) supporting the recommendation (DRC2094). The Classification Committee shall provide the inmate with a copy of this form.

D. Special Security Review for Levels 4A and 4B

1. “Special” security reviews, on dates other than the inmate’s annual review due date, may occur at any time deemed appropriate by the Managing Officer /designee and/or the Bureau of Classification and Reception, following the above listed procedures.
2. Inmates may request a special security review of their progress and program status in writing, utilizing an Institution Kite (DRC2005).
3. Depending on the reason for the request for a special security review, institution staff may consider the following factors in determining an inmate’s eligibility to be considered for a special security review:
 - a. Length of time until the next scheduled security review;
 - b. Parole Board recommendations related to an inmate being over his/her proper guideline;
 - c. Recent conduct and /or attitude;
 - d. Length of time since last placement in disciplinary status;
 - e. Original reason for placement in Level 4 status, including the seriousness of any related conduct report(s); and
 - f. Length of time since the last reduction in status.
4. Any security review, either annual or special, which increases or decreases an inmate’s security level changes the inmate’s anniversary date. The new anniversary date shall be twelve months from the Bureau of Classification and Reception’s approval date of the increase or decrease. A special security review that does NOT result in a change in security level does NOT alter the inmate’s anniversary date; the inmate should receive an additional security review one year from the previous annual review.

E. Voluntary Placement at Classification Level 1 at OSP

1. An inmate may be voluntarily placed at Classification Level 1 and housed within the main compound of the facility in order to provide essential programmatic and support services under the following provisions:
 - a. Restricted to male inmates;
 - b. Medical Level 1 only;
 - c. Mandatory education requirements, if applicable, are fulfilled;
 - d. Essential programming to address criminogenic needs are completed;

- e. The inmate does not meet the mental health exclusionary criteria for OSP as outlined in policy Department Policy 67-MNH-27, Transfer of Offenders to the Ohio State Penitentiary;
 - f. The inmate volunteers for the placement and signs an Inmate Visiting Transfer Processing (DRC2110);
 - g. The Managing Officer of the facility files an open request for inmates and agrees to the placement.
2. An inmate may be removed from Level 1 placement by the Warden at any time as they deem appropriate. Furthermore, an inmate may, at any time, withdraw their volunteer status and they will be transferred within 7 calendar days to an appropriate level 1 facility as determined by the Bureau of Classification.

F. Involuntary Placement of Protective Control Inmates at OSP

An inmate who requires Protective Control and is also Level 4 security may be placed at OSP under the following conditions:

- 1. They cannot be safely housed at any other institution which houses Level 4 Protective Control inmates.
- 2. They do not meet the exclusionary mental health criteria identified in Department Policy 67-MNH-27, Transfer of Offenders to the Ohio State Penitentiary.

Related Department Forms:

Institution Kite	DRC2005
Security Review–MALE (PAGE 1)	DRC2098
Security Review -MALE (PAGE 2)	DRC2094
Classification and Reclassification Processing	DRC2099
Inmate Visiting Transfer Processing	DRC2110
Security Review -MALE (PAGE 3)	DRC2338
Security Level Review (5B, 5A, 4B)	DRC2647
Security Level Review (PAGE 2 OF DRC 2647)	DRC2648
Notice of Appeal Levels 1-4	DRC2680
Security Level 4 Review/Class Committee	DRC2681
Security Level 4 Review/Warden	DRC2682
Decision of Committee/Security Level 4 Review	DRC2683
Notice of Hearings/Security Level 4B Review	DRC2684
Request for Permission to Remain at the Ohio State Penitentiary	DRC2739