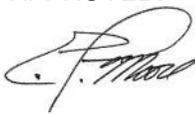


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Classification/Release of Protective Control Inmates	PAGE <u> 1 </u> OF <u> 10 </u> .
	NUMBER: 55-SPC-03
RULE/CODE REFERENCE: A.R. 5120-9-14; 5120-9-21	SUPERSEDES: 55-SPC-03 dated 01/09/06
RELATED ACA STANDARDS: 4-4249; 4-4250; 4-4251; 4-4253; 4-4254	EFFECTIVE DATE: May 24, 2010
	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 uniform procedure of classifying inmates to protective control and to establish a formal release procedure from this status.

III. APPLICABILITY

This policy applies to all persons initiating, investigating, deciding, and reviewing requests for placement of inmates into protective control.

IV. DEFINITIONS

Administrative Transfer - A transfer from one institution to another which may result if it is determined that the presence of the inmate constitutes an immediate and probable danger to the security of the institution, to other inmates, staff, or the inmate.

Protective Control Committee - A two-person panel appointed by the Managing Officer to review all requests for protective control placement.

Protective Control File – A file created and maintained by the Managing Officer containing all documentation pertaining to an inmate’s protective control history. The protective control file is developed after placement in protective custody has been approved by the Bureau of Classification and Reception.

Protective Control Housing - A housing unit or area segregated from general population for the purpose of protecting those inmates who face a significant and verified risk of harm from a specific person, other inmate, or group of inmates. The unit operations shall include programs and services comparable to those offered to general population inmates.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to maintain housing areas designated as protective control. Protective control areas shall be used to house inmates that due to personal physical safety concerns need to be separated from the general population. Housing assignments may include single or double cell with like or similar inmates.

To the extent the safety, security and orderly management of inmates confined in Protective Control can be maintained, such inmates shall be provided privileges and programming consistent with privileges and programming provided to general population inmates.

VI. PROCEDURES

A. Initiating Placement

Placement into Protective Control can be made by a request from an inmate or staff referral.

1. It is the responsibility of staff to be alert to signs that an inmate is in danger and may require protection. Staff is required to take steps to protect an inmate even when the inmate does not acknowledge that a threat exists. When staff has information suggesting there may be a threat to that inmate's safety, an inmate may be placed involuntarily in segregation pending a protective control evaluation.
2. Either the inmate or a staff member may initiate protective control consideration. The request or referral shall be investigated and heard by a protective control committee. The protective control committee shall consist of two members appointed by the Managing Officer of which one member will be designated as the chairperson. No member of the protective control committee shall have been a member of a Rules Infraction Board who heard or investigated any conduct reports related to the protective control request.
 - a. If the request comes from the inmate, then the staff member shall have the inmate complete a Request for Protective Control (DRC4167) and prepare a written statement detailing the reason(s) for the request.
 - b. The shift commander shall discuss the matter with the unit manager in the inmate's housing area. If it appears reasonably possible that the inmate may be in immediate danger, then the shift commander shall place the inmate in security control pending investigation and a protective control hearing. A Report of Security Control Form (DRC4019) shall be completed and reviewed by the responsible Deputy Warden within 72 hours of security control placement.
 - c. Staff shall gather available information, complete an Incident Report (DRC1000), and submit the report along with the Report of Security Control (DRC4019) that was completed by the shift commander to the responsible Deputy Warden/designee. Confidentiality shall be maintained at all levels of information gathering.

- d. The responsible Deputy Warden shall review the security control placement. If the responsible Deputy Warden determines that additional information is needed, he or she shall assign a staff member to conduct an investigation. In either case, the responsible Deputy Warden will refer the information, investigation if any, and request to the chairman of the Protective Control Committee. Generally, this referral should occur within the first 72 hours of the request unless a more detailed investigation requires additional time. In those cases, the responsible Deputy Warden/designee shall notify the inmate of the delay in the manner approved by the Managing Officer.
 - e. At this stage, and at all other stages of the process described in this policy, staff shall incorporate into their decision-making the fact that there may be some situations in which an inmate cannot identify a specific individual who presents a threat.
 - f. The protective control hearing shall be held within seventy-two hours of placement into security control, unless additional investigation is necessary and approved by the Managing Officer. In such cases, the inmate shall be promptly notified of the delay by the responsible Deputy Warden in the manner approved by the Managing Officer.
 - g. The inmate shall be notified in writing of the purpose of the hearing and his right to be heard concerning the proposed placement utilizing the Security Classification and Job Assignment (DRC2099) form no less than forty-eight hours in advance of the hearing unless such notice has been waived. The inmate shall be permitted to state his/her position concerning the proposed placement.
3. When a re-incarcerated inmate is received who formerly had been confined in a protective control (PC) location, had been in approved PC status pending transfer at the time of release, was known to have been in an alternate placement, or was pending PC evaluation at the time of release, the inmate shall be segregated from general population pending a PC screening as described in this policy. Any returning inmate that fears a transfer and/or requests a separation should make this request during the completion of the Reception Intake Questionnaire (DRC2720) as outlined in Department Policy 52-RCP-01, Reception Admission Procedures.
 4. Inmates re-incarcerated within 180 days of release who were approved PC status upon release shall be considered PC status upon return. The PC chairman shall obtain the inmate's PC file to review and determine if the removal process should be initiated. The chairman shall document his or her decision on the Protective Control Review form (DRC2443). If removal is not initiated, the inmate will remain in segregation pending classification and transfer to an appropriate PC placement.

B. Protective Control Committee Hearing

1. The function of the Protective Control Committee is to evaluate the inmate's need for protection from another inmate(s). An Interview Assessment form (DRC4390) must be completed with the inmate to obtain information pertaining to his/her request for protective control that may need to be verified or investigated further. Once the

evaluation is completed, the committee can recommend to the Managing Officer the following dispositions: protective control placement, unit (local) separation, institutional transfer, or any other appropriate or administrative action approved by the Bureau of Classification and Reception (BCR) Chief.

2. When conducting a protective control hearing, the committee shall be thorough in gathering all the pertinent information necessary to make a determination of placement. Key factors include, but are not limited to, the following:
 - a. Circumstances surrounding the request for protective control. This should include names, nicknames, aliases, times, dates, location, and witnesses, whenever feasible.
 - b. The type of threat, i.e., written, verbal, physical, and any example(s) of these. Medical and psychological reports should be included when applicable. It is necessary for the inmate to provide names, numbers, unit, work assignment, race, security threat group affiliation, names, and associates, whenever possible.
 - c. If the inmate testified in court, the name of the defendant, date of conviction, court, county, and the date of testimony are necessary. The name of a contact person, title, and agency should be provided by the inmate for verification.
 - d. If the inmate states he/she was a police informant, the inmate shall provide the county, agency, and dates of services. The inmate must provide a contact person's name, title, and agency for verification. The contact person shall be notified and questioned as to the extent of the inmate's involvement.
 - e. If the inmate states that he/she is a former correctional or law enforcement employee, he/she must provide the institution or agency in which he/she was employed and the dates of services.
3. It is important that all the information gathered is verified and well documented. Any agency contacted shall include the person's name, phone number, and agency on the Protective Control Screening Form (DRC4168).
4. If the inmate is not requesting protective control and a staff member made the referral, the committee shall justify why the placement is warranted. The recommendation to the Managing Officer shall include the issues and concerns that necessitate protective control placement, and the inmate's statement regarding his refusal of said placement.
5. All investigations, interviews, and proceedings regarding protective control status of an inmate are considered confidential. Availability of information is limited to staff members on a need-to-know basis.
6. The investigative report documenting the facts surrounding the request for protective control, a summary of the inmate's testimony to the committee, and a Request for Protective Control Form (DRC4167) signed by the inmate, shall be prepared and submitted to the Managing Officer with all other documents pertaining to the request for consideration. The Protective Control Screening form (DRC4168) shall be used as the

cover and vote sheet for this recommendation. Both panel members must concur in the recommendation. In the event there are conflicting recommendations, the tie shall be broken by a staff member designated by the Managing Officer, who shall review the complete documentation to include, but not be limited to, the investigation report. Upon completion of the review, the designee shall cast the deciding third vote.

7. The committee chairperson will ensure a written summary on the Protective Control Screening form (DRC4168) of the committee's findings and any other relevant documents or statements.
8. The committee shall promptly communicate its recommendation to the inmate and advise the inmate of his right to file objections to the committees' recommendation to the Managing Officer. The committee shall forward its written recommendation to the Managing Officer, including their reasons for such a decision.

C. Decision of the Managing Officer

1. The Managing Officer shall review the findings and recommendations of the Protective Control Committee and any statements made by the inmate and decide whether to:
 - a. Request, to the Bureau of Classification and Reception, pursuant to Administrative Rules 5120-9-21, Inter-Institutional Transfer of Inmates, and 5120-9-14, Protective Control, that the inmate receives an administrative transfer to a protective control unit, if protective control is warranted.
 - b. Request, to the Bureau of Classification and Reception, pursuant to Administrative Rule 5120-9-21, Inter-Institutional Transfer of Inmates, that the inmate receives an administrative transfer to another institution.
 - c. Deny a protective control request.
2. The Managing Officer shall notify the inmate in writing of his or her decision within forty-eight (48) hours of receipt of the committee recommendations by using the Protective Control Screening Form (DRC4256).
3. The inmate shall be informed of his or her right to appeal the Managing Officer's decision within 5 calendar days to the Bureau of Classification and Reception. Such appeal shall be on the Objection to Protective Control Decision form (DRC4259) as described in Section VI (F) of this policy.
4. If the Managing Officer recommends a transfer to a protective control unit or a transfer to another institution in lieu of protective control, Transfer Authorization Request form (DRC2003) shall be completed. The Managing Officer will forward this and all applicable documents not available in DOTS Portal to the BCR for final review.

D. Bureau of Classification and Reception (BCR) Action

1. Upon receipt of a recommendation for administrative transfer, the Bureau of Classification and Reception shall consider the basis for the Managing Officer's request, along with all other relevant information, to include the inmate's objection if any, during the review process.
2. The BCR Chief/designee shall decide if the inmate is to be placed in protective control and shall notify the inmate in writing of its decision and response to any objections.
3. The BCR shall complete the Transfer Authorization Request form (DRC2003), indicating approval or disapproval of the Managing Officer's recommendation. The rationale for disapproval and/or modification will be listed.
4. The BCR will enter any institutional separations and begin the transfer process, if applicable.
5. A copy of the completed Transfer Authorization Request Form (DRC2003), Institutional Separation form(s) (DRC2456), and any other relevant documentation will be forwarded to the institution for distribution and the signed documents placed in the PC file.

E. Protective Control File Management

1. The protective control file should contain the following information:
 - a. Request for Protective Control (DRC4167);
 - b. Incident report (DRC1000);
 - c. Protective Control Screening (DRC4168);
 - d. Summary of investigation;
 - e. Names, position, phone number, agency name (when applicable) of those providing statements/information;
 - f. Any document, photograph, etc., considered in the decision making process;
 - g. Objection to Protective Control Decision (DRC4259);
 - h. Protective Control Reviews (DRC2443);
 - i. Interview Assessment (DRC4390);
 - j. Protective Control Release (DRC4169);
 - k. Separation Order(s) (DRC2456).
 - l. Approved Transfer Authorization Request (DRC 2003)
2. It shall be the Managing Officer's responsibility to maintain security and confidentiality of each file and determine who shall have access to the file.

F. Appeals Process

1. If the inmate disagrees with the Managing Officer's decision, he or she may appeal the decision by submitting his/her request in writing within five (5) calendar days after receipt of the Managing Officer's decision, to the Chief of the Bureau of Classification and Reception by completing an Objection to Protective Control Decision Form

(DRC4259). If an inmate chooses to appeal the recommendation of the Managing Officer, the inmate shall remain in security control pending the appeals process.

2. The BCR Chief/designee shall review the Committee's report, the Managing Officer's decision and recommendation, and the information provided by the inmate.
3. The purpose of the BCR review is to determine:
 - a. If there was a complete and thorough investigation.
 - b. If the evidence supports the findings of fact.
 - c. If the recommendations are logical and established from fact.
 - d. If the decision of the Managing Officer should be overridden.
4. If the BCR believes that a transfer to an institution that has a protective control unit, a transfer to an institution without protective control, and/or a separation order is appropriate, he or she may order such action to take place.
5. If the BCR disapproves the recommendation of the Managing Officer and the inmate has not already appealed, the inmate will have 5 calendar days from the date he or she receives notice of the BCR decision to appeal to the BCR.
6. The BCR decision on the appeal will be stated on the Protective Control Screening form (DRC4168).
7. The BCR decision on placement into protective control is final. Appeals on release from protective control are described in Section H, Release Procedures, of this policy.

G. Protective Control Reviews

1. A unit staff member shall conduct and document a review of the unit file at seven-day intervals for the first 60 days that the inmate is in protective control and every 30 days thereafter. This review shall be documented on the Protective Control Unit Staff Review form (DRC2445). The unit staff member shall not be required to review the file when an interview by the reclassification committee or Managing Officer/designee is scheduled as set forth below. This review shall be for the purpose of reviewing the overall adjustment of the inmate, as well as the appropriateness of the placement. The unit staff member should make referrals, when they become necessary, to the reclassification committee, if indicated. The BCR must approve transfers from the protective control unit to the general population at any facility, in advance.
2. The reclassification committee shall conduct interviews at ninety-day intervals to recommend continuation in protective control, release to the general population, housing (unit) separation or institutional transfer. The reclassification committee shall not be required to conduct an interview when an interview by the Managing Officer/designee is scheduled. The Managing Officer/designee shall conduct interviews every six months to determine if continued placement in protective control is necessary. All reviews shall be documented on the Protective Control Review Form (DRC 2443).

3. Inmates confined in protective control shall be provided privileges and programming consistent with inmates in general population to the extent the safety, security and orderly management of inmates in protective control can be maintained.
4. If it is determined that protective control is no longer necessary, the Managing Officer shall forward the recommendation along with relevant documentation not available in DOTS Portal to the BCR. BCR shall make the final determination and initiate any transfers if warranted.

H. Release Procedures

1. Release procedures may be initiated during any of the inmate's reviews, based on the following reasons:
 - a. The conditions that prompted the inmate's placement in protective control are no longer present, and/or,
 - b. Information and/or evidence developed during the period of confinement indicates that conditions have changed and the inmate is now able to successfully cope in general population, and/or,
 - c. The inmate is found guilty of a violation of an institutional rule by the Rules Infraction Board and is transferred to a more restrictive unit, as dictated by the committee findings and approved in advance by the Managing Officer. The protective control unit staff shall inform the staff of the receiving segregation unit of the inmate's special need for protection. Care shall be given in all inmate movement to ensure the inmate's safety and security. Upon release from the special restrictive unit, the inmate will be returned to the protective control unit unless reclassified to another facility.
2. The inmate may, at any time between his review dates, request in writing release from protective control. The Protective Control Committee will interview the inmate, document his/her reasons for release, and have him/her sign a Protective Control Release form (DRC4169). A written report, along with the inmate's waiver, will be submitted by the Managing Officer to the Bureau of Classification and Reception.
 - a. The Protective Control Committee shall evaluate the inmate's request by a thorough review of separation orders, separation removals, and other relevant information.
 - b. The Release Request Packet containing a completed Protective Control Review Form (DRC2443), the Protective Control Release (DRC4169), completed Security Instrument, and Transfer Authorization Request (DRC2003), shall be forwarded to the Bureau of Classification and Reception. The Managing Officer's signature must appear on the Protective Control Review form (DRC2443).
 - c. The Protective Control Committee shall not consider an inmate request of this type more often than every 180 days unless the request presents compelling evidence of a need for a more prompt investigation.

3. When the Protective Control Committee, Managing Officer/designee or Director/designee recommends release from protective control over the objections of the inmate, the Managing Officer shall appoint a two-person committee made up of persons different from those originally making the recommendation for release. Procedures described in section VI, B shall be initiated, including the appeal procedure to the Bureau of Classification.
4. If approved, the Bureau of Classification and Reception shall assign an institution placement for the inmate. The inmate shall remain in protective control until the transfer can be arranged.
5. Upon the inmate's transfer, all protective control information will be sealed and stamped confidential. The protective control files will be hand delivered to the Managing Officer's office.
6. Upon the inmate's expiration of definite sentence, parole, or other release, the Managing Officer maintaining these files will seal the information and place it in the record office file. This portion shall be marked confidential, with a notation to be opened by the Managing Officer or higher authority only.

Related Departmental Forms:

Incident Report	DRC1000
Transfer Authorization	DRC2003
Security Classification and Job Assignment	DRC2099
Protective Control Review	DRC2443
Protective Control Unit Staff Review	DRC2445
Separation Order	DRC2456
Reception Classification Intake Questionnaire	DRC2720
Report of Security Control	DRC4019
Request for Protective Control	DRC4167
Protective Control Screening	DRC4168
Protective Control Release	DRC4169
Protective Control Notification	DRC4256
Objection to Protective Control Decision	DRC4259
Interview Assessment – Protective Control	DRC4390