

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Risk Reduction Sentence Monitoring and Release</b>	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 78-REL-07
RULE/CODE REFERENCE: AR: 5120-2-14, 5120-2-06 ORC: 2929.143, 2967.191, 2967.193	SUPERSEDES: 78-REL-07 dated 02/10/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: August 15, 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 set forth rules governing the monitoring and release of inmates eligible for risk reduction sentencing.

**III. APPLICABILITY**

This policy applies to all persons employed by the Ohio Department of Rehabilitation and Correction independent contractors providing a service to the department, inmates, and volunteers.

**IV. DEFINITIONS**

**Non-Mandatory Prison Term** – Any prison term that is not identified as a mandatory prison term in the sentencing court’s sentence.

**Risk Reduction Sentence** – A provision of HB86 wherein the Court, at the time of sentencing, may indicate an inmate may be released after serving 80% of his/her non-mandatory prison sentence, less jail credit, if certain programming and treatment requirements are met.

**Reentry Approved Programs** - Reentry programs that incorporate the evidence based practices and principles associated with effective correctional programming and approved through the Reentry Program Oversight Committee as described in Department Policy 02-REN-02, Reentry Programs. Programs approved for reentry must be facilitated by Department staff or an approved community partner or volunteer.

**Case Plan** - An individualized plan for inmates under the Department's custody/supervision designed to identify and target the inmate's identified dynamic risk factors areas based upon the completion of the ORAS instruments and through appropriate placement in programming. The identified dynamic risk factors are prioritized and categorized by domain and program recommendation.

**Risk Reduction Management Team (RRMT)** - A team of service providers and unit management staff designated to meet no later than 45 days from the arrival of an inmate to their parent institution. This team will work together to create case plans for inmates who are eligible for risk reduction. Team members shall be determined by the risk and/or need specified on the Prison Intake Tool (PIT) as well as results of specialized assessments and/or screenings (education, mental health and recovery services).

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to conduct an assessment of the inmate's needs and risk to re-offend, recommend appropriate treatment or programming, and notify the sentencing court in writing at least 30 calendar days prior to the inmate's release that (s)he has successfully completed prescribed programming and treatment for inmates identified as serving a risk reduction sentence.

## VI. PROCEDURES

- A. Upon admission to DRC, the Bureau of Sentence Computation (BOSC) shall review the journal entry, identify who is serving a risk reduction sentence, and flag the same in CERT2 of DOTS Portal. BOSC shall calculate the earliest risk reduction eligibility date and note this in the SENTN screen of DOTS Portal. BOSC shall also calculate and record in the inmate's record both of the following:
1. The date upon which the inmate will have served each mandatory prison term to which the inmate was sentenced, if any, and a minimum of eighty percent of the remaining aggregated non-mandatory prison terms, reduced by any jail time credit.
  2. The date on which the inmate would reach the expiration of the inmate's stated prison term, reduced by any jail time credit to which the inmate is entitled, but not reduced for any risk reduction programming or treatment that the inmate may successfully complete during the inmate's incarceration.
- B. After admitting an inmate who has been sentenced to a risk reduction sentence, reception center classification staff shall conduct an assessment of the inmate's needs and risk of reoffending per Department Policy 02-REN-01, Prison Reentry Assessment and Planning. Such an assessment shall be documented in the appropriate ORAS Notes. The Prison Screening Tool (PST) and/or Prison Intake Tool (PIT) shall serve as the prison based risk and needs assessment tool. A signed Authorization to Disclose/Release information to Offender Risk Assessment System for Mental Health (DRC5349), Education (DRC5360) and Recovery Service (DRC2293) is required from all inmates prior to program staff (mental health, recovery services & education) entering any information in ORAS.

Once an inmate at a reception center has been identified as risk reduction eligible and they have been classified, the Reception Coordinator shall prioritize their placement in a parent institution within 30 calendar days.

### C. Case Plan Development

1. Once a risk assessment is completed and the inmate is transferred to his or her parent institution, the Risk Reduction Management Team (RRMT) shall create a case plan for each inmate within 45 calendar days of arrival at the parent institution. Team members shall be determined by the risk and/or need specified in the prison Intake Tool and any other specialized assessments and/or screening. The case manager facilitating the RRMT shall notify the necessary service providers five (5) working days in advance of the meeting date. When required, program staff shall continue with the case plan by entering relevant information. The case plan shall document the recommended programming or treatment, progress, and completion or termination of programs and/or treatment for each inmate. The case planning tool is accessed through the Prison Intake Tool in ORAS. For low risk inmates the PST Notes shall serve as a case plan. Inmates shall be encouraged to engage in pro social and meaningful activities such as community service, inmate led groups, recreational programs, cultural, and spiritual events. Additionally, the inmate shall follow any recommendations made by special services treatment/program staff. All recommendations shall be discussed with the inmate. Inmates marked as risk reduction shall be monitored for compliance to meet the criteria of HB 86.
2. During the development of the case plan, the inmate shall be informed by the case manager that they are to follow all institutional rules and regulations. Failure to do so will impact their suitability. The inmate shall be informed that programming and treatment recommended by DRC includes abiding by institutional rules. This shall be documented by the case manager in the inmate's case plan.

### D. Case Plan Review and Revision

The case plan for risk reduction inmates shall be reviewed or revised at key intervals during incarceration which includes, but is not limited to:

1. As quickly as possible but no later than 45 calendar days after arrival at the parent institution.
2. When it is evident that an inmate, due to no fault of their own, will be unable to complete recommended program(s) prior to the earliest release date. This may occur during any review session (i.e. annual supervision).
3. After the inmate has committed a significant rule violation which may indicate a new risk area (i.e. violence or drug use).

### E. Case Plan Review and Follow-up

1. The case manager or primary owner of the case plan or RAP shall review the case plan /RAP when a significant change in the inmate's case plan is made by a program provider or the behavior of the inmate prompts a review. Reviews shall occur annually until the inmate's final year, at which time reviews shall occur every 90 days.

2. During case plan reviews, the inmate shall be present. Furthermore, goals and objectives of the case plan shall be discussed when the inmate is recommended for additional program participation.
  3. In addition to on-going case management interactions, the Unit Manager and/or Unit Management Chief shall ensure annually that an inmate's case plan /RAP is reviewed as required, and that adequate and timely interventions are being administered.
  4. Quality assurance reviews may be completed in conjunction with the annual security review and documented in the inmate's case plan.
  5. The Unit Management Chief or the responsible Deputy Warden's designee is responsible for monitoring the quality of the PIT interview, documentation and management of the case plan and RAP, and ensuring all program providers are communicating through the inmate's case plan and or RAP screens.
- F. Sixty (60) calendar days prior to the inmates anticipated risk reduction release, the Unit Management Chief shall verify the inmate's successful completion of the programming and treatment prescribed for the inmate by the RRMT. This may require contacting all programming departments identified in the case plan to ascertain the inmate's compliance and successful completion of programs or treatment.
- G. Upon verification by the Unit Management Chief that the inmate has successfully completed all treatment or programming recommended by the Department of Rehabilitation and Correction, the Unit Management Chief shall notify the Bureau of Sentence Computation via data entry into the RROK screen in DOTS Portal. Also, the Risk Reduction Program Review Form (DRC2034) shall be completed and emailed to DRC BOSCO Earned Credit at [DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US](mailto:DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US). The BOSC shall then generate the Risk Reduction Notification Letter to the Sentencing Court (DRC2479). This letter notifies the Court of the inmate's impending release, which will occur no sooner than thirty calendar days from the date of the letter. No further action is needed from the Court.
- H. Inmates who fail to complete the recommended programming or treatment shall not be released under the risk reduction sentence release date. Inmates who have been convicted by the Rules Infraction Board of a significant rule violation shall also be subject to removal at the discretion of the RRMT Committee. Documentation of the reason that the inmate failed to complete the recommended programming or a significant rule violation shall be made on the Risk Reduction Review form. Removal from risk reduction sentencing shall be approved by the Managing Officer or designee. The completed Risk Reduction Review form (DRC2034) shall be emailed to DRC BOSCO Earned Credit at [DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US](mailto:DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US).
- I. Unit management staff shall continue to monitor eligible inmates who had not completed their programs at their earliest release date for program/treatment completion. Unit management staff shall review the inmate's progress in 90-day intervals to determine if the inmate has completed programming that would permit an early release. Inmates who complete programming after the earliest risk reduction eligibility date, but in between the 90-day unit management reviews, may notify unit management staff and be considered for a risk reduction sentence. The Unit Management Chief shall verify the inmate's successful completion and, if verified, shall notify the Bureau of Sentence Computation via data entry into the RROK screen in

DOTS Portal. Also, the Risk Reduction Program Review form (DRC2034) shall also be completed and emailed to DRC BOSCO Earned Credit at [DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US](mailto:DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US). The BOSC shall then generate the Risk Reduction Notification Letter to the Sentencing Court (DRC 2479).

- J. BOSC staff shall notify the Parole Board via email of each inmate that has achieved successful completion and will be released on the risk reduction release date.
- K. All inmates released under a risk reduction sentence shall be supervised on post release control/monitored time until their sentence expires.
- L. An inmate may voluntarily withdraw from risk reduction eligibility at any point by completing a Risk Reduction Program Waiver (DRC2036). Upon completion of the form, unit management staff shall scan and email to DRC BOSCO Earned Credit at [DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US](mailto:DRC.BOSCEARNEDCRED@ODRC.STATE.OH.US). BOSC shall remove the risk reduction qualifying date and risk reduction release date from the RROK screen and place a note in the CERTN screen in DOTS Portal. BOSC shall scan all completed forms to OnBase in the Post Commitment Document section and notify the parole board.
- M. Returned Early Release Violators
  1. If the returned violator was in Transitional Control status, upon return they are still risk reduction eligible. They shall be reassessed at readmission to determine programming needs.
  2. If the returned violator was a court release (judicial release, 80% court release, etc.), and the court re-imposes the original sentence by using that specific language, the inmate shall remain risk reduction approved. The inmate shall be reassessed at readmission to determine programming needs.
  3. If the returned violator was a court release as described above and the court restates the sentence or orders a different sentence, the Court will also need to restate the risk reduction approval. If not, the inmate is no longer a risk reduction candidate. Again, new assessments shall be completed if risk reduction remains approved.
  4. If the returned violator was on post release control and violated the terms and conditions of supervision and receives a prison sanction, the inmate will no longer be eligible for a risk reduction release.
  5. If the returned violator was on post release control and recommitted on a new felony charge, the Court must sentence the inmate to risk reduction eligibility.

**Related Department Forms**

Risk Reduction Program Review Form	DRC2034
Risk Reduction Program Waiver	DRC2036
Authorization to Disclose/Release Recovery Services Information to ORAS	DRC2293
Risk Reduction Notification Letter to the Sentencing Court	DRC2479
Authorization to Disclose/Release Mental Health Information to ORAS	DRC5349
Authorization to Disclose/Release Education Information to ORAS	DRC5360