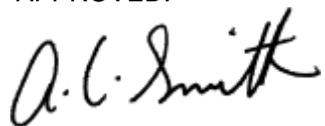




SUBJECT: <b>Transitional Control Screening</b>	PAGE <u> 1 </u> OF <u> 7 </u> .
	NUMBER: <b>108-ABC-05</b>
RULE/CODE REFERENCE: ORC 2967.16, 2967.26, 2930.16	SUPERSEDES: 108-ABC-05 dated 01/08/18
RELATED ACA STANDARDS:	EFFECTIVE DATE: <b>June 3, 2019</b>
	APPROVED: 

**I. AUTHORITY**

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

**II. PURPOSE**

The purpose of this policy is to establish screening guidelines for inmates transferred to the Transitional Control (TRC) Program

**III. APPLICABILITY**

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and all offenders under the supervision of ODRC.

**IV. DEFINITIONS**

**DOTS Portal** - The web-based information platform which serves as the primary information system for information on all offenders under DRC supervision. The system contains information regarding the offender from admission at reception to the final release under supervision. This system is updated throughout each day. Access is restricted to essential users only.

**Independently Licensed Mental Health Professional (ILMHP)** - Psychiatrists, psychologists, advance practice nurse – mental health (APN-MH), licensed professional clinical counselors (LPCC), and licensed independent social workers (LISW), who, by virtue of their training, experience and state licensure laws, are qualified to provide mental health care and have been specifically assigned identified tasks in this policy.

**Parole Board** - Section of the Adult Parole Authority (APA) created in Ohio Revised Code sections 5149.02 and 5149.10 whose duties include, but are not limited to, reviewing and evaluating offenders for parole and clemency consideration and imposing post-release control.

**Transitional Control (TRC)** - A prison release program to release approved inmates up to 180 days prior to the expiration of their prison sentence, release on parole, or release to post release control supervision. The inmates will be under closely monitored supervision and confinement in the community, such as a stay in a licensed halfway house (HWH) or restriction to an approved residence on electronic monitoring in accordance with section 2967.26 of the Ohio Revised Code.

## **V. POLICY**

It is the policy of the Ohio Department of Rehabilitation (ODRC) that inmates shall be screened to determine transitional control (TRC) eligibility based upon the criteria established pursuant to Ohio Revised Code section 2967.26, and Administrative Rules 5120-12-01, Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility, and 5120-12-02, Screening, Selection and Notice of Transfer.

## **VI. PROCEDURES**

### **A. General Guidelines**

1. All inmates shall be screened to determine initial TRC eligibility based on the criteria established in Administrative Rule 5120-12-01, Establishment of a Transitional Control (TRC) Program and Minimum Criteria Defining Eligibility.
2. The Ohio Parole Board is the section of the Adult Parole Authority (APA) designated with the duty of determining which eligible inmates shall be recommended for transfer to the TRC program. If recommended for transfer, inmates may participate in the program up to 180 days prior to their release or expiration of sentence.
3. If it is determined at any time that the inmate shall not be placed on TRC, the inmate shall be notified in writing of this fact.

### **B. Transitional Control Screening Procedures for the Ohio Parole Board Staff**

1. Initial eligibility is determined utilizing a checklist which is auto-populated and reported on the PBTC screen in DOTS Portal, which determines whether an inmate is initially eligible to participate in the program.
2. Utilizing the TRCRP Report in DOTS Portal, the parole board parole officer (PBPO) or designated Parole Board staff shall screen all inmates determined to be initially eligible and enter the screening into the TRC1 screen in DOTS Portal. The PBPO or designated Parole Board staff shall also check "Participate" into the TCOK screen in DOTS Portal.
3. Inmates serving sentences imposed for crimes committed prior to July 1, 1996, who request placement into the TRC program, shall have a Parole Board hearing in accordance with ODRC Policy 105-PBD-03, Parole Board Release Process. For inmates requesting a TRC hearing, the case manager shall forward a TRC waiver to the PBPO or designated Parole Board staff. The PBPO or designated Parole Board staff will conduct a file review of the case to determine if the inmate meets eligibility for the TRC program.

If eligibility criteria are met, the PBPO or designated Parole Board staff shall then send a request to the Bureau of Sentence Computation (BOSC) in order to schedule a TRC hearing.

4. Inmates serving sentences imposed for crimes committed on or after July 1, 1996 shall have a TRC file review completed by the PBPO or designated Parole Board staff who will make a recommendation for/against transfer into the TRC program. This review shall include the following: all available DOTS Portal information, journal entries, LEADS, current and previous presentence investigations and inmate background investigations, and any detainers and/or notifies.
  - a. If it is determined no investigation has been completed on the case(s) for which the inmate is incarcerated, the PBPO or designated Parole Board staff shall utilize court documents and any previously completed investigation to include a review of the current computerized criminal history (i.e., Law Enforcement Automated Data System (LEADS) report).
  - b. If the inmate is eligible for the program, a file review shall be completed by the PBPO or designated Parole Board staff to include a review of the Institutional Summary Report (ISR). The recommendation for/against transfer into the TRC program shall be based on criteria as established in Administrative Rule 5120-12-01, Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility, and any other information pertaining to the inmate's prior criminal record and institutional adjustment deemed relevant.
    - i. The PBPO or designated Parole Board staff shall make a SB143 notation in DOTS Portal CONDR screen to include the initials of the reviewer and the date the notation was entered if the inmate is serving an aggregate sentence of two (2) years and one (1) day or more.
    - ii. After a TRC recommendation has been entered into DOTS Portal, the PBPO or designated Parole Board staff shall email designated Parole Board and Bureau of Community Sanctions (BCS) staff the name and inmate number of any inmate recommended for Transitional Control in which SB160 victim notification applies by the end of the business day.
  - c. The results notification from DOTS Portal shall be forwarded to the inmate, indicating whether transfer to the program has been recommended or denied. A TRC program information sheet shall be included with the result notification if the inmate was recommended for the program.
  - d. If exclusionary criteria exists that makes an inmate ineligible to participate in the TRC program, the PBPO or designated Parole Board staff shall complete the Transitional Control Ineligibility form (DRC3114). A copy of this form shall be forwarded to the inmate.

- e. If the inmate is recommended for transfer to TRC by the PBPO/designee, designated Parole Board staff shall give notice of the pendency of transfer to the sentencing court if the inmate is serving less than two (2) years and one (1) day of an aggregate sentence. Notice to the sentencing court is not required for an inmate who has an aggregate sentence of two (2) years and one (1) day or more.
- f. All relevant documents utilized in the TRC screening process shall be forwarded to the Bureau of Records Management (BORM) Document Imaging Group.

### **C. Transitional Control Screening Procedures for Mental Health**

1. The mental health administrator/mental health manager (MHA/MHM) or designee shall review the Transitional Control Recommended Inmates on Mental Health Caseload report on the TRC1 screen in DOTS Portal at a minimum one (1) time a week to determine if any inmate being considered for TRC release is currently on the mental health caseload.
2. The MHA/MHM or designee shall assign any Severely Mentally Ill (SMI) or Non-SMI (on psychotropic medication) inmate being considered for TRC release to a psychiatrist/APN-MH to review and determine, based on clinical judgment, if the inmate is able to complete the requirements of the TRC program.
3. The MHA/MHM or designee shall assign any Non-SMI (not on psychotropic medication) inmate being considered for TRC release to an independently licensed mental health professional (ILMHP) to review and determine, based on clinical judgment, if the inmate is able to complete the requirements of the TRC program.
4. The MHA/MHM or designee shall complete the referral section of the Mental Health Caseload Transitional Control Release form (DRC5514) and forward it to the assigned psychiatrist/APN-MH or ILMHP.
5. The psychiatrist/APN-MH or ILMHP shall review the inmate's Electronic Health Record (EHR) and conduct a face-to-face interview, if necessary, within two (2) weeks of the assignment to determine if the inmate meets the following criteria.
  - a. The inmate must be at least ninety (90) days clinically stable with no major psychotropic medication adjustments.
  - b. The inmate must be able to work full time (32 or more hours/week) and/or participate in full time educational or vocational training.
  - c. Inmates with less than 90-day medication compliance or ninety (90) days stability, may be considered for release in the following circumstances:
    - i. Inmates who were first prescribed medications in the county jail, primarily for sleep, and whose medications were discontinued upon arrival into the institution, may be considered after a 60-day monitoring period if determined the medication(s) were not necessary to treat clinical symptoms. Inmates

shall be educated that if medications are reconsidered in the community while on TRC, the inmate may be required to return to the institution for medication evaluation. This education shall be documented in the EHR

- ii. Timeframes for monitoring medication compliance that would prevent the inmate an opportunity to participate in TRC, may be considered after sixty (60) days of medication compliance and stability by the ALP. Inmates shall be scheduled and evaluated face to face prior to the MHOK screen being completed. Inmates shall be 100% compliant with only slight medication adjustments to dosages since meds were initiated and shall remain 100% medication compliant up to release to TRC.
6. The psychiatrist/APN-MH or ILMHP shall document his/her recommendation in the recommendation section of the Mental Health Caseload Transitional Control Release form (DRC5514) and on the MHOK screen in DOTS Portal. A brief progress note shall be completed in the inmate's EHR.
7. If the Mental Health department does not recommend the inmate for TRC due to mental health reasons, medication adjustments, or for some other cause and then later removes the inmate from the mental health caseload because the inmate does not need mental health services and remains stable, the MHA/MHM shall update the MHOK screen in DOTS Portal and complete a progress note in the inmate's EHR to reflect that the mental health department is recommending the inmate to participate in TRC due to no longer needing mental health services. If the inmate is removed from the mental health caseload for other reasons (e.g., non-compliance) but mental health staff determines TRC is still not appropriate, the MHA/MHM shall complete a progress note in the inmate's EHR that indicates the mental health department still does not recommend the inmate participate in the TRC program due to non-compliance with recommended mental health treatment.
8. A copy of the Mental Health Caseload Transitional Control Release form (DRC5514) shall be sent to the unit management chief (UMC)/designee and the assessment outcome shall be documented in DOTS Portal on the TRCP and MHOK screen by the MHA/MHM or designee.
9. The Mental Health Caseload Transitional Control Release form (DRC5514) shall be scanned into Patient Docs in the EHR.
10. When notified by BCS that an inmate has been approved for the TRC program in accordance with section VI.E.5 of this policy, the MHA/MHM or designee shall ensure the psychiatrist/APN-MH or ILMHP is aware of the approval. If an inmate is on medication, a psych/MR nurse shall be assigned to follow-up with the inmate.
11. A copy of the Transitional Control Release Certificate shall be filed in the inmate's EHR.

**D. Placement Packet**

If the inmate is determined to be recommended for the TRC program in accordance with sections VI.B and VI.C of this policy, the unit manager/designee shall prepare and send a placement packet to the BCS pursuant to ODRC policy 101-PLA-01, Reentry Supervision Release Process.

**E. Transitional Control Screening Procedures for the Bureau of Community Sanctions**

1. A BCS designee shall review the Transitional Control Eligibility Pending List on the TRC1 screen in DOTS Portal to determine which inmates have been screened eligible for TRC participation by the Ohio Parole Board. A BCS designee shall perform a review of the status of each recommended inmate to ensure the non-static factors associated with the inmate's current institution number have not changed since the time of the eligibility screening performed by the Parole Board that would render the inmate ineligible for participation in the TRC program.
2. A BCS designee may refer the case back to the Ohio Parole Board for reconsideration if newly discovered evidence associated with the inmate's current institution number would make him/her statutorily ineligible for TRC participation. This may also include input from the victim, or any other reason when the transfer would be contrary to law or inconsistent with the purposes of the TRC program. BCS reserves the right to cancel inmate TRC participation in lieu of referring the case back to the Parole Board for reconsideration for reasons including newly discovered medical or mental health information, the inmate is not available for transfer, or repeated institutional disciplinary or institutional adjustment infractions inconsistent with the purposes of TRC program requirements.
  - a. The BCS designee shall email a copy of the Transitional Control Release Certificate to the institutional health care administrator (HCA), assistant health care administrator (AHCA), and quality improvement coordinator (QIC) when an inmate is scheduled for transfer to TRC. The certificate shall include the date of transfer and the location of the HWH.
  - b. If it is determined the inmate is not medically suitable for TRC program participation, the institutional medical administration shall immediately notify BCS via the following email address: [drcbcs.transportation@odrc.state.oh.us](mailto:drcbcs.transportation@odrc.state.oh.us).
3. If an inmate is deemed statutorily eligible by the PBPO or designated Parole Board staff, and the BCS review determines that there is not any newly discovered information associated with the inmate's current institution number that would render them ineligible for the program, the BCS designee shall schedule and coordinate transportation with the institution and HWH and send a Transitional Control Release Certificate to BORM, UMC, two (2) additional unit staff designated by the UMC, halfway house designee, and APA no less than ten (10) days prior to release.

4. If the inmate is determined to be ineligible for participation in TRC prior to being scheduled for release to a HWH due to newly discovered evidence associated with the inmate's current institution number, a BCS designee shall forward an ineligibility letter to the UMC. If the inmate has been scheduled for a HWH, the BCS designee shall also notify the BORM.
5. The BCS shall email a copy of the Transitional Control Release Certificate to the MHA/MMH or designee when an inmate is scheduled for transfer to TRC and is designated as severely mentally ill (SMI) or Non-SMI (on psychotropic medication). The certificate shall include the date of transfer and the location of the HWH.
6. Status changes that are discovered by an UMC/designee after an inmate has been recommend by the Ohio Parole Board, that effect an inmate's eligibility status, shall be reported to BCS via an email to [DRCBCS.Transportation@odrc.state.oh.us](mailto:DRCBCS.Transportation@odrc.state.oh.us). This may include but is not limited to out-to-court status changes, disciplinary status changes, detainer updates, changes to medical or mental health status, etc.

#### **F. Victim Notification**

At least sixty (60) days before an inmate is transferred to TRC, the designated Parole Board staff shall notify every registered victim of that inmate of the pendency of the transfer and of the victim's right to submit a statement regarding the impact of the transfer. If the victim submits a statement to the Ohio Parole Board or through the Office of Victim Services (OVS) in a timely manner, it shall be considered in deciding whether transfer to the TRC program is appropriate. If the offense to which the transfer relates is a Senate Bill 160 offense, designated Parole Board staff shall attempt to provide notice of the transfer to every victim of the inmate regardless of whether the victim has registered with the OVS, unless the victim has opted out of notice.

#### **Related Department Forms:**

Institutional Summary Report (ISR)	DRC 2666
Transitional Control Ineligibility Form	DRC 3114
Transitional Control Program Request Waiver	DRC 3181
Mental Health Caseload Transitional Control Release Form	DRC 5514