




Department of
Rehabilitation & Correction

SUBJECT: Outside Worker Approval Process for Incarcerated Individuals	PAGE <u> 1 </u> OF <u> 8 </u>
	NUMBER: 53-CLS-03
RULE/CODE REFERENCE: ORC 5120.01; AR 5120-3-07; AR 5120-9-34	SUPERSEDES: 53-CLS-03 dated 06/10/2019
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 15, 2021
	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 set forth the procedures to consider Level 1 incarcerated individuals for work assignments on and off the grounds of a correctional institution.

III. APPLICABILITY

This policy applies to all Ohio Department of Rehabilitation and Correction (ODRC) employees who are involved with initiating, reviewing, and recommending incarcerated individual security level changes as well as those staff, trained program coordinators and volunteers responsible for monitoring incarcerated individuals who have job assignments that require them to be on or off the grounds of a correctional institution at certain times. This policy does not apply to incarcerated individuals who are participating in the ODRC's Intensive Program Prisons (IPP).

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the ODRC policies page on the ODRC Intranet at the following:

[Definitions Link](#)

- **Community Work Assignment**
- **Electronic Monitoring Device**
- **Escape from Confinement**
- **High Notoriety Case**
- **Outside Worker**
- **Outside Worker on Prison Grounds**
- **Outside Worker off Prison Grounds Staff Supervised**
- **Outside Worker off Prison Grounds Unsupervised**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to assign incarcerated individuals of the appropriate custody and security level to complete work assignments outside the secure perimeter of an institution. There shall be three tiers of supervision levels to accomplish these work assignments. Electronic monitoring devices may be utilized to add additional layers of security.

VI. PROCEDURES

A. Outside Worker Assignments

1. Each incarcerated individual assigned to work outside the secure perimeter of an institution shall be approved pursuant to the guidelines set forth in this policy and in Administrative Rule 5120-9-34, Community Education and Work Assignment Time, and Administrative Rule 5120-3-07, Special Labor.
2. Only those incarcerated individuals classified to security level 1 shall be considered for assignment to work outside the secure perimeter of an institution. Exceptions may be made by the managing officer in case of special needs (i.e., natural disaster).

B. Initial Classification and Security Reductions to Level 1

1. Reception Centers: Classification specialists shall complete the initial security classification of incarcerated individuals at reception. Incarcerated individuals identified as potential outside workers based on the single fence prescreening can be viewed by accessing the Security Designation Report (SDRPT) in DOTS Portal.
2. Parent Institution: Institution employees involved in the review of incarcerated individuals for reduction to security level 1 shall follow the procedures outlined in ODRC Policy 53-CLS-01, Security Classification for Incarcerated Persons Levels 1 - 4. When individuals are reduced in security to level 1, the unit team shall assess their suitability for assignment to an outside work detail. If an individual is identified as a potential outside worker and the current prison is not in need of outside workers, the individual shall be transferred to a facility which has the need for outside workers.

C. Screening of Level 1 Incarcerated Individuals for Outside Work Details on Prison Grounds

1. Institution staff shall complete a review of incarcerated individuals for possible job assignments outside the secure perimeter of the institution. The review process shall be completed on the Application for Outside Work Assignment/Special Labor Assignment (DRC2428). Institution staff shall determine appropriate job placement for the outside worker on prison grounds job assignments. If the institution staff determines the individual is not suitable for outside job assignments, the reasons for denial shall be noted on the Application for Outside Work Assignment/Special Labor Assignment (DRC2428). At a minimum, the local process shall require a detailed review of all available records and a face-to-face interview between the staff person making the recommendation and the individual. This interview shall take place in a committee setting. The results of the face-to-face interview shall be documented in DOTS Portal (i.e., RAP6).

2. Pursuant to ODRC Policy 53-CLS-01, Security Classification for Incarcerated Persons Levels 1 - 4, the following criteria shall eliminate an individual from eligibility for outside worker job assignments during their initial review at reception or during the review at the facility:
 - a. Sex offenders,
 - b. Kidnapping or abduction offenders,
 - c. High Notoriety case offenders,
 - d. Current conviction of aggravated murder or murder (i.e., attempted or conspiracy to commit),
 - e. Any felony for causing the death of a law enforcement officer or causing the death of another person while incarcerated,
 - f. Former death row or life without parole offenders,
 - g. Documented Escape from Confinement,
 - h. Sentence length over six (6) years,
 - i. Active or Disruptive STG,
 - j. Child victim of violent and/or sex offense,
 - k. Individual has been committed for the commission of felonies on more than two (2) separate occasions.

D. Assignment of Outside Workers on Prison Grounds

1. Institution classification committees shall review all security level 1 incarcerated individuals received from reception determined to be suitable for outside work assignments as well as any security level 1 individuals residing in the facility. The parent institution shall then determine which classification of outside work is appropriate for the individual, utilizing the Application for Outside Work Assignment/Special Labor Assignment (DRC2428). The institution classification committee shall determine whether the individual is suitable for:
 - a. Outside secure perimeter on prison grounds work assignment,
 - b. Outside secure perimeter off prison grounds, staff supervised work assignment,
 - c. Outside secure perimeter off prison grounds, non-ODRC staff supervised work assignment.
2. The managing officer shall have the final authority to approve or disapprove any outside worker designated to remain on prison grounds. The following criteria shall not be used solely to prohibit eligibility:
 - a. Drug offenses (i.e., drug trafficking, drug possession, and possession of chemicals to manufacture),
 - b. Offenses primarily against property,
 - c. Offenses of violence that did not result in actual harm to an individual or incur a substantial risk of harm (i.e., breaking and entering, burglary, and robbery),
 - d. Passive STG affiliation,
 - e. Notifications and non-felony detainers or warrants,
 - f. High Notoriety cases that are not local to the community of the prison or in a position with minimal contact with the public,

- g. Parole violations, including walkaways from halfway houses or absconding from supervision,
- h. Incarcerated individuals with multiple felony convictions, and
- i. Offenses where the individual was not convicted (i.e., arrest or indictment history).

3. **Classification Committee**

- a. The classification committee as described in ODRC Policy 53-CLS-01, Security Classification for Incarcerated Persons Levels 1 - 4, shall screen individuals for outside worker on prison grounds consideration using the Application for Outside Work Assignment/Special Labor Assignment (DRC2428). Only sections 1 and 2 of the form are required for outside worker approval on prison grounds.
- b. In addition to all other screening criteria, the classification committee shall examine the incarcerated individual's master file and review the most recent LEADS check to determine if the individual has an outstanding felony detainer or warrant. Incarcerated individuals who are found to have an outstanding felony detainer or felony warrant shall not be approved for outside worker status until the detainer or warrant is officially removed. The classification committee shall provide notice to the incarcerated individual of the detainer or warrant.
- c. Exceptions to the criteria set forth in this policy and the related Administrative Rules may be considered for compelling reason(s) based on the recommendation of the classification committee; however, must be approved by the managing officer.

4. **Managing Officer's Action**

The managing officer/designee shall review each Application for Outside Work Assignment/Special Labor Assignment (DRC2428). The managing officer's review shall include, at a minimum, the following:

- a. A review of the most recently completed Supervision Review (DRC2098/2094/2338) for male individuals and (DRC2605/2606/2607) for female individuals),
- b. A review of the classification committee recommendations,
- c. A review of the details of the offense for any incarcerated individual who does not meet all the criteria set forth in this policy or Administrative Rule 5120-9-34, Community Education and Work Assignment Time, and
- d. A personal interview with the incarcerated individual, either by the managing officer or designee(s).

5. Any institution classification committee or managing officer that does not approve or recommend an incarcerated individual for outside work assignment shall document the reason on Application for Outside Work Assignment/Special Labor Assignment (DRC2428).

E. Outside Incarcerated Individual Work Assignment off Prison Grounds Approval Process

Only those incarcerated individuals recommended by the managing officer, reviewed by the Office of Victim Services (OVS) and approved by the appropriate regional director shall be permitted a community work assignment and subsequent assignment off the grounds of a correctional institution. In view of the sensitive nature and high visibility of these work assignments, special criteria for selection beyond the general security instruments and committee review are required. The following guidelines must be adhered to when considering an incarcerated individual for community work assignment approval:

1. Classification Committee

- a. The classification committee as described in ODRC Policy 53-CLS-01, Security Classification for Incarcerated Persons Levels 1 - 4, shall screen individuals for community work assignment (outside work assignment off prison grounds) consideration using the Application for Outside Work Assignment/Special Labor Assignment (DRC2428).
- b. Incarcerated individuals considered for community work assignment (outside work assignment off prison grounds) generally must meet all applicable criteria for assignment to Level 1 status and the requirements of Administrative Rule 5120-9-34, Community Education and Work Assignment Time, unless granted an exception by the managing officer.
- c. In addition to all other screening criteria, the classification committee shall examine the individual's master file and request a LEADS check to determine if the incarcerated individual has an outstanding felony detainer or warrant. Those who are found to have an outstanding felony detainer or felony warrant shall not be approved for community work assignment until the detainer or warrant is officially removed. The classification committee shall provide notice to the incarcerated individual of the detainer or warrant.
- d. Exceptions to the criteria set forth in this policy and the related Administrative Rules may be considered for compelling reason(s) based on the recommendation of the classification committee; however, must be approved by the managing officer.

2. Managing Officer's Action

The managing officer/designee shall review each Application for Outside Work Assignment/Special Labor Assignment (DRC2428). The managing officer's review shall include, at a minimum, the following:

- a. A review of the most recently completed Supervision Review (DRC2098/2094/2338) for males and (DRC2605/2606/2607 for females),
- b. A review of the classification committee recommendations,

- c. A review of the details of the offense for any incarcerated individual who does not meet all the criteria set forth in this policy or Administrative Rule 5120-9-34, Community Education and Work Assignment Time, and
 - d. A personal interview with the individual, either by the managing officer or designee(s).
3. Decision of the Director/designee

All Applications for Outside Work Assignment/Special Labor Assignment (DRC2428) must be approved by the appropriate regional director prior to the incarcerated individual being assigned outside of the secure perimeter of the institution.

- a. Victim Issues - The Application for Outside Work Assignment/Special Labor Assignment (DRC2428) shall first be submitted to OVS for work assignments off prison grounds. OVS shall review the application and proposed work assignment, taking into consideration any relevant victim notification requests. OVS may issue a recommendation regarding the Application for Outside Work Assignment/Special Labor Assignment (DRC2428), including placing limitations on the location and/or type of community service assignment in which the individual participates. Following OVS' review, the application shall be forwarded to the appropriate regional director/designee.
 - b. The regional director/designee shall make the final determination as to the Application for Outside Work Assignment/Special Labor Assignment (DRC2428) and return the completed form to the managing officer/designee.
 - c. The approved Application for Outside Work Assignment/Special Labor Assignment (DRC2428) shall serve as the notice to OVS required by ODRC Policy 03-OVS-01, Crime Victim Services. No further notice shall be required by the institution to OVS concerning an incarcerated individual's removal from the institution for participation in the outside work assignment program, unless requested by OVS. For security purposes, under no circumstances shall an incarcerated individual be told of OVS' recommendation concerning community work assignments.
 - d. If the prison intends to place an electronic monitor on the individual, they shall indicate this on the Application for Outside Work Assignment/Special Labor Assignment (DRC2428). If, for any reason, the electronic monitor is removed from the incarcerated individual, OVS must be notified prior to the individual being allowed to work off prison grounds without a monitor.
4. Deputy Director Review- Statewide Approval

The deputy director for the Office of Prisons (OOP) may grant incarcerated individuals statewide approval for work assignments that require individuals be moved from their parent institution to other institutions (i.e., construction, modular instillation, etc.). Once authorized by the deputy director, the Application for Outside Work Assignment/Special Labor Assignment (DRC2428) shall be valid at all institutions where the individuals may

be housed. Any concerns about the approval status, including new information which questions the individual's suitability for community work assignment, shall be immediately reported to the deputy director for the OOP.

5. Renewal of Community Work Assignment Approval

- a. Approved Applications for Outside Work Assignment/Special Labor Assignment (DRC2428) are in effect for one year after the date approved by the appropriate regional director/designee and/or deputy director. After a one year period has elapsed, the individual must be reconsidered for outside worker assignment approval in accordance with the guidelines set forth herein. In between yearly renewals, it is the responsibility of the work site supervisor who manages the area in which the incarcerated individual is employed to monitor the individual's behavior, institutional record, and work record to ensure they are still a suitable candidate for outside work detail.
 - i. A representative of the classification committee shall meet with the individual in a face-to-face interview and review their behavior, work performance, visiting and any other relevant information which may provide insight into their behavior. This interview shall be documented electronically in DOTS Portal using the RAP6 screen.
 - ii. If there are any concerns noted during the interview, these shall be communicated to the managing officer and the incarcerated individual shall be temporarily suspended from the outside work assignment.
 - iii. If the managing officer chooses to rescind the OIW approval, a new Application for Outside Work Assignment/Special Labor Assignment (DRC2428) must be completed and the reason for rescinding shall be documented on the new form.
 - iv. For any incarcerated individual who has spent more than two (2) years in the status of an approved outside worker, a new Application for Outside Work Assignment/Special Labor Assignment (DRC2428) must be completed, including completion of a new LEADS check.
- b. When an approved outside work assignment individual is transferred to a new parent institution that has not been authorized for statewide approval, the managing officer/designee of the receiving institution shall review the current approved Application for Outside Work Assignment/Special Labor Assignment (DRC2428) to ensure its validity and accuracy prior to assigning the individual to work off the grounds of a correctional institution. The managing officer/designee shall initial the application, documenting the date of review.
- c. Any recommendation to rescind a previously approved Application for Outside Work Assignment/Special Labor Assignment (DRC2428) must be documented on a new Application for Outside Work Assignment/Special Labor Assignment (DRC2428) and approved by the managing officer.

6. Retention of Outside Incarcerated Individual Work Assignment Approval Records

A copy of each Application for Outside Work Assignment/Special Labor Assignment (DRC2428), whether approved or denied, shall be maintained in the incarcerated individual's OnBase file. In addition, the work crew supervisor shall be provided with and maintain a copy of the current approved Application for Outside Work Assignment/Special Labor Assignment (DRC2428) for each incarcerated individual assigned to work on their crew.

Referenced ODRC Policies:

03-OVS-01 Crime Victim Services

53-CLS-01 Security Classification for Incarcerated Persons Levels 1-4

Referenced Forms

Supervision Review/Male Pg. 1	DRC2098
Supervision Review/Male Pg. 2	DRC2094
Supervision Review/Male Pg. 3	DRC2338
Application for Outside Work Assignment/Special Labor Assignment	DRC2428
Supervision Review/Female Pg. 1	DRC2605
Supervision Review/Female Pg. 2	DRC2606
Supervision Review/Female Pg. 3	DRC2607