



Department of
Rehabilitation & Correction

SUBJECT: Level E Placement (ERH)	PAGE <u> 1 </u> OF <u> 11 </u>
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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 define the procedures for classifying incarcerated individuals into Level E (ERH) Security Status.

III. APPLICABILITY

This policy applies to all Ohio Department of Rehabilitation and Correction (ODRC) staff involved in the classification process.

IV. DEFINITIONS

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

[Definitions Link](#)

- **Annually**
- **Extended Restrictive Housing (ERH)**
- **Extended Restrictive Housing- Enhanced Behavioral Health Monitoring (EM)**
- **Extended Restrictive Housing- Ineligible for Presumptive Release (EN)**
- **ERH Transitional (ET)**
- **Individual Adjustment Plan (IAP)**
- **Limited Privilege Housing (LPH)**
- **Multidisciplinary Services Team (MST)**
- **Multidisciplinary Treatment Team (MTT)**
- **Residential Treatment Unit (RTU)**
- **Restrictive Housing (RH)**

V. POLICY

It is the policy of the ODRC to limit the use of extended restrictive housing (ERH) to only those individuals who pose the greatest threat to the safety and security of a correctional facility and cannot be managed safely in general population. ERH is not to be used for punishment and is reserved for those whose violent, disruptive, predatory, riotous, or other serious misbehavior poses a serious threat to other incarcerated individuals, staff, the orderly operation of the institution, or the general public. Therefore, any individual placed into ERH shall receive regular reviews and shall be released from ERH as soon as they can be safely managed in a less restrictive environment.

No youthful offender or pregnant female shall be housed in ERH.

An individual diagnosed with a serious mental illness (C1) or who is diagnosed as Intellectually/Developmentally Disabled (IDD) may be designated as security level E, but they shall not be subjected to Restrictive Housing conditions of confinement for more than twenty-nine (29) continuous calendar days.

Level E males are primarily housed at SOCF, OSP, and TOCI. Level E females may be housed at DCI or OSP (with special arrangements). In circumstances where Level E individuals require special medical or mental health care, they may also be housed in an appropriately secure specialized unit.

VI. PROCEDURES

A. Referral for Placement in ERH

1. At Reception

Incarcerated individuals may be referred to ERH from reception if one, or more, of the following conditions are met:

- a. They were released from ODRC custody while in ERH within the past twelve (12) months and were eligible for presumptive release from ERH. In these circumstances, they may be returned to ERH or ET for up to six (6) months. The reception coordinator is authorized to not place an individual back into the ERH security level upon their return if after a full assessment of all intake instruments and assessments there is reason to believe the individual can be safely managed in a less restrictive security level.
- b. The individual was released from an Ohio prison while in any ERH status and was ineligible for presumptive release from ERH. Those who meet this criterion will be placed back into Level EN. If the reception coordinator believes an EN placement is not warranted, then the procedures for E Placement should be followed as outlined in subsection VI.A.2.
- c. The nature of the individual's criminal offense, including documented behavior in another correctional agency, committed prior to incarceration with the ODRC constitutes a current threat to the security and orderly operation of the institution and to the safety of others (e.g., serious assaults against law enforcement, participation in organized criminal activity, serious violent acts in other correctional jurisdictions, or

actions indicating a serious escape risk). In these circumstances, the procedures for E Placement should be followed as outlined in subsection VI.A.2.

2. Individuals who meet one of these criteria may be referred to ERH using the Security Review (DRC2098) in Departmental Offender Tracking System (DOTS). A hearing shall be conducted, and individual shall be presented with the information, excluding confidential information, used to justify the recommendation of placement into ERH. They shall be provided the opportunity to present written and oral statements challenging any of the documentation justifying the placement, or the appropriateness of the placement, into ERH. They shall be provided with a written explanation of the justification for their placement and shall retain the right to appeal the decision to the regional director.
3. The managing officer of the reception facility shall review all placements and either approve or disapprove the placement documenting their actions on the Security Review (DRC2098) in DOTS. If they approve the placement, the managing officer shall ensure the classification is changed in DOTS to the appropriate Level E designation and the incarcerated individual is provided a copy of the decision. The incarcerated individual shall have a right to appeal the managing officer's decision to the appropriate regional director overseeing the prison where the decision was made.
4. While pending transfer to a permanent ERH facility, the conditions of confinement shall be guided by ODRC Policy 55-SPC-02, Restrictive Housing Procedures.
5. While in ERH at reception, the individual shall be reviewed at least weekly by the unit team in compliance with ODRC Policy 55-SPC-02, Restrictive Housing Procedures, and may be released from ERH during any of those reviews if their behavior indicates there is reason to believe they could be managed safely in a less restrictive security level. All procedures associated with ERH reviews and release, as outlined in ODRC Policy 53-CLS-10, Review and Release of Extended Restrictive Housing Incarcerated Individuals, must be followed in these circumstances.
6. If an ERH individual at reception is approaching their presumptive release date, or the prison chooses to release them from ERH early, the reception center's unit management chief (UMC) shall ensure a review is completed in compliance with ODRC Policy 53-CLS-10, Review and Release of ERH Incarcerated Individuals. In these circumstances, the incarcerated individual is not required to be placed into ERH Transition (ET) and shall be given a security designation of 1-4 and subsequently transferred to the appropriately secure facility where the managing officer of the receiving prison has the option of using LPH as a transitional phase.
7. **Following Reception**

After the security designation procedures have been completed and an individual is assigned a security level of 1-4, they may only be placed in ERH by using the procedures outlined in this policy.

8. Criteria for all ERH Placements

In all circumstances, an individual may only be considered for placement in ERH if they satisfy both an administrative and a behavioral criterion listed below.

B. Administrative Criteria for Placement in ERH

An individual may not be considered for placement in ERH unless one (1) of the following administrative criteria are met:

1. The individual has been found guilty in the past twelve (12) months by the Rules Infraction Board (RIB) for violating at least one (1) rule which qualifies as an approved behavioral criterion, or
2. The individual is guilty of a criminal offense that is described under the behavioral criteria listed in this policy, and has been sentenced and committed to the custody of the ODRC, or
3. The individual has committed a criminal or institutional offense in another jurisdiction that would qualify for placement in ERH and there is enough documentation from the other jurisdiction to justify placement in ERH, or
4. The individual was previously held under the custody of the ODRC and was held in ERH prior to their release.

C. Behavioral Criteria Governing Placement in ERH

Incarcerated individuals may not be placed in ERH unless they demonstrate behavior meeting one (1) or more of the following behavioral criteria. These criteria guide the exercise of discretion, but do not mandate the outcome.

1. Assault and Related Acts
 - a. The individual caused or attempted to cause physical harm or death to another individual including all assault related rules,
 - b. The individual compelled or attempted to compel another individual without consent to engage in sexual conduct or sexual contact,
 - c. The individual compelled or coerced another individual, by force or the threat of serious physical harm or death, to provide anything of value, to perform any act, or to violate any rule,
 - d. Extortion or intimidation of staff or other individuals.

For all placements involving assault related acts, the seriousness of the offense as well as the individual's history of assaultive behavior shall be considered in determining whether a placement in ERH is warranted, as well as the length of the placement. The seriousness of the offense may include factors such as the amount of harm (or attempted harm), the intensity/duration of the assault and the motivation/intent of the aggressor(s).

2. The nature of the criminal offense or offenses in other correctional jurisdictions, committed prior to incarceration constitutes a current threat to the security and orderly operation of the institution and to the safety of others, for example, serious assaults against law enforcement/corrections officers, participation in organized criminal activity/riot, or actions indicating a serious escape risk.
3. The individual has led, organized, participated in, or incited a serious disturbance or riot, or attempted to commit any of these acts, that resulted in, or was planned/intended to result in, the taking of a hostage, significant property damage, physical harm, interruption of vital institutional services, loss of control of a facility or part thereof, or loss of life.
4. The individual has conveyed, introduced, or possessed major contraband (including conspiring or attempting these acts) which poses a serious threat or danger to the security of the institution. This includes without limitation:
 - a. Deadly weapons. "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designated or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.
 - b. Ammunition. "Ammunition" means anything hurled by a weapon or exploded as a weapon, such as bullets, gunpowder, shots, shells, bombs, grenades, rockets, etc.
 - c. Escape Instruments. "Escape instruments" include any substance, device, instrument, or article designed or specially adapted for criminal use in an escape attempt; or possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use in an escape attempt.
 - d. Drugs or Intoxicating Substances.
 - e. Cellular phones or other unauthorized communication devices.

For all placements involving contraband related acts, the seriousness of the offense, as well as the individual's overall history of behavior, shall be considered in determining whether a placement in ERH is warranted, as well as the length of the placement. The seriousness of the offense may include factors such as the amount of contraband, the danger associated with the specific type of contraband, the method the individual used to possess (attempt) the contraband, and previous attempts to house the individual in less restrictive environments.

5. The individual functions as a leader, enforcer, or recruiter of a security threat group.
6. The individual was involved in group violence or a serious disruption to orderly prison operations and their involvement was motivated by their membership in, or identifying with, a security threat group.
7. The individual is classified as Level 3 or 4 security and engages in violence or serious disruption to orderly operations.

For all placements involving violent and disruptive activities at Level 3 and 4, the seriousness of the offense, frequency of violence/disruption, as well as the individual's overall history of violent and disruptive behavior shall be considered in determining

whether a placement in ERH is warranted. The managing officer shall also explain why the use of Local Control (up to 180 calendar days of Restrictive Housing for a single serious offense) is insufficient to safely manage the individual.

8. Escape and related acts:
 - a. The individual escaped from the custody of a correctional agency or aided another in the successful escape from a correctional agency.
 - b. The individual attempted to escape from the custody of a correctional agency by taking significant actions to further their plan.

For all placements involving escape and related acts, the decision to place, as well as the length of the placement, shall be based upon the overall circumstances related to the escape. These include but are not limited to the type of institution the individual escaped from, the totality of the circumstances related to the escape, the individual's previous escape history, and the amount of time the individual has left to serve or other factors which could affect their motivation to try and escape again.

9. The individual has demonstrated an ability to compromise the integrity of staff which resulted in a threat to the security of the institution or the general public.
10. The individual knowingly exposed others to the risk of contracting a dangerous disease, including without limitation HIV or hepatitis.
11. The individual has engaged in repeated obscene, sexually harassing, and/or indecent acts and less restrictive means of addressing the behavior have been unsuccessful in preventing future behaviors.
12. The individual has a history of assault against others while in prison which would qualify for ERH placement and makes threats to repeat the assaultive behavior.
13. The individual has committed an offense which constitutes a serious threat to the safety and security of a correctional facility or the greater community; or, they have committed an offense which constitutes a criminal act against a member of the greater community, and:
 - a. Less restrictive means would not be able to prevent the individual's behavior again,
or
 - b. The individual has engaged in the behavior on more than one occasion and less restrictive measures have been unsuccessful in deterring the behavior.

For criterion 13, approval from the deputy director of Prisons is required prior to placement into ERH.

D. Seriously Mentally Ill (SMI) and Intellectual Developmental Disability (IDD) and ERH

1. Prior to placing an individual with a C1/IDD diagnosis into ERH, the managing officer shall consult with the regional behavior health administrator (RBHA). The RBHA shall review the case and in cooperation with the managing officer, determine if the individual

requires placement into a Specialized Mental Health Housing Unit or if they can be safely diverted from ERH using some other management solution.

2. If an SMI or IDD individual must be placed in ERH, refer to ODRC Policy 67-MNH-31, Mental Health Procedures for TPU and Death Row Housing Units, for treatment requirements.
3. The deputy warden of special services (DWSS), in conjunction with the chiefs of Security and Unit Management, are responsible for identifying all C1 and IDD individuals designated as ERH at their facility. The DWSS shall identify all C1 and IDD individuals in ERH status, communicate this information to the UMC and security chief, and ensure the individual receives a treatment plan which specifically addresses their needs in ERH. The UMC shall ensure the DOTS designator "EM" is applied to any of these identified individuals. The UMC shall also be responsible for removing the tag if the individual is no longer classified as C1 or IDD. The security chief shall ensure the individual is provided more than two (2) hours out-of-cell time daily and is provided access to mental health programming and services as prescribed in the treatment plan.

E. Level E Placement Procedures

1. An incarcerated individual may be recommended for an ERH hearing by the RIB, a member of the unit classification committee, or an executive staff member from the prison where they are being held. They shall forward this recommendation to the managing officer who shall approve or deny the recommendation. This may be in a memo or an electronic record.
2. The incarcerated individual shall be provided at least 48-hour notice prior to the hearing. The notice shall clearly state the hearing is a "Level E placement hearing" and the 48-hour notice may not be waived under any circumstances.
3. The committee shall be comprised of at least two (2) members and in circumstances where the individual is designated as C1 or IDD, a third member from Behavioral Health shall attend the hearing. The behavioral health representative shall notify the mental health manager (MHM)/designee if E-Placement is recommended at the conclusion of the hearing. Refer to ODRC Policy 67-MNH-31, Mental Health Procedures for TPU and Death Row Housing Units, for Mental Health Level E process.
4. During the hearing, the individual being considered for ERH placement shall be allowed to review the information used in consideration of their placement, as well as submit any written/verbal statements or documents they may have.
 - a. Any verbal statements made by the incarcerated individual shall be summarized on the Security Review (DRC2098).
 - b. During the hearing, the incarcerated individual may request a 7-day (calendar) continuance if they need additional time to rebut any of the information or documentation presented by the committee if they had not been provided with the information prior to the hearing. This request shall be made in writing or in person to the committee and shall be granted. The committee shall notify the incarcerated

individual of this right after they have presented all the information they will consider when making their recommendation. The committee will document whether the individual requested a continuance on the Security Review (DRC2098).

- c. The E Placement hearing is not a replacement for the RIB process or the legal appeal process. Furthermore, it is not a finder of fact regarding whether the incarcerated individual committed any particular rule violation. The committee is required to use the RIB record which exists at the time of the hearing. Therefore, in most cases, the RIB decisions and conduct reports, as well as the individual's overall RIB history, will be the bulk of the information used for a placement.
5. The committee shall, at a minimum, provide the following information on the form:
 - a. All the criterion used to justify the ERH placement,
 - b. A summary of all the behaviors by the incarcerated individual which qualify under the criterion used to justify placement,
 - c. The sources of all information used and considered during the hearing,
 - d. A summary of the incarcerated individual's statements and any information they provided,
 - e. A recommendation for whether the individual should be placed in ERH,
 - f. A rationale for the recommendation which shall include, at a minimum, a response to any mitigation raised by the incarcerated individual during the hearing as well as an explanation as to why less restrictive means would not be adequate to address the behaviors exhibited by the individual. The rationale need not be lengthy, but must include every basis for the recommendation, and may not be merely conclusory.
 6. Once completed, a copy of the Security Review (DRC2098) shall be served on the incarcerated individual prior to submission to the managing officer. When notifying the individual of the recommendation, the staff member shall also notify them of the right to appeal the committee's recommendation to the managing officer within seven (7) calendar days and provide them a Notice of Appeal to Warden (DRC2680) printed from the Security Review (DRC2098) in DOTS. The incarcerated individual shall sign indicating they received a copy of the recommendation. If the individual refuses service, the staff member shall indicate such and sign and print their name, as well as the date and time, on the bottom of the form.

F. Managing Officer Procedures for Placing an Incarcerated Individual into ERH

1. The managing officer/designee shall, at a minimum, consider the following prior to making a final decision:
 - a. The recommendation of the committee,
 - b. The summary of all information provided by staff,

- c. The summary of the incarcerated individual's statements (written and oral) and any documentation they submitted,
- d. Any relevant medical and mental health reports, including the recommendation of Behavioral Health Operations (BHO) for all IDD and C1 individuals,
- e. Any appeal submitted by the incarcerated individual.

Special Note: If the managing officer considers any additional information not previously presented to the incarcerated individual during the hearing, they shall send the Security Review (DRC2098) back to the committee for a rehearing. The hearing process will start over with the new information.

2. If the managing officer/designee decides not to place the individual into ERH, they may leave the incarcerated individual in their current status, change their security level, or recommend a lateral transfer. The managing officer's decision, along with their rationale, shall be documented on the Security Review (DRC2098).
 - a. If a new security level is recommended, or if a transfer is recommended, the managing officer/designee shall submit a Request for Transfer (DRC2003) to the Bureau of Classification and Reception (BOCR). No individual shall be placed directly into Level 4 security from Level 1, 2, or 3.
 - b. If no change in status or prison assignment is recommended, then the process terminates, and no further action is needed. The incarcerated individual shall receive a copy of the managing officer's decision.
4. If the managing officer/designee determines an ERH placement is warranted, they shall determine whether the length of the placement will be:
 - a. Two (2) years or less,
 - b. More than twenty-four (24) months.
5. In order to assign any length more than twenty-four (24) months, the managing officer shall be required to obtain the approval of the deputy director of Prisons by forwarding the request via the Security Review (DRC2098) in DOTS with their recommendation and justification. Any placement longer than two (2) years shall be reserved for the most violent, dangerous, and predatory individuals who pose the highest risk to the safety and security of a correctional facility or the community.
6. The managing officer's decision, along with their rationale, shall be documented on the Security Review (DRC2098). If the incarcerated individual submitted an appeal, the managing officer shall be required to respond to the appeal within fourteen (14) calendar days.
7. If the individual is already in ERH when a new placement is recommended by the committee, the managing officer/designee shall make a length of stay determination using the same rules as noted previously, but this shall not be consecutive to the previous placement.

Example: An individual is currently in Level E serving up to two (2) years. The individual then seriously assaults a staff member. The managing officer orders a new Security Review hearing and places the individual into Level E for up to five (5) years. The up to five (5) years is now the commanding record and the previous placement is closed. They do not get stacked on top of each other.

8. Except in circumstances where the individual was in ERH at the time of the hearing as noted previously, the effective date of the individual's placement into ERH shall be the date the individual was originally placed in RH for the last offense which resulted in their referral to the committee. In all cases, the individual shall receive credit for time served in RH.
9. A copy of the managing officer's final decision as contained on the Security Review (DRC2098) shall be served to the incarcerated individual. When notifying the individual of the decision, the staff member shall also notify them of the right to appeal the decision of the managing officer to the regional director within fourteen (14) calendar days and provide them a Notice of Classification Level Appeal (DRC2596). The serving staff member shall sign the bottom of the form.
10. If the managing officer places the incarcerated individual in ERH, they shall change the individual's security level in DOTS to the appropriate Level E designation utilizing the RH placement date.

If the assignment requires a transfer, the managing officer/designee shall submit a Request for Transfer (DRC2003) to the BOCR.

11. The incarcerated individual may appeal the decision of the managing officer to the regional director. The regional director/designee shall review all appeals and respond to the individual within fourteen (14) calendar days of receipt. If no appeal is received within fourteen (14) calendar days, the managing officer's decision is standing and finalized.
12. At any time during this placement process, or any time during an individual's time in ERH, if a RIB decision used to justify the placement into ERH is overturned by Legal Services, all decisions or recommendations made prior to the Legal Services decision shall be moot. The incarcerated individual shall receive a new hearing to determine if continued placement in ERH is justified and, if so, for what length of time.

G. Individual Adjustment Plan (IAP) and Thirty (30) Day Transfer Review

1. After the managing officer/designee places an individual in ERH, they shall be given a presumptive release date (a presumptive release date is not provided for individuals assigned to an indefinite ERH placement- EN). The incarcerated individual shall also receive an Orientation, Review, and IAP (DRC4036) by utilizing the following procedures.
2. The following are the processes to be used according to the circumstances of the placement.

- a. The incarcerated individual is placed in ERH and then transferred to a Level 4/E facility. The IAP will be created by the receiving Level 4/E managing officer/designee who will also assign the presumptive release date for any individual given up to 2, 5, and 10 years.
 - b. The incarcerated individual is placed in ERH and no transfer will be requested because they are already in a Level 4/E prison or a High Security Specialized Unit. The IAP will be created by the managing officer/designee who made the original placement decision and they shall assign the presumptive release date for any individual given up to 2, 5, and 10 years
 - c. Any length more than twenty-four (24) months, the managing officer shall be required to obtain the approval of the deputy director of Prisons, per subsection VI.F.5 of this policy.
3. The presumptive release date is the maximum amount of time an individual can spend in ERH for the reasons provided in the original placement. When the managing officer/designee assigns a presumptive release date, it shall be uniquely tailored to the particular individual and shall consider their behavior before and after the hearing as well as other factors including, but not limited to, the severity of behavior which resulted in placement in Level E.
 4. The managing officer/designee may not assign a presumptive release date longer than the length noted on the ERH Placement: Orientation, Review, and IAP (DRC4036) during the original placement. If the managing officer of a receiving prison believes an error occurred and the length of time was not long enough to safely ensure the individual could be managed in general population, they may request written authorization from the deputy director to assign a longer presumptive release date.
 5. An individual may only be held in ERH longer than their presumptive release date as a result of additional misbehavior, unless there is substantial cause and the action is approved by the regional director in writing.
 6. Individuals who are compliant with their IAP shall be considered for a release from ERH prior to their presumptive release date.

Referenced ODRC Policies:

- 53-CLS-10 Review and Release of ERH Incarcerated Individuals
 55-SPC-02 Restrictive Housing Procedures
 67-MNH-31 Mental Health Procedures for TPU and Death Row Housing

Referenced Forms (See DOTS):

- | | |
|---|---------|
| Request for Transfer | DRC2003 |
| Security Review | DRC2098 |
| Individual Appeal of ERH level placement/review to Bureau Chief | DRC2596 |
| Notice of Appeal to Warden | DRC2680 |
| ERH Placement: Orientation, Review, and IAP | DRC4036 |