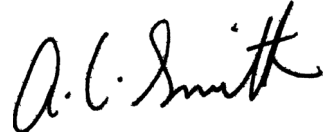




Department of  
Rehabilitation & Correction

SUBJECT: <b>Incarcerated Individual Requested Inter-Institution Transfers</b>	PAGE <u> 1 </u> OF <u> 8 </u> .
	NUMBER: <b>53-CLS-09</b>
RULE/CODE REFERENCE: ORC 5120.01; AR 5120-09-21, 5120-9-53	SUPERSEDES: 53-CLS-09 dated 09/03/2019
RELATED ACA STANDARDS:	EFFECTIVE DATE: <b>April 1, 2021</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 guidelines for the fair, uniform, and objective transferring of incarcerated individuals, at their request, to address criminogenic needs and foster pro-social visitation. Transferring incarcerated individuals to appropriate programs and within reasonable distances to pro-social support persons is a means of achieving the Ohio Department of Rehabilitation and Correction's (ODRC's) mission to reduce recidivism thereby reducing crime in Ohio.

## III. APPLICABILITY

This policy applies to all ODRC employees and incarcerated individuals involved in the classification process, except Level 4 and Level 5 incarcerated individuals.

## 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](#)

- **Catchment Area**
- **Extended Restrictive Housing (ERH)**
- **Program Transfer**
- **Visiting Transfer**

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to maintain a classification level and transfer system which considers the needs of the incarcerated individual, the safety of institutions and the community, any impact on visitors, the operational stability of the institution and the ODRC's goal to reduce recidivism. Incarcerated individuals may be transferred to other facilities in order to encourage and support visiting with pro-social members of the general community, to participate in programs advertised as open for enrollment at the discretion of managing officers, for Ohio Penal Industry (OPI) job assignment, and/or to address specific criminogenic needs. This policy applies solely to incarcerated individual initiated transfers and an incarcerated individual may only request a transfer for the reasons outlined in this policy.

## VI. PROCEDURES

### A. General Guidelines for Incarcerated individual Requested Transfers

1. Per Administrative Rule 5120-9-21, an incarcerated individual may request a transfer to another facility to provide additional programming or to facilitate visitation.
2. The ODRC reserves the right to determine which requests are reasonable and meet established guidelines. The ODRC also reserves the right to move incarcerated individuals for programmatic, visiting, or operational need without an incarcerated individual initiating the request.
3. An incarcerated individual has no right to receive a transfer and one may only be granted when it serves a legitimate penological reason. When considering an incarcerated individual's transfer request, the unit management team shall consider, at a minimum, the following:
  - a. The behavior of the incarcerated individual as demonstrated by their disciplinary history including active and disruptive participation in security threat group (STG) activity.
  - b. The incarcerated individual's dedication to personal rehabilitation as demonstrated by programmatic and meaningful activity participation.
  - c. The individualized case plan for the incarcerated individual and the identified criminogenic needs.
  - d. The likelihood of recidivism in conjunction with the cost/availability of certain programs.
  - e. Previous transfer requests, the reasons the incarcerated individual provided when requesting the previous transfers and the incarcerated individual's behavior after receiving previous transfers.

4. Incarcerated individuals are expected to be responsible with their transfer requests and consider all their options before requesting moves. Being displeased with the outcome of a previous transfer request is not grounds for a new transfer.
5. Unless the unit team determines there is a substantial need for additional transfers, an incarcerated individual may only request a visiting transfer once every five (5) years.
6. If a transfer request is referred to the classification committee, all requirements outlined in Administrative Rule 5120-9-53 must be adhered to.
7. An incarcerated individual may not request a visiting or program transfer from reception.
8. An incarcerated individual may not request a prison to be transferred to but may identify a catchment region closest to their pro-social support network. When an incarcerated individual does not provide a catchment area, the county of commitment shall be the default for a placement in the catchment area.
9. An incarcerated individual may appeal the denial of a transfer request to the Bureau of Classification and Reception (BOCR).
10. Any incarcerated individual currently enrolled in an educational or career technical program is not eligible until the program is completed. Incarcerated individuals who intentionally drop out of programs to become eligible for a transfer may have the transfer denied.
11. Any incarcerated individual requested move is subject to the needs and requirements of the ODRC and may be denied for reasons including, but not limited to, bed availability and transfer waiting times.
12. After a transfer has been approved and entered into the system by the BOCR, the incarcerated individual may not withdraw the request.
13. Incarcerated individuals currently classified as a Level 4 or ERH may not request an incarcerated individual-initiated transfer except as provided in ODRC Policy 53-CLS-06, Incarcerated Individual Security Classification Level 4 and Protective Control (PC) at OSP.

**B. Program or Work Transfer**

1. An incarcerated individual may request a transfer for program or work purposes by kiting the unit team at their current prison.
2. The unit team shall use the general guidelines outlined in section VI. A of this policy to screen the incarcerated individual to determine eligibility of an inter institutional transfer.

If the program or work detail is located at a single fence facility, a Single Fence Criteria (DRC4028) must be completed.

3. If the incarcerated individual meets criteria, the unit team will check that the incarcerated individual has no separations at the facility or program requested. They will then contact the requested prison program/work provider to have the incarcerated individual screened for eligibility of the program or work assignment.
4. Upon receiving written approval for the program or work assignment and the incarcerated individual can start within the next six (6) months of transfer to their location, the following process shall be used:
  - a. The unit staff shall conduct a reclassification hearing with the incarcerated individual and complete the Incarcerated Individual Initiated Transfer Request (DRC2110) and attach the written documentation from the designated program/work provider and forward to the managing officer/designee for approval.
  - b. The managing officer/designee shall review the request for approval. If approved, the Incarcerated Individual Initiated Transfer Request (DRC2110) and the approval documentation shall be attached to an electronic Transfer Authorization Request (DRC2003) and forwarded to the BOCR.
5. After receiving a program or work transfer, if an incarcerated individual refuses to participate, is removed from the program, or engages in disruptive activity, the managing officer of the facility may initiate a transfer to send the incarcerated individual to another prison as deemed appropriate by the BOCR. However, in the absence of negative conduct or program dismissal, the receiving prison shall become the parent institution of the incarcerated individual. For this reason, the appropriate catchment area shall be considered during all programmatic/work transfers. An incarcerated individual has no right to return to a previous prison.

### **C. Visiting Transfer**

1. An incarcerated individual may request a transfer to help facilitate visiting with the following guidelines:
  - a. The incarcerated individual has met all eligibility requirements outlined in this policy and ODR Policy 76-VIS-01, Incarcerated Individual Visitation.
  - b. The incarcerated individual may not request a prison, only a catchment area. The catchment area for the transfer is determined by the location of the visitor as compared to the location of the incarcerated individual with the goal of placing the incarcerated individual at a prison within ninety miles or less of the visitor.
  - c. The incarcerated individual has not previously been approved for, or received, a visiting transfer in the past five years.
  - d. The incarcerated individual has not requested, then refused, a visiting transfer in the past year. An incarcerated individual must refuse the transfer before it is approved and entered into the system by the BOCR. An incarcerated individual may not refuse a visiting transfer after it has been approved by the BOCR and he/she has been assigned in the computer to a new prison.

- e. The incarcerated individual has at least six (6) months remaining on their sentence at the time of request.
  - f. The visiting transfer request must be initiated by the incarcerated individual; visitors may not request a visiting transfer on behalf of an incarcerated individual although their input may be considered in the decision-making process.
  - g. An incarcerated individual may not request a visiting transfer if the visitor lives outside the state of Ohio except for the states that share a border with Ohio (i.e., Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia).
  - h. The unit team may waive certain requirements if they determine extraordinary circumstances exist. Furthermore, the unit team may deny a visiting transfer if they find it does not serve a legitimate correctional interest.
  - i. Any security Level 1 or 2 incarcerated individual with an immediate family member (i.e., parent, grandparent, or sibling) incarcerated at another facility closer to the visitor may be considered for placement in the facility closest to the visitor if:
    - i. Both incarcerated individuals are RIB conduct report free for six (6) months.
    - ii. The facility can manage the security levels of both incarcerated individuals.
    - iii. Visits have been received by the incarcerated individual at the closest facility no less than annually.
    - iv. Following the transfer, if either incarcerated individual engages in rule violating behavior or a visit is not received within six (6) months, the managing officer/designee may submit a request to return the transferred incarcerated individual to his/her original parent institution.
    - v. This type of visiting transfer is not available for security Level 3, 4 or E incarcerated individuals.
2. All incarcerated individuals are eligible for a visiting transfer six (6) months after initial placement from reception. This includes all time spent in reception; however, the incarcerated individual must be rule compliant and meet all other requirements of the policy.
  3. An incarcerated individual would NOT be eligible for a visiting transfer if they have one (1) of the following:
    - a. Six (6) months or less to release at time of the request.
      - i. An exception to this would be if the transfer is part of a holistic program to foster a visiting opportunity prior to reentry.
      - ii. Incarcerated individuals approved for transitional control placement are not eligible.
      - iii. Unit management may deny a transfer if it will disrupt key elements of the incarcerated individual's case or reentry plan.
    - b. Excessive conduct reports found guilty at the hearing officer level within the past twelve (12) months.

- c. Conduct reports found guilty by the RIB within the past twelve (12) months.
  - d. Found guilty of a Rule 39 (Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance) within the past twelve (12) months.
  - e. Identified as a STG Level 2 or 3.
  - f. Has received a visiting transfer within the last five (5) years.
  - g. Security upgrades, administrative/disciplinary transfers, or refusal to lock within the past twelve (12) months
  - h. Currently enrolled in Career Technical, Advanced Job Training or In-Patient Services. If an incarcerated individual is enrolled, the transfer should be delayed until the completion of the program.
4. If the incarcerated individual is eligible, the following process shall be used to complete a visiting transfer:
- a. An incarcerated person may request a visiting transfer via kite to unit staff.
  - b. Unit staff shall screen the incarcerated individual in accordance with the policy criteria, provide the results to the incarcerated individual and advise of appeal rights on the Incarcerated Individual Initiated Transfer Request (DRC2110).
  - c. If the incarcerated person meets transfer criteria, they shall provide the name and address of the visitor. The VIST2 screen in DOTS Portal should be reviewed to ensure the city listed is closest to their primary visitor. If it does not, then the screen should be updated.
  - d. The visitor must be an approved or applicant status per ODRC Policy 76-VIS-01, Incarcerated Individual Visitation, prior to the application being processed by unit staff.
  - e. Once unit staff has verified the visitor is approved or applicant status and the address is correct in DOTS Portal, staff shall conduct the hearing using the following process:
    - i. Complete the Incarcerated Individual Initiated Transfer Request (DRC2110).
    - ii. Forward it to the managing officer/designee for approval/denial.
    - iii. Attach the completed form to the Transfer Authorization Request (DRC2003) in DOTS Portal.
  - f. The unit team may choose to expedite the transfer if there is an extraordinary set of circumstances. The BOCR shall consider the request a high priority and move the incarcerated individual within twenty-one (21) days of receipt of the request.
5. After receiving a visiting transfer, if an incarcerated individual engages in disruptive activity or the pro-social support person does not visit within the next six (6) months, the

managing officer of the facility may initiate a transfer to send the incarcerated individual to another prison as deemed appropriate by the BOCR. However, in the absence of negative conduct, the receiving prison shall become the parent institution of the incarcerated individual.

#### **D. Transfers for Program Recruitment and Work Assignments**

1. Individual prisons, at the discretion of the managing officer, may open enrollment in programs, activities, groups, work assignments, Level 1 single fence camps or specialized units.
2. When a managing officer determines they want to recruit incarcerated individuals in this manner, the managing officer/designee will contact the BOCR chief for approval. The requesting facility is responsible for having the information posted on the incarcerated individual JPay System and emailing the UMCs at all facilities. The managing officer/designee shall provide any materials needed to advertise the program to the incarcerated individual population as well as the screening criteria to be used to determine eligibility. Whenever possible, the facility shall indicate a specific period for recruitment or if the program has ongoing open enrollment. The managing officer/designee shall also include the name and information pertaining to whom the unit staff should contact with any questions or concerns.
3. Incarcerated individuals may request to be screened by their unit staff when these programs are offered by other facilities.
4. If qualified for the program, the unit staff shall use the following procedure to process the transfer:
  - a. The unit staff shall screen the incarcerated individual using the eligibility requirement provided and ensure there are no separations at the sponsoring prison and then forward the names of all eligible incarcerated individuals to the UMC at their facility.
  - b. The UMC shall gather all the names eligible for the program and forward to the designated contact person as identified by the sponsoring prison.
  - c. The designated representative from the sponsoring prison shall communicate back to the UMC at the prison all the incarcerated individuals who have been accepted into the program and provide a start date.
  - d. The unit staff shall conduct a reclassification hearing with the incarcerated individual and complete the Incarcerated Individual Initiated Transfer Request (DRC2110), attach the written documentation from the receiving prison and forward to the managing officer/designee. The managing officer/designee shall review the request for approval. If approved, the Incarcerated Individual Initiated Transfer Request (DRC2110) and the receiving prison documentation shall be attached to an electronic Transfer Authorization Request (DRC2003) and forwarded to the BOCR.

**Attachments:**

Appendix A            Catchment Area

**Referenced ODRC Policies:**

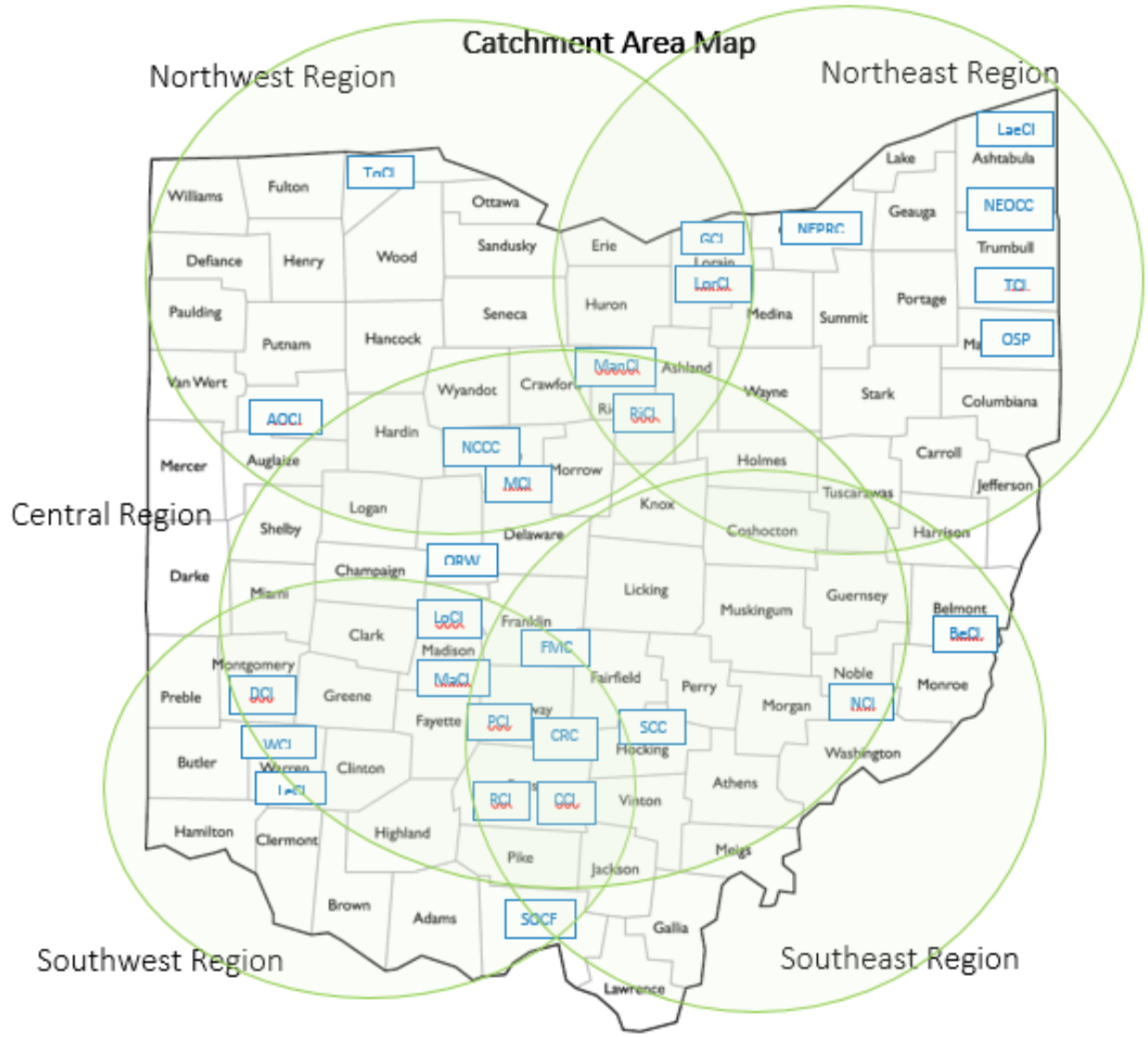
53-CLS-06    Incarcerated Individual Security Classification Level 4 and Protective Control (PC) at OSP  
76-VIS-01    Incarcerated Individual Visitation

**Referenced Forms:**

Transfer Authorization Request	DRC2003 (DOTS Portal)
Incarcerated Individual Initiated Transfer Request	DRC2110
Single Fence Screening	DRC4028



# Appendix A: Catchment Areas



**Northwest**

- AOCI (1DF, 2DF)
- GCI (1SF, 2DF)
- LoCl (3DF-Cadre)
- MANCI (1SF, 3DF)
- MCI (1DF, 2DF)
- NCCC (1SF, 2DF)
- RiCl (1&2 DF)
- ToCl (4, ERH)

**Northeast**

- GCI (1SF, 2DF)
- LaECI (1&2 DF)
- LoCl (3DF-Cadre)
- MANCI (1SF, 3DF)
- NEPRC (1 SF Female)
- NEOCC (3 DF)
- OSP (4, ERH)
- RiCl (1&2 DF)
- TCl (1 SF, 3 DF)

**Central**

- CCI (1&2 DF)
- CRC (3DF Cadre)
- DCI (1-4, Female)
- FMC (1 SF)
- LECI (1 SF, 3DF)
- LOCI (1&2 DF)
- MaCl (1 SF, 3 DF)
- MCI (1 DF, 2DF)
- NCCC (1 SF, 2DF)
- NCI (1&2 DF)
- ORW (1&2 DF)
- PCI (1&2 DF)
- RCI (2&3 DF)
- RiCl (1&2 DF)
- SCI (1&2 DF)
- SOCF (4, ERH)
- WCI (3 DF)

**Southwest**

- CCI (1&2 DF)
- CRC (3DF Cadre)
- DCI (1-4, Female)
- FMC (1 SF)
- LECI (1 SF, 3DF)
- LOCI (1&2 DF)
- MaCl (1 SF, 3 DF)
- PCI (1&2 DF)
- RCI (2&3 DF)
- SOCF (4, ERH)
- WCI (3 DF)

**Southeast**

- BeCl (1SF, 2DF)
- CCI (1&2 DF)
- CRC (3DF Cadre)
- FMC (1 SF)
- NCI (1&2 DF)
- PCI (1&2 DF)
- RCI (2&3 DF)
- SCI (1&2 DF)
- SOCF (4, ERH)