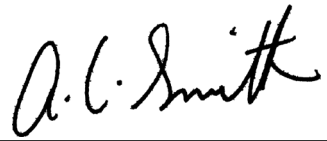




Department of
Rehabilitation & Correction

SUBJECT: Classification/Release of Protective Control (PC) Incarcerated Persons	PAGE <u>1</u> OF <u>9</u>
	NUMBER: 53-CLS-11
ORC/OAC REFERENCE: ORC 5120.01; OAC 5120-9-14, 5120-9-21	SUPERSEDES: 55-CPS-03 dated 04/01/2021
RELATED ACA STANDARDS: 5-ACI-4A-04 (4249), 4A-05 (4251), 4A-08 (4254)	EFFECTIVE DATE: May 23, 2022
	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 a uniform procedure of classifying incarcerated individuals to protective control (PC) and to establish a formal release procedure from this status.

III. APPLICABILITY

This policy applies to all persons initiating, investigating, deciding, and reviewing requests for placement of incarcerated individuals into PC.

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](#)

- **Protective Control (PC) Committee**
- **Protective Control (PC) Electronic File**
- **Protective Control (PC) Housing**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to maintain housing areas designated as protective control (PC). PC areas shall be used to house incarcerated individuals that due to personal physical safety concerns need to be separated from the general population. Housing assignments may include single or double cell with like or similar incarcerated individuals.

To the extent the safety, security and orderly management of incarcerated individuals confined in PC can be maintained, such incarcerated individuals shall be provided privileges and programming consistent to general population individuals.

VI. PROCEDURES

A. Initiating Placement

Placement into PC can be made by a request from an incarcerated individual or staff referral.

1. It is the responsibility of staff to be alert to signs that an incarcerated individual is in danger and may require protection. Staff is required to take steps to protect an incarcerated individual even when they do not acknowledge that a threat exists. When staff has information suggesting there may be a threat to their safety, an incarcerated individual may be placed involuntarily in restrictive housing pending a PC evaluation.
2. Either the incarcerated individual or a staff member may initiate PC consideration. The request or referral shall be investigated and heard by a PC committee. The PC committee shall consist of two (2) members appointed by the managing officer of which one member will be designated as the chairperson. No member of the PC committee shall have been a member of a Rules Infraction Board (RIB) who heard or investigated any conduct reports related to the PC request.
 - a. If the request comes from the incarcerated individual, then the staff member shall have them complete a Request for Protective Control (DRC4167) and prepare a written statement detailing the reason(s) for the request.
 - b. The shift commander shall discuss the matter with the unit manager from the incarcerated individual's housing area. If it appears reasonably possible they may be in immediate danger, the shift commander shall place the incarcerated individual in RH1 or RH2 when determined to be sufficient to protect them from the alleged threat, pending investigation and a PC hearing. A Report of Change to Conditions of Confinement (DRC4019) shall be completed and reviewed by the responsible deputy warden within twenty-four (24) hours of placement.
 - c. Staff shall gather available information, complete an Incident Report (DRC1000), and submit the report along with the Report of Change to Conditions of Confinement (DRC4019) that was completed by the shift commander to the responsible deputy warden/designee. Confidentiality shall be maintained at all levels of information gathering.
 - d. The managing officer/designee will assign a chairman and committee member to gather the information. At this stage, and at all other stages of the process described in this policy, staff shall incorporate into their decision-making the fact that there may be some situations in which an incarcerated individual cannot identify a specific individual who presents a threat.

- e. The PC hearing shall be held within seventy-two (72) hours of placement into restrictive housing or limited privilege housing unless additional investigation is necessary and approved by the managing officer. In such cases, the incarcerated individual shall be promptly notified of the delay.
 - f. The incarcerated individual shall be notified in writing of the purpose of the hearing and their right to be heard concerning the proposed placement. This is accomplished by utilizing the Security Classification and Job Assignment (DRC2099) form no less than forty-eight (48) hours in advance of the hearing unless such notice has been waived. The incarcerated individual shall be permitted to state their position concerning the proposed placement.
3. When a re-incarcerated individual is received who formerly had been confined in a PC location, had been in approved PC status pending transfer at the time of release, was known to have been in an alternate placement, or was pending PC evaluation at the time of release, they shall be segregated from general population pending a PC screening as described in this policy. Any returning incarcerated individual that fears a transfer and/or requests a separation should make this request during the completion of the Reception Intake Questionnaire (DRC2720) as outlined in ODRC Policy 52-RCP-01, Reception Admission Procedures.
 4. Individuals re-incarcerated within 180 days of release who were approved PC status upon release shall be considered PC status upon return. The PC chairman shall review the incarcerated individual's electronic PC file to determine if the removal process should be initiated. The chairman shall document their decision on the Protective Control Review (DRC2443). If removal is not initiated, they will remain in restrictive housing pending classification and transfer to an appropriate PC placement.

B. Protective Control Committee Hearing

1. The function of the PC Committee is to evaluate the incarcerated individual's need for protection from another incarcerated individual(s). An Interview Assessment (DRC4390) must be completed with them to obtain information pertaining to their request for PC that may need to be verified or investigated further. Once the evaluation is completed, the committee can recommend to the managing officer the following dispositions: PC placement, unit (local) separation, institutional transfer, or any other appropriate or administrative action approved by the Bureau of Classification and Reception (BOCR) chief.
2. When conducting a PC hearing, the committee shall be thorough in gathering all the pertinent information necessary to decide placement. Key factors include, but are not limited to, the following:
 - a. Circumstances surrounding the request for protective control. This should include names, nicknames, aliases, times, dates, location, and witnesses, whenever feasible.

- b. The type of threat (i.e., written, verbal, physical) and any example(s) of these. Medical and psychological reports should be included when applicable. It is necessary for the incarcerated individual to provide names, numbers, unit, work assignment, race, security threat group affiliation, names, and associates, whenever possible.
 - c. If the incarcerated individual testified in court, the name of the defendant, date of conviction, court, county, and the date of testimony are necessary. The name of a contact person, title, and agency should be provided by the incarcerated individual for verification.
 - d. If the incarcerated individual states they were a police informant, the incarcerated individual shall provide the county, agency, and dates of services. They must provide a contact person's name, title, and agency for verification. The contact person shall be notified and questioned as to the extent of the incarcerated individual's involvement.
 - e. If the incarcerated individual states they were a former correctional or law enforcement employee, they must provide the institution or agency in which they were employed and the dates of services.
3. It is important that all the information gathered is verified and well documented. Any agency contacted shall include the person's name, phone number, and agency on the Protective Control Screening (DRC4168).
4. If the incarcerated individual is not requesting PC and a staff member made the referral, the committee shall justify why the placement is warranted. The recommendation to the managing officer shall include the issues and concerns that necessitate PC placement, and the incarcerated individual's statement regarding their refusal of said placement.
5. All investigations, interviews, and proceedings regarding PC status of an incarcerated individual are considered confidential. Availability of information is limited to staff members on a need-to-know basis.
6. The investigative report documenting the facts surrounding the request for PC, a summary of the incarcerated individual's testimony to the committee, and a Request for Protective Control (DRC4167) signed by the incarcerated individual, shall be prepared, and submitted to the managing officer with all other documents pertaining to the request for consideration. The Protective Control Screening (DRC4168) shall be used as the cover and vote sheet for this recommendation. Both panel members must concur in the recommendation. In the event there are conflicting recommendations, the tie shall be broken by a staff member designated by the managing officer, who shall review the complete documentation to include, but not be limited to, the investigation report. Upon completion of the review, the designee shall cast the deciding third vote.
7. The committee chairperson will ensure a written summary on the Protective Control Screening (DRC4168) of the committee's findings and any other relevant documents or statements.

8. The committee shall promptly communicate its recommendation to the incarcerated individual and advise them of their right to file objections of the committees' recommendation to the managing officer. The committee shall forward its written recommendation to the managing officer, including their reasons for such a decision.

C. Decision of the Managing Officer

1. The managing officer shall review the findings and recommendations of the PC Committee and any statements made by the incarcerated individual and decide whether to:
 - a. Request to the BOCR, pursuant to Ohio Administrative Codes/ARs 5120-9-21, Inter-Institutional Transfer of Inmates, and 5120-9-14, Protective Control, that the incarcerated individual receives a transfer to a PC unit if PC is warranted.
 - b. Request to the BOCR, pursuant to OAC/AR 5120-9-21, Inter-Institutional Transfer of Inmates, that the incarcerated individual receives a transfer to another institution.
 - c. Deny a PC request.
2. The managing officer shall notify the incarcerated individual in writing of their decision within forty-eight (48) hours of receipt of the committee recommendations by using the Protective Control Screening (DRC4256).
3. The incarcerated individual shall be informed of their right to appeal the managing officer's decision within five (5) calendar days to the BOCR. Such appeal shall be on the Objection to Protective Control Decision (DRC4259) as described in section VI.F of this policy.
4. If the managing officer recommends a transfer to a PC unit or a transfer to another institution in lieu of PC, the online Transfer Authorization Request (DRC2003) shall be completed. All applicable documents shall be scanned to PC Warden's File in OnBase.

D. Bureau of Classification and Reception (BOCR) Action

1. Upon receipt of a recommendation for transfer, the BOCR shall consider the basis for the managing officer's request, along with all other relevant information, to include the incarcerated individual's objection, if any, during the review process.
2. The BOCR chief/designee shall decide if the incarcerated individual is to be placed in PC and shall notify the incarcerated individual in writing of its decision and response to any objections.
3. The BOCR shall complete the electronic Transfer Authorization Request (DRC2003), indicating approval or disapproval of the managing officer's recommendation. The rationale for disapproval and/or modification will be listed.
4. The BOCR will enter any institutional separations and begin the transfer process, if applicable.

5. A copy of the completed Transfer Authorization Request (DRC2003) will be available in DOTS Portal. The Institutional Separation (DRC2456), along with any other relevant documentation, will be scanned to PC Warden's File in OnBase.

E. Protective Control File Management

1. The electronic PC file should contain the following information:
 - a. Request for Protective Control (DRC4167).
 - b. Incident Report (DRC1000).
 - c. Protective Control Screening (DRC4168).
 - d. Summary of Investigation.
 - e. Names, position, phone number, agency name (when applicable) of those providing statements/information.
 - f. Any document, photograph, etc., considered in the decision-making process.
 - g. Objection to Protective Control Decision (DRC4259).
 - h. Protective Control Reviews (DRC2443).
 - i. Interview Assessment (DRC4390).
 - j. Protective Control Release (DRC4169).
 - k. Separation Order(s) (DRC2456).
2. It shall be the managing officer's responsibility to ensure all documents are scanned to PC Warden's File in OnBase.

F. Appeals Process

1. If the incarcerated individual disagrees with the managing officer's decision, they may appeal the decision by submitting their request in writing within five (5) calendar days after receipt of the managing officer's decision, to the BOCR chief by completing an Objection to Protective Control Decision (DRC4259). If an incarcerated individual chooses to appeal the recommendation of the managing officer, they shall remain in restrictive housing pending the appeals process.
2. The BOCR chief/designee shall review the committee's report, the managing officer's decision and recommendation, and the information provided by the incarcerated individual.
3. The purpose of the BOCR review is to determine:
 - a. If there was a complete and thorough investigation.
 - b. If the evidence supports the findings of fact.
 - c. If the recommendations are logical and established from fact.
 - d. If the decision of the managing officer should be overridden.
4. If the BOCR believes that a transfer to an institution that has a PC unit, a transfer to an institution without PC, and/or a separation order is appropriate, they may order such action to take place.

5. If the BOCR disapproves the recommendation of the managing officer and the incarcerated individual has not already appealed, they will have five (5) calendar days from the date they receive notice of the BOCR decision to appeal to the BOCR.
6. The BOCR decision on the appeal shall be stated on the OSC Appeal (DRC4017) and scanned to the managing officer's administrative professional 4. The managing officer's administrative professional 4 shall have the appeal and response served on the incarcerated individual. The BOCR shall scan the appeal and response to PC Warden's File in OnBase.
7. The BOCR decision on placement into PC is final. Appeals on release from PC are described in section VI.H of this policy.

G. Protective Control Reviews

1. The reclassification committee shall conduct interviews at 90-day intervals to recommend continuation in PC, release to the general population, housing (unit) separation or institutional transfer. The reclassification committee shall not be required to conduct an interview when an interview by the managing officer/designee is scheduled. The managing officer/designee shall conduct interviews every six (6) months to determine if continued placement in PC is necessary. All reviews shall be documented on the Protective Control Review (DRC2443). The completed form shall be scanned to PC Warden's File in OnBase.
2. If it is determined that PC is no longer necessary, the managing officer shall forward the recommendation along with relevant documentation not available in OnBase to the BOCR. BOCR shall make the final determination and initiate any transfers if warranted.

H. Release Procedures

1. Release procedures may be initiated during any of the incarcerated individual's reviews, based on the following reasons:
 - a. The conditions that prompted the incarcerated individual's placement in PC are no longer present, and/or,
 - b. Information and/or evidence developed during the period of confinement indicates that conditions have changed, and the incarcerated individual is now able to successfully cope in general population, and/or,
 - c. The incarcerated individual is found guilty of a violation of an institutional rule by the RIB and is transferred to a more restrictive unit, as dictated by the committee findings, and approved in advance by the managing officer. The PC unit staff shall inform the staff of the receiving restrictive housing unit of the incarcerated individual's special need for protection. Care shall be given in all incarcerated individual movement to ensure the incarcerated individual's safety and security. Upon release from the special restrictive unit, the incarcerated individual will be returned to the PC unit unless reclassified to another facility.

- d. The incarcerated individual requires a placement into a Specialized Mental Health Housing Unit. The PC unit staff shall inform the staff at the receiving facility of the individual's special need for protection. Care shall be given in all movement to ensure the safety and security of the individual. Upon release from the Specialized Mental Health Housing Unit, the incarcerated individual shall be returned to the PC unit.
2. The incarcerated individual may request in writing release from PC. The Reclassification Committee will interview the incarcerated individual, document their reasons for release, and have the individual sign a Protective Control Release (DRC4169). A written report, along with the incarcerated individual's waiver, will be submitted by the managing officer to the BOCR.
 - a. The Reclassification Committee shall evaluate the incarcerated individual's request by a thorough review of separation orders, separation removals, and other relevant information.
 - b. The Release Request Packet containing a completed Protective Control Review (DRC2443), the Protective Control Release (DRC4169), completed Security Instrument, and electronic Transfer Authorization Request (DRC2003), shall be forwarded to the BOCR. The managing officer's signature must appear on the Protective Control Review (DRC2443).
 - c. The Reclassification Committee shall not consider an incarcerated individual request of this type more often than every 180 days unless the request presents compelling evidence of a need for a prompter investigation.
3. When the PC Committee, managing officer/designee or Director/designee recommends release from PC over the objections of the incarcerated individual, the managing officer shall appoint a two-person committee made up of persons different from those originally making the recommendation for release. Procedures described in section VI.B shall be initiated, including the appeal procedure to the BOCR.
4. If approved, the BOCR shall assign an institution placement for the incarcerated individual. The incarcerated individual shall remain in PC until the transfer can be arranged.

Referenced ODRC Policies:

52-RCP-01 Reception Admission Procedures

Referenced Forms:

Incident Report	DRC1000
Transfer Authorization	DRC2003 (DOTS Portal)
Security Classification and Job Assignment	DRC2099
Protective Control Review	DRC2443
Separation Order	DRC2456
Reception Classification Intake Questionnaire	DRC2720
OSC Appeal	DRC4017
Report of Change of Conditions of Confinement	DRC4019
Request for Protective Control	DRC4167
Protective Control Screening	DRC4168
Protective Control Release	DRC4169
Protective Control Notification	DRC4256
Objection to Protective Control Decision	DRC4259
Interview Assessment – Protective Control	DRC4390