



## **PRISON TRANSFER REQUESTS BY INCARCERATED PEOPLE**

The Office of the Ohio Public Defender occasionally receives calls and letters from incarcerated people and their loved ones concerning prison transfers. Sometimes the concern is about an ‘institutional transfer’ or DRC-initiated transfer – that the person or their supporters don’t like. Most often people reach out asking if we can help an incarcerated person with a transfer to a new institution for a special program or to be closer to loved ones.

Because prison transfers are considered *administrative* matters (handled by prison staff and overseen by management) and not *criminal legal* matters, our office – the state public defender – cannot directly assist with them. However, we can provide information about the transfer process and how incarcerated people can navigate this process on their own. Your case manager and unit manager should be the best source for detailed information and any forms needed for a transfer request.

### **DRC-initiated Transfers**

People incarcerated in the Ohio Department of Rehabilitation and Corrections (“ODRC” or “DRC”) may be transferred from one prison to another prison a number of times throughout their sentence. DRC management can transfer folks for many reasons, including staffing issues, closure of institutions, safety and security issues, program changes, and health concerns, among others. Incarcerated people are given notice, though it is generally within 24-48 hours before the move. Sometimes there is an opportunity to object, but the move can still go forward in the meantime. Because DRC can argue the transfer is based on operational or ‘business’ needs, it is virtually impossible to effectively challenge.

### **Transfer Requests by Incarcerated People**

Incarcerated people in Ohio can initiate prison transfers themselves under certain circumstances. This packet summarizes the eligibility guidelines (who is eligible and who is not), the kinds of transfers available, and the application process for each. A few transfer-related documents (DRC policies, etc.) are attached at the end of this resource packet for your review.

### **Eligibility for Transfers**

Incarcerated people with security levels of 1, 2, and 3 – and who meet other requirements, generally related to institutional conduct – are eligible to apply for transfers. There are additional



eligibility criteria and restrictions specific to the different kinds of transfers, as summarized below. People with a security designation of level 4 or who are assigned to Extended Restrictive Housing (ERH) are generally **not** eligible to apply for transfers.<sup>1</sup>

## **General Guidelines for Transfer Requests**

Rule 5120-9-21 of the Ohio Administrative Code allows incarcerated people to request a transfer to a new prison facility to access additional programming or to help facilitate visitation. DRC decides which requests are reasonable and fit within their guidelines. There is no right to a transfer; they are authorized solely at the discretion of DRC and can be denied for many reasons, e.g. if DRC does not believe the transfer would be sufficiently rehabilitative; if the transfer does not align with DRC's current operational needs; even for things as simple as a lack of bed availability or lengthy waiting list.

Incarcerated people cannot request a visiting transfer, "catchment region" transfer, or program transfer from reception; they must at least be in their initial parent institution. Incarcerated people already enrolled in an educational or career technical program must wait until they have completed that program before they apply for a transfer. They cannot dropout of their current program to make themselves eligible to transfer for a new one either – DRC will deny the transfer request and note it in the person's record. Because DRC management sees the dropout move as a waste of resources, they will likely hold it against you when considering future program transfer requests.

Incarcerated people cannot request a transfer to a specific prison; they may select the "catchment region" closest to their prosocial network. If no catchment region is mentioned in the application, DRC will select the catchment region closest to the county of conviction, presuming that is where the incarcerated person's loved ones are located.

Here's a word about "catchment" regions or areas. DRC has divided the state into 5 different geographic regions or catchment areas – the Northwest, Northeast, Central, Southwest, and Southeast regions. For a visiting transfer, you should look at the different catchment regions to see which one covers the county where the visitor most important to you lives. Then identify that catchment region in your application. Do this even for a non-visiting transfer. That way, if you are granted a transfer -- even for a job, recovery program, or reintegration unit – not only would you be in a *program* important to you, but you may also be in a prison closer to *people* who are important to you. A map of Ohio that shows all of the catchment areas and the counties and prisons they include can be found at the back of this packet.

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<sup>1</sup> There are two exceptions to this restriction on people at level 4 or ERH: 1) People of any security level can request a "separation" from another incarcerated person under DRC policy 53-CLS-05, Incarcerated Individual Separations, as early as reception. Unit staff will investigate to determine whether separation is needed, and, if so, the appropriate level of separation (program, local, or institutional). If an institutional separation is needed, one of the parties may be transferred; and 2) incarcerated people in ERH at OSP whose security designation is lowered to level 4, may request either to stay at OSP or transfer to another facility per 53-CLS-06, Incarcerated Individual Security Classification Level 4 and PC at OSP.

Before you apply be sure to give your transfer selection serious thought. If a transfer request is approved, once it is entered into the Bureau of Classification and Reception (BOCR)'s computer system, the request cannot be withdrawn. Also, a disappointing previous transfer is not grounds for a new transfer in the eyes of DRC, and it is unlikely you would be able to easily transfer back to your prior institution or quickly move on to a new one. Finally, visiting transfers can be requested just once every five years, with very few exceptions. So look at all the options and think it through.

When first reviewing any transfer request, unit management teams do an initial screening to decide whether or not staff should move forward with the application process (e.g., check program eligibility, security issues, availability, etc.). Unit staff consider the following factors:

- behavior and disciplinary history, including any active participation in security threat groups (STG);
- demonstrated dedication to rehabilitation, including participation in programming and meaningful activities;
- any DRC-created case plan and whether a requested program is a good match for the identified anti-recidivism needs;
- any prior transfer requests, including reasons provided for the earlier requests and changes in behavior – good or bad -- after the transfers.

If unit management thinks the incarcerated person meets the above criteria, they will move forward in the application process with next steps specific to the type of transfer requested, as summarized below.

### **Programming or Work Transfers**

If you wish to apply for a transfer to get into a certain program or work opportunity, your first step is to kite your unit management team and let them know.<sup>2</sup> Your unit team will conduct the initial screen noted above (regarding disciplinary history, participation in programming, your case plan, and prior transfer requests, etc.) to determine if you meet the basic criteria for a transfer.

For program or job transfers to specific institutions, the Unit team also looks at the potential facility (or facilities) carefully to be sure it is a safe placement. For example, if the program or job is in a “single fence facility,” unit staff must determine your eligibility via the Single Fence Criteria screen. Unit staff must also check to see if you have any separation orders in place related to you and any people in the institution or requested program, and whether a transfer would be possible given the separations.

Next, the unit team will reach out to requested programs or work sites to check on wait time (6 months or less is preferred, depending on how much time you have left to serve) and to screen you for the program or job-specific requirements, e.g., maybe a GED, prior work experience, or ability to lift/carry items of a certain weight, etc. If your unit team receives written notice of approval –

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<sup>2</sup>Therapeutic communities require a different first step - you will need to reach out to recovery services staff in your current institution; the entire process is described further in the Recovery Transfers section.

that you meet the qualifications -- from the desired program or work site, the next phase in the application process is reclassification.

The unit manager and other classification committee members will hold a reclassification hearing with you. They will also complete your Incarcerated Person Initiated Transfer Request (DRC Form 2110), attaching the written documentation from the program/work provider. This paperwork will be submitted to the managing officer (the warden or their designee) for review and a final decision.

If the warden approves the transfer, they will attach your Incarcerated Person Initiated Transfer Request along with all the approval documentation to a Transfer Authorization Request and submit it electronically to the Bureau of Classification and Reception (BOCR).

If the transfer goes well and you continue in the program or job, and have a clean institutional record, the new facility will become your parent institution. However, if after your transfer, you refuse to participate, are removed from the program, or are disruptive, the warden at your new institution may transfer you somewhere not of your choosing.

### **Recovery Services Therapeutic Community (TC) Transfers**

An incarcerated person may request a transfer so they can participate in one of DRC's recovery programs or therapeutic communities. Instead of contacting their unit team, the incarcerated person should reach out to their local recovery services staff to get the evaluation process underway. If recovery services evaluates and agrees the services are needed, they will ask the approved person to sign a contract indicating that they agree to be placed in any recovery/therapeutic program with bed availability.

Recovery services will then submit the incarcerated person's name to OSC Recovery Services to be added to the master waiting list. If a bed opens up that is not in the incarcerated person's current institution and a transfer is needed, recovery services will reach out to BOCR. BOCR will ask the unit staff at the current institution to complete the Incarcerated Person Initiated Transfer Request. If the person does not want to participate in the program, they may simply sign the document as 'refused.'

If the incarcerated person wishes to join the TC, the unit staff will complete the form and submit all the related paperwork to the managing officer (the warden or their designee) for review and a final decision. If the warden approves the TC transfer, they will attach the Incarcerated Person Initiated Transfer Request along with the related documentation to a Transfer Authorization Request and submit it electronically to the Bureau of Classification and Reception (BOCR). BOCR will move the person as soon as possible.

After getting a TC transfer, if you refuse to participate in the program, are removed from the program, or engage in disruptive activity, you could be transferred to another prison.

## Catchment Area Requests for Security Levels 1 and 2

Incarcerated people designated as security level 1 or level 2 may request a transfer to the “catchment area” of their choice as soon as they arrive at their parent facility from reception. They can also request a transfer to a catchment area one additional time, if they are displaced from their parent institution and meet the following criteria:

- they have not received a refusal to lock ticket in the last thirty (30) days and do not have pending a security increase;
- they have at least 6 months remaining on their sentence at the time of request;
- they may withdraw their transfer request at any time, but if it is after a prison has already been assigned to them, then they may not request another transfer for 1 year.

Note: Level 1 and 2 folks are not allowed to make repetitive transfer requests -- so no requesting over and over again – after they get their first move to the new catchment area. Any new transfer requests by them must be based on legitimate rehabilitative needs and must be approved by the chief (or their designee) of BOCR.

For level 1 or 2 incarcerated people interested in a catchment area transfer, the first step is to kite unit staff who will screen them for those basic criteria detailed above under “General Guidelines” (i.e., behavior and disciplinary record, demonstrated dedication to rehabilitation, etc.). Once that screening is done, unit staff will hold a reclassification hearing, complete the Incarcerated Person Initiated Transfer Request, and send it to the warden or their designee for review.

If the warden/designee approves the request, they will attach it to a Transfer Authorization Request and send it electronically to BOCR to be officially uploaded into the computerized system. BOCR will move the incarcerated person to the new prison as soon as possible.

## Immediate (Incarcerated) Family Member Transfers

Any security level 1 or 2 incarcerated person with an immediate family member (parent, grandparent, or sibling) who is also incarcerated but who is at a DRC facility that is closer to the primary visitor that they have in common may be considered for a transfer to that closer facility, if:

- both incarcerated family members have had no RIB conduct report for 6 months; and
- the facility can manage the security levels of both incarcerated people; and
- the primary visitor has visited the incarcerated family who is at the closest facility at least once a year.

Reach out to your unit staff to get your screening and application process started. Like many of the other transfers discussed in this packet, the unit team will first do the basic screening, then they will look into the special requirements (see directly above), and, if all looks good, complete your Incarcerated Person Initiated Transfer Request. They will then send it to the warden for review. If the warden approves the request, they will attach it to a Transfer Authorization Request and send it to BOCR to be uploaded into the computerized system.

Following an immediate family member transfer, if either incarcerated family member 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 person to their original parent institution.

### **Visiting Transfers at Security Level 3**

An incarcerated person with a security level 3 can request a visiting transfer to help them get more frequent and routine visits with the primary visitor in their pro-social network. The visiting transfer request must be made by the incarcerated person themselves, not by their visitor. Unit staff may reach out to the visitor for input when they are considering the request.

To be considered for a visiting transfer the incarcerated person must meet the basic criteria outlined in the General guidance section above, and the visitor must meet the requirements of DRC's visitation policy (DRC Policy 76-VIS-01).

In addition to the basic screening, to be eligible for a visiting transfer, the incarcerated person must have at least 6 months left to serve. On top of that they must not have been approved for or received a visiting transfer in the past 5 years, and they cannot have requested and then refused a transfer in the last year. Note: if you 'refused' a transfer *before* it was approved and *before* your new prison assignment was entered into the computer system by BOCR, you're okay. In that case, you can make a new request. But once a request is in the system by BOCR, you've lost the chance to refuse it.

The catchment area for visiting transfers is determined by the location of the visitor, and DRC's goal is to place the incarcerated person at a prison within ninety (90) miles or less of the visitor. If the visitor lives outside of Ohio but in one of the states that share our border -- Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia -- unit staff will help you select and request the catchment area that works best. DRC will not consider visiting transfers for visitors in states other than Ohio and the border states.

Note: Unit management teams may waive certain requirements if they determine extraordinary circumstances exist.

In addition to the above-described restrictions and qualifications, you cannot request a visiting transfer if any of the following apply to you:

- have excessive conduct reports with guilty findings at the hearing officer level in the past 12 months;
- have conduct reports with guilty findings by the RIB within the past 12 months;
- have been found guilty of a Rule 10.1 or 10.2 (Unauthorized possession, manufacture of drugs or any intoxicating substance (i.e. alcohol or hooch); Unauthorized consumption of drugs or another intoxicating substance (i.e. alcohol or hooch), including failing any positive test for drugs or another intoxicating substance) in the last 12 months;
- have been identified as a STG Level 2 or 3;

- have security upgrades, administrative/disciplinary transfers, or a refusal to lock within the past twelve (12) months; or
- are currently enrolled in Career Technical, Advanced Job Training or In-Patient Services. If you are enrolled in one of these, the transfer must be delayed until you complete the program. Do not quit your program to try to “help” your transfer chances – it won’t. DRC routinely denies transfers to folks who do that.

So, for incarcerated people who are at a security level 3 and meet the above requirements, the visiting transfer application process looks like many of the others. The first step is to kite the unit staff. They screen incarcerated people for all of the basic and special visiting transfer criteria and will let them know the results.

If the incarcerated person meets all the criteria, they need to provide the name and address of their primary visitor. Unit staff will check the ‘visitor screen’ in the computer system to be sure the most up to date address information is in the system and update it if needed. This will help make sure the correct (and closest) institution is selected.

Before unit staff can process the transfer application, the primary visitor must either already be a DRC-approved visitor or in the applicant status per DRC Policy (76-VIS-01, Incarcerated Person Visitation). Once unit staff has verified the visitor’s status and that the address in the system is correct, they will hold the classification hearing, send it to the warden for final approval or denial. If approved the warden will send the Transfer Authorization Request to BOCR for uploading into the system.

Note: The unit management team may choose to expedite this sort of transfer if there is an extraordinary set of circumstances. If unit staff expedites for that reason, BOCR will mark the request a high priority and move the incarcerated person within 21 days.

If, after the incarcerated person is transferred, the pro-social support person does not visit within the next 6 months or if the incarcerated person engages in disruptive activity, the managing officer of the facility may initiate a transfer to send the incarcerated person to another prison. However, in the absence of negative conduct, the receiving prison will become the parent institution of the incarcerated person.

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

Sometimes individual prisons may open enrollment in programs, activities, groups, work assignments (e.g. OPI), level 1 single fence camps, or specialized units (e.g. the reintegration units at GCI and NERC). The open enrollment is generally temporary, though it may be a permanent feature of the program (e.g., the 12-month Going Home for Good unit for level 3s at RCI).

The “recruiting” facility will post information including the screening and eligibility criteria on tablets in the institutions and email unit management chiefs at all facilities. The recruiting facility will also explain the time period for recruitment or if the program has ongoing open enrollment, as well as the program contact information for unit staff to reach out with questions.

Incarcerated people may reach out to their own unit staff to request to be screened for the recruiting program, and the unit staff will begin the application process. Unit teams will screen the incarcerated person using the eligibility requirement provided, ensure there are no separations at the new (or receiving) prison, and the unit management chief at each prison will forward the names of all their eligible incarcerated applicants to the recruiting program.

The receiving prison will send each of the unit management chiefs at the other prisons a list of the incarcerated people at their prison who were accepted into the program and provide a start date. Once they have the confirmation and start date, unit staff will hold a reclassification hearing, complete the Incarcerated Person Initiated Transfer Request, attaching additional documentation from the program and receiving prison, and submit it to the warden. The warden will review the request for approval, and if approved, Transfer Request and other documentation will be attached to an electronic Transfer Authorization Request and forwarded to the BOCR to make it official.

### **Right to Appeal**

No matter what kind of self-initiated transfer request you make – for a program or work, change of catchment area, immediate (incarcerated) family situation, or visiting transfer --if it is denied, it can be appealed. You can file an appeal to the Bureau of Classification and Reception (BOCR) using DRC Form 2680, Notice of Classification Appeal.

### **Attachments**

The following documents are attached to this packet for your review and use, including:

- Ohio Administrative Code, Rule 5120-9-21, Interinstitutional transfer of inmates;
- ODRC Policy 53-CLS-09, Incarcerated Person Requested Inter-Institution Transfers;
- DRC's Catchment Area Map;
- ODRC Policy 53-CLS-09, Operation Manual Variance Request.

## Rule 5120-9-21 | Interinstitutional transfer of inmates.

Ohio Administrative Code / 5120 / Chapter 5120-9 | Use of Force; Institutional Rules

*Effective: June 1, 2012   Promulgated Under: 111.15*

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(A) Inmates may be transferred from one prison to another for purposes of providing additional programming and or services, to facilitate visitation or any other legitimate penological reason, including the secure and orderly operation of the prisons.

(B) A transfer may be initiated by the institution, the administration or by the inmate by request. An inmate requesting a transfer shall submit the request to the unit staff on a form designated for that purpose. The staff member may interview the inmate to obtain more information regarding the reasons for the request and review available information to determine if the inmate's request is reasonable. The staff member may deny the request or refer the request to the classification committee. If the inmate's request is denied by the staff member, the inmate shall be provided with a written explanation for the decision. In all cases documentation shall be maintained of the inmate's request and the response. A request or recommendation for transfer by the rules infraction board or any authorized member of the institutional staff shall be referred to the classification committee.

(C) When a transfer request is referred to the classification committee, the committee shall conduct a review and otherwise follow the procedures set forth in rule [5120-9-53](#) of the Administrative Code. In addition, the inmate may appeal the warden's recommendation to the bureau of classification. Implementation of any decision shall not be stayed pending appeal.

(D) If the warden approves a transfer recommendation the warden shall have the written summary of the classification committee's review, including any written statements or appeals submitted by the inmate forwarded to the bureau of classification. The bureau of classification shall review all relevant documentation, including any additional documentation requested, and make the final decision as to whether a transfer is appropriate and if so, to what institution the inmate should be transferred. The inmate and warden shall be so notified. The inmate to be transferred shall be given at least twenty-four hours notice prior to the transfer, however no inmate shall be advised of the exact date or time the transfer is scheduled.

(E) The administrative procedures set forth in this rule and rule [5120-9-53](#) of the Administrative Code shall not be applicable to the following circumstances. In such cases, individual notice is not required. The director or designee shall provide such notice as is deemed reasonable under the circumstances.

(1) Transfers necessitated by medical or mental health requirements.

(2) Situations where an institution is closed in part or whole, or its function is materially altered, resulting in the need to transfer inmates.

(3) Where an emergency situation exists at an institution as determined by the warden and the director or designee, and it becomes necessary for inmate to be immediately transferred from the institution to another institution.

(4) Transfers of particular groups, classes or other populations of inmates when required by the interests of the department as determined by the director or designee.

(5) When an inmate, individually or in concert with others, has engaged in violent, assaultive, or predatory behavior such that his/her immediate removal from the institution is deemed by the warden and the regional director to be an appropriate step to preserve the orderly operation of the institution and/or the safety of its staff and inmates.

(F) As it relates to paragraph (A) of this rule, in situations where the warden, upon the recommendation of a licensed physician, psychiatrist, or psychologist, determines that an inmate is in need of closer psychological or medical care of supervision than can be offered in the general population of the parent institution, the warden or designee shall contact the intended receiving institution to determine the availability and appropriateness of treatment prior to submitting the transfer request. The warden or designee may then request the chief of the bureau of classification to place such inmate in an appropriate alternative housing assignment in an appropriate institution.

*Last updated March 24, 2023 at 10:45 AM*

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## Supplemental Information

**Authorized By:** [5120.01](#)

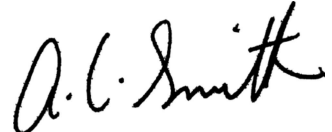
**Amplifies:** [5120.01](#)

**Five Year Review Date:** 1/10/2025

**Prior Effective Dates:** 2/5/1974, 7/20/1981, 1/1/1983, 9/4/1984, 5/8/2006, 4/15/2010



Department of  
Rehabilitation & Correction

<b>SUBJECT:</b> <b>Incarcerated Person Requested Inter-Institution Transfers</b>	PAGE <u>1</u> OF <u>9</u>
	NUMBER: <b>53-CLS-09</b>
ORC/OAC REFERENCE: ORC 5120.01; AR 5120-09-21, 5120-9-53	SUPERSEDES: 53-CLS-09 dated 04/01/2021
RELATED ACA STANDARDS:	EFFECTIVE DATE: <b>December 6, 2022</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 persons, at their request, to address criminogenic needs and foster pro-social visitation. Transferring incarcerated persons 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) mission to reduce recidivism thereby reducing crime in Ohio.

## III. APPLICABILITY

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

## 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](#)

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

## **V. POLICY**

It is the policy of the ODRC to maintain a classification level and transfer system which considers the needs of the incarcerated person, 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 persons 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 person-initiated transfers and an incarcerated person may only request a transfer for the reasons outlined in this policy.

## **VI. PROCEDURES**

### **A. General Guidelines for Incarcerated Person Requested Transfers**

1. Per Ohio Administrative Code 5120-9-21, an incarcerated person 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 persons for programmatic, visiting, or operational need without an incarcerated person initiating the request.
3. An incarcerated person has no right to receive a transfer and one may only be granted when it serves a legitimate penological reason. When considering an incarcerated person's transfer request, the unit management team shall consider, at a minimum, the following:
  - a. The behavior of the incarcerated person as demonstrated by their disciplinary history including active and disruptive participation in security threat group (STG) activity.
  - b. The incarcerated person's dedication to personal rehabilitation as demonstrated by programmatic and meaningful activity participation.
  - c. The individualized case plan for the incarcerated person 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 person provided when requesting the previous transfers and the incarcerated person's behavior after receiving previous transfers.

4. Incarcerated persons 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 person 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 Ohio Administrative Code 5120-9-53 must be followed.
7. An incarcerated person may not request a visiting, catchment, or program transfer from reception.
8. An incarcerated person 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 person does not provide a catchment area, the county of commitment shall be the default for a placement in the catchment area.
9. An incarcerated person may appeal the denial of a transfer request to the Bureau of Classification and Reception (BOCR) utilizing a Notice of Classification Appeal (DRC2680).
10. Any incarcerated person currently enrolled in an educational or career technical program is not eligible until the program is completed. Incarcerated persons who intentionally drop out of programs to become eligible for a transfer may have the transfer denied.
11. Any incarcerated person 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 visiting or program transfer has been approved and entered into the system by the BOCR, the incarcerated person may not withdraw the request. A catchment area request can be withdrawn after it has been entered but the incarcerated person may not apply for another catchment area request for one (1) year.
13. Incarcerated persons currently classified as a Level 4 or ERH may not request an incarcerated person-initiated transfer except as provided in ODRC Policy 53-CLS-06, Incarcerated Person Security Classification Level 4 and Protective Control (PC) at OSP.

#### **B. Program or Work Transfer**

1. An incarcerated person may request a transfer for program or work purposes by kiting the unit team at their current prison. Therapeutic Communities (TC) shall follow the transfer process as outlined in subsection VI.C of this policy.
2. The unit team shall use the general guidelines outlined in subsection VI.A of this policy to screen the incarcerated person 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 person meets criteria, the unit team will check that the incarcerated person has no separations at the facility or program requested. They will then contact the requested prison program/work provider to have the incarcerated person screened for eligibility of the program or work assignment.
4. Upon receiving written approval for the program or work assignment and the incarcerated person 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 person and complete the Incarcerated Person 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 Person 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 person 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 person 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 person. For this reason, the appropriate catchment area shall be considered during all programmatic/work transfers. An incarcerated person has no right to return to a previous prison.

#### **C. Recovery Services Therapeutic Community (TC) Transfer**

1. An incarcerated person may request a transfer to participate in a therapeutic community by requesting through their local recovery services staff.
  - a. The local recovery services staff will have the incarcerated person that is approved sign a contract that indicates that they will be placed in a program that has bed availability.
  - b. The person's name will be submitted to OSC Recovery Services to be placed on the master waiting list. An incarcerated person cannot request a specific TC program prison.
  - c. If a transfer is needed, OSC Recovery Service staff will contact the BOCR to have the incarcerated person transferred.

- d. The BOCR will notify the unit staff to complete an Incarcerated Person Initiated Transfer Request (DRC2110). If the incarcerated person does not wish to participate in the program, the incarcerated person will sign they refuse.
- e. If they wish to participate in the program, the unit staff will complete the following process:
  - i. Complete the Incarcerated Person Initiated Transfer Request (DRC2110) and forward it to the managing officer/designee for approval/denial.
  - ii. Attach the completed form to the Transfer Authorization Request (DRC2003) in DOTS Portal.
  - iii. The BOCR will move the incarcerated person to the prison as soon as possible to participate.

**D. Catchment Area Request for Security Level 1 & Level 2**

- 1. An incarcerated person may request a transfer to the catchment area of their choice once they arrive at their parent facility from reception. They can also request a transfer to a catchment area one (1) time if they are displaced and they meet the following criteria:
  - a. The incarcerated person has not received a refusal to lock ticket in the last thirty (30) days and is not pending a security increase.
  - b. The incarcerated person has at least six (6) months remaining on their sentence at the time of request.
  - c. They may withdraw their request at any time, but if it is after a prison has been assigned then they may not request a transfer for one (1) year.
  - d. They may not make repetitive requests after they receive their first move to the catchment area. There must be a legitimate correctional reason for asking for a new catchment area move and approval of the BOCR chief/designee.
  - e. There are no internal catchment area moves allowed.
- 2. If the incarcerated person is eligible, the following process shall be used to complete a Catchment Area Transfer:
  - a. An incarcerated person may request a catchment area transfer via kite to unit staff.
  - b. Unit staff shall screen the incarcerated person in accordance with the policy criteria, provide the results to the incarcerated person and advise of appeal rights on the Incarcerated Person Initiated Transfer Request (DRC2110).
  - c. Once unit staff has verified, they meet the criteria staff shall conduct the hearing using the following process:
    - i. Complete the Incarcerated Person 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.

d. The BOCR will move the incarcerated person to the prison as soon as possible.

#### **E. Immediate Family Member Transfer**

Any security Level 1 or 2 incarcerated person 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:

- Both incarcerated persons are RIB conduct report free for six (6) months,
- The facility can manage the security levels of both incarcerated persons,
- Visits have been received by the incarcerated person at the closest facility no less than annually.
- Following the transfer, if either incarcerated person 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 person to their original parent institution.

#### **F. Visiting Transfer for Security Level 3**

1. An incarcerated person may request a transfer to help facilitate visiting with the following guidelines:
  - a. The incarcerated person has met all eligibility requirements outlined in this policy and ODRC Policy 76-VIS-01, Incarcerated Person Visitation.
  - b. The incarcerated person 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 person with the goal of placing the incarcerated person at a prison within ninety (90) miles or less of the visitor.
  - c. The incarcerated person has not previously been approved for, or received, a visiting transfer in the past five years.
  - d. The incarcerated person has not requested, then refused, a visiting transfer in the past year. An incarcerated person must refuse the transfer before it is approved and entered into the system by the BOCR. An incarcerated person may not refuse a visiting transfer after it has been approved by the BOCR and they have been assigned in the computer to a new prison.
  - e. The incarcerated person 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 person; visitors may not request a visiting transfer on behalf of an incarcerated person although their input may be considered in the decision-making process.

- g. An incarcerated person 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. Security Level 3, 4 or E may not request a visiting transfer with an immediate family member (i.e., parent, grandparent, or sibling) incarcerated at another facility.
- 2. Level 3 incarcerated persons are eligible for a visiting transfer six (6) months after initial placement from reception. This includes all time spent in reception; however, the incarcerated person must be rule compliant and meet all other requirements of the policy.
- 3. An incarcerated person 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 persons approved for transitional control placement are not eligible,
    - iii. Unit management may deny a transfer if it will disrupt key elements of the incarcerated person'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 person is enrolled, the transfer should be delayed until the completion of the program.
- 4. If the incarcerated person 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 person in accordance with the policy criteria, provide the results to the incarcerated person and advise of appeal rights on the Incarcerated Person 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 Person 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 Person 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 person within twenty-one (21) days of receipt of the request.
5. After receiving a visiting transfer, if an incarcerated person 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 person 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 person.

#### **F. 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 persons 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 population 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 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 persons 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 person using the eligibility requirement provided and ensure there are no separations at the sponsoring prison and then forward the names of all eligible incarcerated persons 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 persons who have been accepted into the program and provide a start date.
  - d. The unit staff shall conduct a reclassification hearing with the incarcerated person and complete the Incarcerated Person 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 Person 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

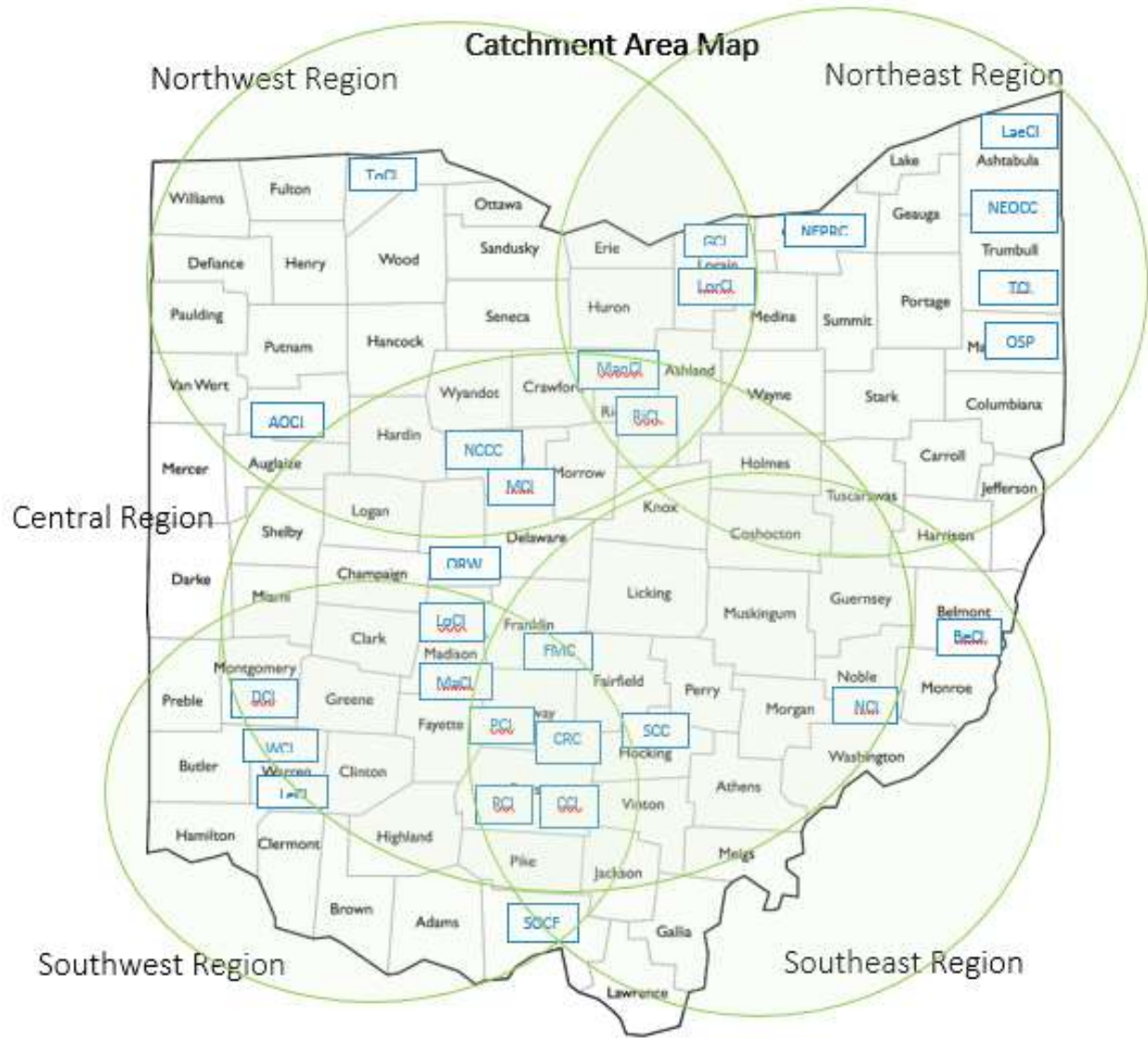
**Referenced ODRC Policies:**

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

**Referenced Forms:**

Transfer Authorization Request	DRC2003 (DOTS Portal)
Incarcerated Person Initiated Transfer Request	DRC2110
Notice of Classification Appeal	DRC2680
Single Fence Screening	DRC4028

## Appendix A: Catchment Areas



### Northwest

AOCI (1DF, 2DF)  
GCI (1SF, 2DF)  
LoeCI (3DF-Cadre)  
MNCI (1SF, 3DF)  
MCI (1DF, 2DF)  
NCCC (1SF, 2DF)  
BeCI (1&2 DF)  
ToCI (4, ERH)

### Northeast

GCI (1SF, 2DF)  
LaECI (1&2 DF)  
LoeCI (3DF-Cadre)  
MNCI (1SF, 3DF)  
NEPRC (1 SF Female)  
NEOCC (3 DF)  
OSP (4, ERH)  
BeCI (1&2 DF)  
ToCI (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)  
MaOCI (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)  
BeCI (1&2 DF)  
SCI (1&2 DF)  
SOCF (4, ERH)  
WCI (3 DF)


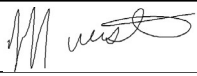
### Southwest

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

### Southeast

BeCI (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)

# ODRC Policy/Operation Manual Variance Request

Variance to ODRC Policy/Operation Manual #:53-CLS-09		Section(s): Procedures VI.F.3.d	
Policy/Operation Manual Name: Jeffery Mustard, Chief BOCR			
Managing Officer or designee Submitting the Request: Tracy L. Reveal, Ph.D.		3/22/2023 Signature Tracy L. Reveal Dr. 	
Policy Owner Signature Jeffery R. Mustard 		Date: 3/22/2023	
Date of Request: Mar 22, 2023	Length of Request: <b>Next Revision</b> <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> 180 days <input checked="" type="checkbox"/> other	Effective Date of Variance: <b>August 7, 2023</b>	Applicable to: All facilities

**Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. Explain revision necessary prior to routine revision of the policy. (Attach additional sheets if necessary):**

Due to the upcoming implementation of new rules of conduct, it is necessary to amend current policy to reflect rule changes. Current: Found guilty of a Rule 39 (Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance) within the past twelve (12) months.


Amended: Found guilty of a Rule 10.1 and 10.2 (Unauthorized possession, manufacture of drugs or any intoxicating substance) (i. e., alcohol or hooch); Unauthorized consumption of drugs or another intoxicating substance (i.e., alcohol or hooch), including failing any positive test for drugs or another intoxicating substance).

## Comments:

Defer to Ernie Moore, OOP Deputy Director.

<input checked="" type="checkbox"/> <b>Recommended</b> <input type="checkbox"/> <b>Not Recommended</b>	Central Office Policy Review Chairperson: Jondrea K Parrish 	Date: 3/22/2023
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## Comments:

<input checked="" type="checkbox"/> <b>Recommended</b> <input type="checkbox"/> <b>Not Recommended</b>	Deputy Director or Regional Director: Ernie L Moore 	Date: 3/23/2023
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## Comments:

<input checked="" type="checkbox"/> <b>Recommended</b> <input type="checkbox"/> <b>Not Recommended</b>	Legal Signature: <i>Vencot O. Brown</i>	Date: 4/11/2023
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## Decision/Comments:

<input checked="" type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Disapproved</b>	Director: Annette Chambers-Smith 	Date: 8/3/2023
<b>Expiration of Variance:</b> <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> 180 days <input checked="" type="checkbox"/> Next Revision		