



Ohio Administrative Code

Rule 5120-9-04 Appropriate supervision, discrimination and racial issues.

Effective: May 23, 2014

(A) Discrimination with regards to supervision and administrative actions against any inmate or group of inmates, on the basis of race, color, religion, gender, sexual orientation, disability, age or national origin, by any staff member, or by any group or individual representing the department is strictly prohibited. Any substantiated acts of discrimination on the part of staff shall be addressed through the employee disciplinary process, which may include such sanctions as suspension or removal.

(B) As used herein, the term "inappropriate supervision" means any continuous method of annoying or needlessly harassing an inmate or group of inmates, including, but not limited to, abusive language, racial slurs, and the writing of inmate conduct reports strictly as a means of harassment. A single incident may, due to its severity or egregiousness, be considered inappropriate supervision for purposes of this rule.

(C) To provide a monitoring mechanism to ensure conduct reports are not being issued strictly for harassment purposes the department of rehabilitation and correction shall keep a record of conduct reports written by each staff member. The record shall include a copy of the conduct report and its disposition.

(D) Inmates may always address issues of alleged discrimination, including inappropriate supervision by utilizing the inmate grievance procedures in accordance with rule 5120-9-31 of the Administrative Code.

(E) Notwithstanding paragraph (D) of this rule, when any staff member receives an inmate complaint that appears to allege inappropriate supervision as defined by this rule, the staff member shall immediately forward the complaint to the inspector of institutional services for review.

(F) If after review the inspector of institutional services determines the complaint to constitute a possible violation of appropriate supervision the following procedure shall apply:



- (1) The inspector of institutional services shall promptly interview the inmate who wrote the complaint. The inmate shall at this time be advised of the availability of the inmate grievance procedures if the inmate wishes to pursue the complaint on his own behalf.
- (2) Regardless of the inmate's decision whether or not to utilize the inmate grievance procedures, if the inspector of institutional services, based on his interview with the inmate, finds that the inmate's complaint may have merit, the inspector of institutional services shall conduct further investigation, including conducting interviews of the staff member(s) involved, potential or identified witnesses, and anyone else the inspector of institutional services feels may have relevant testimony to give. If relevant to the complaint, the inspector of institutional services shall review the staff member's conduct report writing record.
- (3) After the inspector of institutional services has completed the investigation the inspector shall write a report to the managing officer, which shall include the inmate's original complaint, the inspector of institutional services' findings of fact, and the evidence upon which the finding is based. The inspector of institutional services shall then make a conclusion as to whether or not the supervision of the staff member was appropriate. In cases where the inmate has filed a grievance the inspector of institutional services shall also provide the inmate with a disposition to the grievance, which will include the inspector of institutional services' findings, consistent with rule 5120-9-31 of the Administrative Code. The inspector's report to the managing officer shall also serve as the administrative investigation into conduct which may be in violation of departmental policies procedures and/or rules. The inspector's report may be used to support employee disciplinary actions.
- (4) The managing officer may order additional investigation, if the managing officer deems necessary. At the point the managing officer decides the incident has been thoroughly investigated, the managing officer shall take any appropriate action necessary.
- (5) A copy of all documents related to the complaint and investigation, including the report to the managing officer and the managing officer's response, if any, shall be maintained by the inspector of institutional services in accordance with the established and applicable record retention schedule.
- (G) All employee orientation and in-service training and staff development shall include extensive



programs in interpersonal communications and human relations, including appropriate supervision and cultural sensitivity.

(H) So far as reasonably possible, and consistent with all other applicable constitutional and statutory requirements, institutional programs and work assignments should closely reflect the racial composition of the institution's inmate population.