



Ohio Administrative Code Rule 5120-9-14 Protective control.

Effective: October 19, 2019

(A) The director or designee shall designate one or more institutions to maintain housing areas designated as protective control. These protective control areas shall be used to house inmates that, due to personal physical safety concerns, need to be separated from the general inmate population.

(B) Either the inmate or a staff member may initiate protective control consideration. Such request or referral shall be investigated and heard by a protective control committee, which shall consist of two members appointed by the warden. One member of the committee shall be designated chairman. No member of the protective control committee shall have been a member of a rules infraction board who heard any related conduct reports.

(C) An inmate requesting or referred for protective control consideration may be held in security control pending the protective control investigation and hearing. A protective control hearing shall be held within seventy-two hours of the protective control request or referral, unless additional investigation is necessary and approved by the warden. In such cases the inmate shall be promptly notified of the delay.

(D) The inmate shall be notified no less than forty-eight hours in advance of the protective control hearing, unless such notice has been waived. At the hearing the inmate shall be permitted to state his position concerning the proposed placement. The committee shall evaluate the inmate's need for protection from another inmate(s) based upon the inmate's statement, and all other relevant documentation and information available to it. The committee can recommend to the managing officer:

- (1) Protective control placement,
- (2) Housing unit separation,
- (3) Institutional transfer or,



(4) Any other appropriate placement or administrative action.

(E) 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 cast the deciding third vote. The managing officer's designee shall vote only after reviewing the complete statement from the inmate and other available documentation to include, but not limited to, the investigation report.

(F) The committee shall promptly communicate its recommendation to the inmate and advise the inmate of his right to file objections to the committee's recommendation to the managing officer. The committee shall forward its written recommendation to the managing officer, including their reasons for such a decision.

(G) The managing officer shall consider the committee's recommendation and any other relevant information available. The managing officer's decision shall be communicated in writing to the inmate. If the managing officer has decided to recommend protective control placement and the inmate objects, the inmate may file objections to the bureau of classification.

(H) If the managing officer recommends placement in protective control, the managing officer shall forward this recommendation, together with the protective control committee's recommendation and any additional relevant documentation to the bureau of classification. The bureau of classification shall consider the recommendations, documentation and inmate's objections, if any, along with any additional information available to them. The bureau of classification shall then decide whether or not to place the inmate in protective control. The bureau of classification shall notify the inmate in writing of its decision and response to any objections. Any institutional transfer which is necessary to implement the placement in protective control shall be accomplished consistent with rule 5120-9-21 of the Administrative Code.

(I) To the extent the safety, security and orderly management of inmates confined in protective control can be maintained, such inmates shall be provided privileges and programming consistent with privileges and programming provided to general population inmates.



(J) The status of every inmate placed in protective control shall be reviewed by the reclassification committee every ninety days. The reclassification committee may recommend continuation in protective control, release to the general inmate population, or any other option provided in paragraph (D) of this rule. Every six months the managing officer or designee shall interview the inmate and determine if continued placement in protective control is necessary. The reclassification committee is not required to review the inmate's placement when an interview by the managing officer or designee is scheduled. If it is determined that continued placement in protective control is unnecessary the managing officer shall forward the recommendation, along with other relevant documentation to the bureau of classification. The bureau of classification shall make the final determination and effectuate any necessary institutional transfer.