



## Ohio Administrative Code

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

Effective: June 1, 2012

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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 or 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.