



Ohio Administrative Code

Rule 5120:1-1-31 Detainers.

Effective: [March 22, 2021](#)

(A) The department of rehabilitation and correction shall have the authority to file a detainer against an offender or otherwise cause the arrest of an offender by the issuance of a detainer whenever there is reasonable cause to believe that such offender has violated or is about to violate any of the terms or conditions of his supervision or sanction and commits an overt act toward such violation.

(B) If such offender is not within the state of Ohio and has been placed under supervision or sanction pursuant to the interstate compact for adult offender supervision, he or she shall be returned to Ohio pursuant to such act. The Extradition of Fugitives Act shall apply when the offender leaves the state of Ohio without lawful authority.

(C) If such offender is within the state of Ohio:

(1) In the event such offender is within the lawful custody of an Ohio law enforcement agency or facility, the detainer shall be filed in a manner described by the policies of the department of rehabilitation and correction and the division of parole and community services.

(2) In the event such offender is not within the lawful custody of an Ohio law enforcement agency or facility, the offender's arrest shall be ordered by the issuance of an arrest order to the appropriate law-enforcement agency. A detainer may be issued based on the adult parole authority's investigation as well as risk to the community.

(D) When a supervising officer of the department of rehabilitation and correction has received any information which gives the officer reasonable grounds to believe that an offender has violated, or is about to violate, any of the terms or conditions of his supervision or sanction and commits an overt act toward such violation, a detainer may be filed by the supervising officer or unit supervisor.

At any time after the filing of or issuance of a detainer against an offender, the chief of the adult parole authority, or designee, may, revoke and cancel such detainer, and take such other action as



may be deemed appropriate.

(E) In making the decision to issue a detainer pursuant to paragraph (D) of this rule, the following shall be considered:

- (1) The type of release for which the offender is under adult parole authority supervision;
- (2) If the offender is under post release control (PRC) supervision, available prison sanction time must be verified and documented in the criminal corrections information system (CCIS.) If no prison sanction time is available, the adult parole authority unit shall not lodge the detainer;
- (3) The risk level of the offender and severity of violation behavior, overall history of the offender, the strength and seriousness of the allegation, and the proximity or danger to victims;
- (4) The risk of the offender harming himself or herself or others and the risk to the community;
- (5) Considerations of local factors, such as available jail space, transportation issues, targeted high crime areas, or special projects approved by the superintendent of field services.