



## Ohio Administrative Code

### Rule 5120-17-04 Electronic monitoring of prisoners.

Effective: [March 22, 2021](#)

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(A) Pursuant to division (C)(3) of section 5120.035 of the Revised Code, prisoners in the substance use disorder treatment program may, after an appropriate length of stay at the facility of the community treatment provider, be confined in an approved residence and be monitored by an electronic monitoring device for the remainder of the prisoners stated prison term. The decision to place a prisoner on electronic monitoring at an approved residence shall be made by the community treatment provider, however, this decision is subject to review and reversal by the department. The following criteria shall be considered prior to placing a prisoner on electronic monitoring at an approved residence:

- (1) The prisoners level of engagement and participation in the treatment program;
- (2) The prisoners behavior and rule violation history;
- (3) The suitability of the proposed residence as determined by paragraph (B) of this rule;
- (4) The effect that such a placement will have on the prisoners ability to successfully re-enter the community, reduce substance use relapses and reduce recidivism.

(B) Prior to placement of prisoners on an electronic monitoring device at a residence, the community treatment provider or department of rehabilitation designee shall investigate the residence at which the prisoner proposes to reside to determine whether it is suitable. For the residence to be approved as suitable, it must meet all of the following:

- (1) The owner or the tenant of the property has signed a host agreement verifying their consent to the conditions below:
  - (a) The prisoner may reside at the residence.



(b) Employees of the treatment provider, employees of the electronic monitoring center, or employees of the department of rehabilitation and correction, may enter the residence to ensure that the electronic monitoring equipment is operating properly.

(c) The owner and/or tenant will not permit any firearm, dangerous ordinance, or dangerous weapon to be kept, stored at or brought onto the premises during the time the prisoner in the treatment program is residing there.

(d) Employees of the treatment provider or the department of rehabilitation and correction may search the residence in which a prisoner on electronic monitoring resides when there is reasonable belief that the community treatment provider's program rules or department of rehabilitation and correction rule of participation have been violated.

(2) The employees of the treatment provider or the adult parole authority must determine that the residence would be conducive to the prisoner making a satisfactory adjustment to electronic monitoring.

(C) If it is determined that a residence is suitable for electronic monitoring, the investigating staff member from the community treatment provider or department of rehabilitation and correction shall have the owner or tenant sign the host agreement required by paragraph (B)(1) of this rule.

(D) After an appropriate length of stay at the facility of a community treatment provider and after evaluating the criteria set forth in paragraph (A) of this rule, the community treatment provider may permit the prisoner to reside at the residence on electronic monitoring if it is determined that the prisoner is satisfactorily participating in the program, that the proposed residence is suitable under paragraph (C) of this rule, and that residing at the residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner.

(E) The department of rehabilitation and correction or the community treatment provider may contract for the installation of the electronic monitoring equipment at the prisoner's residence and the hook-up of the prisoner to the electronic monitoring device and equipment.

(F) The department of rehabilitation and correction or community treatment provider may contract



for the continuous monitoring of each prisoner on electronic monitoring and for the verification of the status/location of the prisoner when a signal is received that indicates a possible power/equipment failure, equipment tampering, a prisoner out of place, or any other type of abnormality or unusual occurrence.

(G) The contract for the electronic monitoring service shall include the requirement that the treatment provider shall immediately investigate any potential violations of the community treatment provider's program rules or department of rehabilitation and correction rules of participation. The treatment provider shall document the details of the investigation's findings and any action taken to address the behavior.

(H) Appropriate inclusion and exclusion zones should be established. At a minimum, a home inclusion zone should be established with a curfew.

(I) Upon notification that a prisoner is out of place or is not at the approved residence, the treatment provider shall take appropriate action as soon as possible to confirm that the prisoner is still confined at the approved residence, or if not so confined take steps to ensure that reasonable efforts are made to locate the prisoner and to regain custody of the prisoner. The notification and all such efforts shall be documented.