



Ohio Administrative Code

Rule 5120-9-11 Placement in a limited privilege or restrictive housing assignment pending investigation.

Effective: January 9, 2020

(A) Subject to the time frames set forth in this rule, an inmate may be placed in a limited privilege housing assignment or a restrictive housing assignment to facilitate an investigation for the issuance of a conduct report, other administrative action or criminal prosecution.

(B) Placements shall not be in a restrictive housing assignment unless the inmate poses a threat or danger to himself or others, to institutional property or to the security of the institution, and a limited privilege housing assignment is not sufficient to control the risks presented.

(C) An initial placement into a restrictive housing assignment must be approved, denied or modified in writing within twenty-four hours by an appropriate and higher authority not included in the initial placement designated by the responsible managing officer, who may extend the time of placement as set forth in paragraph (D)(1) of this rule.

(D) An inmate may be held in a limited privilege or restrictive housing assignment pursuant to an investigation for the following periods:

(1) The initial placement into a limited privilege housing assignment under paragraph (A) of this rule may continue for seven calendar days from the date of placement without need for additional approval. The initial approval of placement in a restrictive housing assignment in paragraph (C) of this rule may be continued for seven calendar days from the date of approval by the appropriate and higher authority appointed by the responsible managing officer.

(2) If the investigation has not concluded at the end of the initial seven calendar day period, the managing officer may authorize that the inmate be held in the same housing status for an additional seven days. This authorization shall be in writing with a copy sent to the appropriate regional director.

(3) If the investigation is not completed within this fourteen calendar day period, the managing



officer may request that the regional director approve retaining the inmate in the same housing status for an additional seven calendar days.

(4) After twenty-one calendar days, upon the managing officer's request, the director or director's designee may authorize holding an inmate in the same housing status for investigative purposes until the completion of the investigation when,

(a) The matter under investigation involves the commission or possible commission of a felony,

(b) The investigation cannot be completed within twenty-one calendar days, and,

(c) Releasing the inmate to general population would jeopardize the safety of the inmate or any other individual, the successful completion of the investigation, or the security of the institution.

The decision of the director or the director's designee shall be in writing and shall state the anticipated duration of the extension and the reason therefore. The extension may be renewed so long as the conditions described in this rule continue to exist.

(E) For placements in restrictive housing that are extended beyond twenty-one days, the director or director's designee shall consult with managing officer to determine whether the inmate could be managed in a limited privilege housing assignment pending the completion of the investigation. If the placement in a restrictive housing assignment is continued, the director or the director's designee shall document the reasons for the continuation.

(F) For placements in restrictive housing that are extended beyond twenty-one days, the director or director's designee shall consult with the managing officer to ensure that the inmate is not seriously mentally ill. In the event the inmate is seriously mentally ill, the managing officer shall make other arrangements to manage an inmate in limited privilege housing, an appropriate mental health unit or other appropriate placement that is not a restrictive housing assignment pending the completion of the investigation.

(G) In the event an inmate is charged with misconduct and given a disciplinary sanction under rule 5120-9-07 or 5120-9-08 of the Administrative Code, the inmate shall be given credit for time served



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in an investigation status under this rule.