

Westlaw Delivery Summary Report for HOLBROOK,BRIAN

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Ohio Admin. Code 5120-9-13.1

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Baldwin's Ohio Administrative Code Annotated [Currentness](#)

5120 Rehabilitation and Correction Department

▢ [Chapter 5120-9](#). Inmate Control and Discipline ([Refs & Annos](#))

→→ **5120-9-13.1 Local control**

(A) Each institution required to do so by the director shall establish an area of such institution to be designated a local control unit.

(B) An inmate may be placed into local control if the warden determines after a hearing that:

(1) The inmate has demonstrated a chronic inability to adjust to the general population, or

(2) The inmate's presence in the general population is likely to seriously disrupt the orderly operation of the institution.

(C) The hearing shall be conducted by a hearing officer appointed by the warden. The hearing officer may not be a member of the rules infraction board who has heard any related conduct reports. The following procedure shall apply:

(1) The hearing may be initiated upon the recommendation of the rules infraction board, or the warden.

(2) At least forty-eight hours before the hearing, unless waived by the inmate, the inmate will receive written notice advising him of the purpose of the hearing and his right to be heard concerning the proposed placement.

(3) The purpose of the hearing is to gather information, conclude whether or not the criteria specified in paragraph (B) of this rule has been met, and make a recommendation to the warden.

(4) After considering all relevant information, including any statement made by the inmate, the hearing officer shall forward to the warden a conclusion and recommendation. The hearing officer's report shall include a summary of the inmate's statement and the basis of any conclusion. If the hearing officer concludes that the inmate meets the criteria for local control placement, the hearing officer shall state which of the two criteria under paragraph (B) of this rule was found.

(D) The warden or designee shall review the report of the hearing officer, and after considering the conclusions

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of the hearing officer, and any information provided by the inmate, conclude whether the inmate meets either of the criteria specified in paragraph (B) of this rule and whether or not the inmate should be placed into local control.

(E) The report of the hearing officer including the conclusion and recommendations are advisory only. The warden is not required to place an inmate in local control nor precluded from placing an inmate in local control because of any conclusion or recommendation of the hearing officer.

(F) Within forty-eight hours of making the decision whether to place the inmate in local control, the warden will cause the inmate to receive a written notice of his decision. This notice will include:

- (1) Which criteria under paragraph (B) of this rule he has found to exist; and
- (2) What action or actions of the inmate or what other specific factors caused him to reach his conclusion.

(G) Inmates placed in local control may appeal that placement to the director or his designee within fifteen calendar days of receipt of the warden's written decision. The appeal shall be on a form designed for that purpose. The director or designee will review the placement to verify that the procedures required in this rule have been provided and that there is some evidence that the placement is consistent with the criteria in paragraph (B)(1) or (B)(2) of this rule. Written notice of the decision will be sent to the inmate.

(H) Placement in local control shall be for an indefinite period, but shall not exceed one hundred eighty days unless the prior written approval of the director or his designee has been obtained. Where an inmate has remained in local control for one hundred eighty days, the managing officer or designee may recommend a security level status change or an institutional transfer if he decides that the inmate should not be returned to general population.

(I) The status of every inmate in local control shall be reviewed monthly by the managing officer. The warden may designate any or all of the review responsibilities to an individual, subject to the warden's approval of the final recommendation. Such review process shall include an interview of the inmate by a person designated by the managing officer, unless the inmate waives the interview. The managing officer shall decide whether to:

- (1) Continue the local control placement;
- (2) Release the inmate to the general population; or
- (3) Recommend a security supervision review and/or an institutional transfer, which would result in a release from local control following transfer.

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(J) The managing officer shall consider all of the following when reviewing an inmate's status in local control:

- (1) The seriousness of the activity which caused the initial placement;
- (2) The inmate's conduct following the placement; and
- (3) The inmate's demonstrated attitude.

If the inmate is continued in local control upon any review of his status, the reasons for such continuance shall be recorded in his file. Anytime during a thirty day interval the managing officer may release the inmate based upon just cause.

(K) Privileges for inmates in local control shall be the same as for inmates in disciplinary or security control pursuant to [rule 5120-9-11 of the Administrative Code](#).

(L) Inmates entering or leaving the local control unit shall be thoroughly searched.

HISTORY: 2008-09 OMR pam. #9 (A), eff. 4-1-09; 2003-04 OMR pam. #11 (A), eff. 5-15-04; 1998-99 OMR 1856 (RRD); 1997-98 OMR 3558 (A), eff. 6-15-98; 1990-91 OMR 1141 (R-E), eff. 3-11-91; 1984-85 OMR 206 (E), eff. 9-4-84

[RC 119.032](#) rule review date(s): 1-12-14; 1-12-09; 1-12-04; 5-12-99

CROSS REFERENCES

[RC 5120.01](#), Director is executive head of department; powers and duties

[RC 5120.16](#), Examination, observation, and classification; assignment to institutions; transfer; delinquent children; AIDS policy

5120-9-13.1, OH ADC 5120-9-13.1

Rules are complete through December 16, 2012; Appendices are current to February 28, 2010

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