

5120-9-50

Escorted inmate release for deathbed or private funeral home visit.

(A) As used in this rule:

- (1) "Felony Commitment" means an admission to an adult correctional institution of this or any other state, or the United States to serve a prison term for one or more felony offenses.
- (2) "Crime of an assaultive nature" means an offense in which the inmate caused or attempted to cause actual physical to a person.

(B) Inmates who are not likely to pose a threat to the public safety and who are statutorily eligible pursuant to division (C) of section 2967.27 of the Revised Code may, at the discretion and professional judgment of the warden, be permitted an escorted visit for the specific purpose of visiting a dying relative or attending a private viewing of a deceased relative.

(C) An inmate is statutorily ineligible if:

- (1) The inmate has a record of more than two felony commitments (including the present charge). This means the inmate must not be serving his third or greater commitment at the time of the requested visit; or,
- (2) The inmate has a record of two or more felony commitments (including the present charge) for a crime of an assaultive nature.

(D) For the purposes of this rule the sick or deceased relative must not be more distant than spouse, child, step-child, parent, step-parent, sibling, step- or half-sibling, grandparent or other person who has, in effect, been in such a relationship with the inmate.

(E) Wardens shall permit such inmate releases only upon receipt of information which verifies the relationship of the relative, and in cases of bedside visits, that the relative is in imminent danger of death. In cases of private funeral viewing the warden shall also verify the death of said relative.

(F) In determining the inmate's likelihood of posing a threat to the public safety the warden may consider all information available, including but not limited to the inmate's security level, any pending detainers, time remaining on the sentence(s) being served or until the inmate goes to the parole board, the inmate's security threat group affiliation, notoriety of the offense, in cases of a deceased relative, the cause of death of the deceased, the emotional stability of the inmate, the inmate's institutional

adjustment, and any history of escape, attempted escape and/or absconding from any type of supervision such as probation or parole.

- (G) Prior to approving an escorted bedside visit or private viewing the warden shall notify the department's office of victims' services so that the office may provide assistance to any victim or victims of the offense committed by the inmate and to members of the family of the victim.
- (H) No escorted visits shall be permitted outside of the state of Ohio. The inmate and/or family of the inmate shall bear responsibility for the cost of escorting the inmate to the bedside or private funeral viewing. The cost shall be determined by the mileage for the trip, based on the current mileage compensation established by the department of administrative services for state agencies. Staff compensation shall not be a part of the cost. During the escort the inmate shall remain under the constant supervision of an employee of the department. The transporting employees are authorized to terminate the trip at any time if they determine that the security or safety of themselves, the public or the inmate cannot be maintained.

Five Year Review (FYR) Dates: 1/16/2020 and 01/10/2025

CERTIFIED ELECTRONICALLY

Certification

01/16/2020

Date

Promulgated Under: 111.15
Statutory Authority: 5120.01, 2967.27
Rule Amplifies: 2967.27
Prior Effective Dates: 12/31/1976, 01/08/1991, 10/12/2004, 04/01/2005,
04/15/2010