

5120-9-34

Community program release time.

The purpose of this rule is to afford inmates of state penal institutions, on a selected basis, with adequate security, the opportunity to participate in educational and/or vocational programs, and community service programs which will implement the rehabilitative goal of the correctional system of the state of Ohio.

(A) Definitions. As used in this rule the following terms shall mean:

- (1) "Institution" means any state penal institution, state prison, state reformatory or correctional or physical or mental treatment facility which is under the jurisdiction and control of the Ohio department of rehabilitation and correction.
 - (2) "Inmate" means a person who is imprisoned in an institution.
 - (3) "Eligible inmate" means an inmate who is eligible for release on parole, or an inmate who is eligible under section 2967.26 of the Revised Code for release on furlough, or an inmate who is eligible for release under any other provision of the Ohio Revised Code, or an inmate who is eligible pursuant to paragraph (C) of this rule.
 - (4) "Community service program" means a program under which eligible inmates may be granted permission to leave the premises of an institution for the purpose of volunteer work in the community or for such other community service programs which are specifically approved in writing by the director of the Ohio department of rehabilitation and correction and the superintendent of the institution in which the inmate is confined. The director of the Ohio department of rehabilitation and correction shall keep accessible records of all such programs, events, or activities which have been approved by him.
 - (5) "Education or vocational program" means a program under which eligible inmates may be granted permission to leave the premises of an institution for the purpose of attending educational or vocational education classes or participating in a program or course of study of that nature, said programs to be approved in writing by the director of the Ohio department of rehabilitation and correction. The director of the department of rehabilitation and correction shall keep accessible records of all such programs which have been approved by him.
- (B) No inmate classified as maximum security shall be an eligible inmate with respect to community service programs, educational or vocational programs, as provided for in this rule. Inmates classified as medium security may be eligible for such programs, but only pursuant to paragraph (C)(5) of this rule.

- (C) An inmate shall not be released pursuant to the provisions of this rule unless, and until, the superintendent of the institution or the director or his designee affirmatively and specifically finds the following facts, which must be set forth in writing:
- (1) That the inmate is not a dangerous offender as that term is defined in section 2929.01 of the Revised Code.
 - (2) That the inmate has not been committed on more than one occasion for a felony that is an offense of violence as defined in section 2901.01 of the Revised Code.
 - (3) That the inmate has not been committed for the commission of felonies on more than two separate occasions.
 - (4) That the release of the inmate pursuant to the provisions of this rule is consistent with the safety of the community and is in the best interests of rehabilitation with respect to the inmate.
 - (5) Any exception to paragraphs (A)(1), (A)(2), and (A)(3) of this rule must be recommended by the classification committee and approved by the director or his designee for compelling reason(s).
- (D) The superintendent of the institution shall provide a system for checking out and checking in all inmates who are released pursuant to this rule, which system shall reflect:
- (1) The name of the inmate and inmate number.
 - (2) The date and time when the inmate left the institution.
 - (3) The destination for which the inmate is bound.
 - (4) The date and time that the inmate returned to the institution.
 - (5) The name of the person charged with supervising the inmate.
- (E) The superintendent of the institution shall keep accessible records of all inmates who have been released pursuant to this rule, including the date and time of their release, their destination, and the date and time of their return to the institution.

(F) During all times when an inmate is on release from an institution pursuant to the provisions of this rule, the inmate shall:

- (1) Be under the direct, immediate, and personal supervision and control of a correctional officer or employee of the institution; or
- (2) Be under direct, immediate, and personal supervision and control of a responsible person, approved by the superintendent or his designee, who is listed on the inmate's check-out card;
- (3) Directly and promptly proceed to the destination using the approved method of transportation and route, and shall not deviate from the purpose and destination of the release;
- (4) Remain at or within the area designated as the destination of the release;
- (5) Obey all orders, commands, and instructions of the correctional officer or the responsible person to whom the inmate has been released;
- (6) Abstain from consuming any alcoholic beverages and nonprescribed narcotics or other drugs while upon release;
- (7) Not violate any law of the United States, the state of Ohio, or any municipal ordinance;
- (8) Work diligently and display proper conduct;
- (9) Return to the institution immediately and without delay at the time scheduled for return using the approved method of transportation, and shall not deviate from the institutional destination.

(G) Any inmate who violates any of the provisions of paragraph (F) of this rule shall be subject to the disciplinary procedures of the department as set forth in rules 5120-9-07 and 5120-9-08 of the Administrative Code. The institutional correctional officer or responsible person to whom the inmate is released shall have the duty to immediately report to the superintendent of the institution any violations of paragraph (F) of this rule which are committed in his or her presence or which he or she is aware of, and an acknowledgement of this duty shall be made in writing by all persons to whom an inmate is released, other than an institutional guard.

- (H) The superintendent of the institution shall have the affirmative duty to notify, in writing, the director and the appropriate law enforcement agencies immediately of any escape, walkaway, or failure of an inmate to return from a release made pursuant to the provisions of this rule.
- (I) Prior to the approval of an inmate's application for release pursuant to this rule, a form setting forth the provisions of paragraphs (F) and (G) of this rule will be provided to the inmate, who shall execute, in writing, his understanding thereof and that he agrees to abide by and be bound by those provisions.
- (J) No inmate shall be released from an institution, or permitted outside of the institution, unless said inmate has been released pursuant to the provisions of this rule, or pursuant to section 2967.26 of the Revised Code, or pursuant to any other programs established by an act of the general assembly of the state of Ohio.

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Certification

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Date

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