

5120:1-1-35

Contracts for the transportation of inmates.

- (A) The adult parole authority, in order to discharge its duties under Chapters 2967. and 5149. of the Revised Code, may enter into a contract with a private person or entity for the return of Ohio prisoners who are the responsibility of the department of rehabilitation and correction from outside of this state to a location in this state specified by the adult parole authority. Pursuant to division (E) of section 311.29 of the Revised Code, this rule is applicable to contracts entered into between a private person or entity and a county sheriff, for the transportation of prisoners who are the responsibility of the county sheriff.
- (B) Any contract entered into under this rule shall incorporate the mandatory standards expressed in this rule. Any private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall maintain compliance with these standards throughout the term of the contract.
- (C) Standards for training of employees of the private person or entity that engage in the return of prisoners:
- (1) Eighty hours of preservice training which shall minimally include:
- (a) Unarmed self defense: eight hours
 - (b) Use of force: four hours
 - (c) Restraints: four hours
 - (d) Non-lethal weapons: six hours
 - Four hours - chemical agents
 - Two hours - non-lethal shotgun
 - (e) Firearms: ten hours
 - (f) Transportation of prisoners: twenty hours
 - (g) Searches: two hours
 - (h) Map reading: three hours
 - (i) Defensive driving: four hours

(j) First-aid/cpr: eight hours

(D) Physical standards for vehicles used in the return of prisoners:

(1) Vehicles utilized to transport prisoners shall be in good operating condition, with current maintenance and repair records on file, and meet the following minimum criteria:

(a) Separate and safely secure the driving team from the prisoner.

(b) Doors and windows unable to be opened from the inside of the prisoner compartment.

(c) Welded steel screens covering the windows.

(d) Operational heater and air conditioner for the entire vehicle.

(e) Equipped with some form of mobile communication.

(f) Readily identifiable by air as prisoner transport vehicles.

(g) Maintain manufacturer's recommended occupancy rating.

(E) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall maintain compliance with the federal motor carrier safety administration regulation 395.3 regarding maximum driving time for employees, and any revision, amendment or modification of that regulation.

(F) Standards of financial responsibility:

(1) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall obtain, and maintain for the duration of the contract term, a policy of liability insurance with sufficient coverage to protect the state of Ohio to cover all injuries, deaths, or loss to persons or property that arise from, or is related to, its return of prisoners.

(2) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall indemnify and hold harmless the department of rehabilitation and correction and all state officers and employees for liabilities which arise in connection with the services

performed under the contract and are in any way related to the services rendered in the performance of the contract.

- (3) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall provide a surety or other acceptable financial assurance in the amount determined by the director.~~performance bond in the amount of ten percent of the total contract price.~~ The purpose of the surety or other acceptable financial assurance bond is to ensure proper performance by the contractor. The surety or other acceptable financial assurance may include a performance bond, a United States government security, a negotiable certificate of deposit, an irrevocable letter of credit, or a cashier's check or money order and shall be payable to the treasurer, state of Ohio. The bond shall remain in effect for the duration of the awarded contract and any extensions thereto, and shall comply with any other applicable requirements of the Ohio department of administrative services.

(G) Standards for pre-employment practices:

- (1) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall require a pre-employment criminal records check, at the federal state and local levels, for employees who would actually engage in the return of prisoners, and shall not hire an individual with a record of a conviction for any felony, any sex offense, an offense of domestic violence, two or more misdemeanor drug offenses, or any other offense which disqualifies the prospective employee from carrying a firearm.
- (2) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall require a pre-employment drug screen for employees who would actually engage in the return of prisoners, and shall not hire an individual who tests positive for a controlled substance. The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall have a written policy for, and maintain a practice of random drug testing of employees in accordance with applicable state laws.

(H) Operational standards:

- (1) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall have twenty-four hour operational staff and equipment to constantly monitor activities in the field and have on-board, constant communication capability with vehicles in the field.
- (2) The private person or entity with whom the adult parole authority contracts for the return of Ohio prisoners shall require that officers and employees that

actually engage in the return of prisoners to be certified by an appropriate certification entity in cardio-pulmonary resuscitation (CPR) and first aid.

(I) Contract standards: Any contract entered into under this rule shall incorporate the mandatory standards expressed in this rule and shall include the following provisions:

- (1) Specific provisions that assign the responsibility for costs related to medical care of prisoners while they are being returned that is not covered by insurance of the private person or entity.
- (2) Specific provisions that set forth the number of days, not exceeding ten, within which the private person or entity, after it receives the prisoner in the other state, must deliver the prisoner to the location in this state specified by the adult parole authority, subject to the exceptions adopted as described in paragraph (I)(3) of this rule.
- (3) Specific provisions that set forth any exceptions to the specified number of days for delivery specified as described in paragraph (I)(2) of this rule.
- (4) A requirement that the private person or entity immediately report all escapes of prisoners who are being returned to this state, and the apprehension of all prisoners who are being returned and who have escaped, to the adult parole authority and to the local law enforcement agency of this state or another state that has jurisdiction over the place at which the escape occurs;
- (5) A schedule of fines that the adult parole authority shall impose upon the private person or entity if the private person or entity fails to perform its contractual duties, and a requirement that, if the private person or entity fails to perform its contractual duties, the adult parole authority shall impose a fine on the private person or entity from the schedule of fines and, in addition, may exercise any other rights it has under the contract.
- (6) Two agents per vehicle with an agent to prisoner ratio of no more than one to six.
- (7) The presence of at least one female officer when transporting female prisoners.
- (8) A requirement that prisoners are appropriately secured during transport, which includes leg restraints and double-locked handcuffs.
- (9) A requirement that the private person or entity notify local law enforcement

officials within twenty-four hours in advance of any scheduled stops within their jurisdiction.

- (10) A requirement that officers or agents engaged in the return of prisoners wear a uniform with an identifying insignia or badge identifying the officer or agent as a transport officer.
 - (11) A requirement that prisoners being transported wear uniforms that make them readily identifiable as prisoners.
 - (12) A requirement that, if commercial air transportation is used to transport prisoners, that the entity comply with all applicable FAA regulations concerning the transportation of prisoners.
- (J) If the private person or entity that enters into the contract fails to perform its contractual duties, the adult parole authority shall impose upon the private person or entity a fine from the schedule described in paragraph (I)(5) of this rule. The money paid in satisfaction of the fine shall be paid into the state treasury, and the adult parole authority may exercise any other rights it has under the contract. If a fine is imposed under the contract entered into pursuant to this rule, the adult parole authority may reduce the payment owed to the private person or entity pursuant to any invoice in the amount of the fine.
- (K) This rule does not apply to any out-of-state prisoner who is brought into this state to be housed pursuant to section 9.07 of the Revised Code in a correctional facility in this state that is managed and operated by a private contractor.

Effective:

R.C. 119.032 review dates: 05/12/2014

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5120.01, 5120.64
Rule Amplifies: 5149.03, 5120.64
Prior Effective Dates: 7/13/01, 11/14/08