

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>6</u>
<b>Conditions of Supervision</b>	NUMBER: 100-APA-09
RULE/CODE REFERENCE: AR 5120:1-1-12	SUPERSEDES: 100-APA-09 dated 10/24/14
RELATED ACA STANDARDS: 4-APPFS-2A-05; 2A-12; 2A-16 2-1004; 2-1099; 2-1100; 2-1102; 2-1104; 2-1105	EFFECTIVE DATE: November 19, 2015
	APPROVED:  <i>Ray OMM</i>

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to set forth the circumstances governing the issuance of general and special conditions of supervision for offenders who are under the supervision of the Adult Parole Authority.

**III. APPLICABILITY**

This policy applies to all employees of the Adult Parole Authority, ODMHAS employees out of an interagency MOU, and to all offenders under its jurisdiction with the exception of transitional control offenders.

**IV. DEFINITIONS**

**Business Days** - The days of the week, excluding Saturday, Sunday and any legal holiday.

**Community Control** - A sanction that is not a prison term and that is described in section 2929.16, 2929.17, and 2929.18 of the Ohio Revised Code. Community Control replaces the term "probation" and applies to all offenders given non-prison sanctions for felony offenses committed on or after July 1, 1996. Community Control offenders are sentenced directly to sanctions without a prison sentence being imposed and the prison sentence suspended. The maximum period of Community Control is five (5) years.

**Conditions of Supervision** - Those general and special rules and regulations with which offenders are expected to comply as part of the criminal sentencing sanction of basic supervision or intensive supervision, as requirements of community control or parole supervision under former law, or as requirements of other forms of community supervision.

**Field Officer Tablet** - Computerized data maintained by the parole officer assigned to the case that contains the chronological details involving contact with the offender, social services agencies, law enforcement, etc. The tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

**Field Staff** - According to the Internal Accounting Control Program, personnel who are away from the office at least 50% of the time and/or those employees who leave directly from home to go to field sites at least 50% of the time.

**Interstate Compact** - The agreement codified in ORC 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

**Monitored Time** - A sanction option pursuant to Ohio Revised Code 2929.17 which is that period of time an offender continues to be under the supervision of the sentencing Court or Parole Board subject to no conditions other than leading a law abiding life. Monitored time is applicable only to those offender who commit offenses on or after July 1, 1996 or compact offenders.

**NOTE C** - A section in the Community Corrections Information System (CCIS) to record information regarding offender's activity while under supervision.

**Parole** - The release from confinement in any state penal or reformatory institution by the Adult Parole Authority that is created by Section 5149.02 of the Ohio Revised Code and under any terms and for any period of time that is prescribed by the Adult Parole Authority in its published rules and official minutes. A parolee so released shall be supervised by the Adult Parole Authority. Legal custody of a parolee shall remain in the Department of Rehabilitation and Correction until a final release is granted by the Adult Parole Authority, pursuant to Section 2967.16 of the Ohio Revised Code. The above applies to all persons who have committed felonies prior to July 01, 1996.

**Parole Board** - That section of the Adult Parole Authority created in Ohio Revised Code sections 5149.02 and 5149.10 whose duties include, but are not limited to, reviewing and evaluating offenders for parole and clemency consideration and imposing post-release control.

**Post Release Control** - A period of supervision for an offender by the Adult Parole Authority following release from imprisonment that includes one or more post release control sanctions imposed by the Parole Board pursuant to section 2967.28 of the Revised Code.

**Post Release Control Sanction** - A sanction that is authorized under sections 2929.16 through 2929.18 of the Ohio Revised code and that is imposed by the Parole Board at the time of the offender's release from prison.

**Probation** - A period of supervision for a convicted offender (felony or misdemeanor) in lieu of prison/jail term for a specified length of time. The execution of the sentence is suspended and the defendant is placed under the supervision of the court. The period of supervision can be up to a period of five years. Once placed on probation, the offender is expected to abide by the conditions the Court imposed. The probation services can be one by either the Common Pleas Court probation department or by APA Field Services. The term probation applies to all persons placed on probation for felonies or misdemeanors committed prior to July 01, 1996 and all misdemeanors thereafter.

**Sanction** - Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of Sections 2929.14 to 2929.18 of the Revised Code.

**Special Conditions of Supervision** - The special and specific conditions for individual offenders that are related to the previous offense pattern and the probability of further serious law violations by the individual offender. Special conditions may be imposed by the Court or by the Parole Board, pursuant to policy.

**Temporary Order** - An immediate restriction given to an offender that is not included in the standard conditions or any special conditions of supervision.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that offenders under supervision receive, sign, and understand the conditions of supervision to ensure an offender's accountability for his/her behavior. Special conditions may be imposed based upon offender risk and need and shall have a nexus to offender behavior.

## VI. PROCEDURES

### A. Initial Interview

1. Adult Parole Authority (APA) field staff shall review and explain to the offender the conditions of supervision and any special condition(s) imposed by the Parole Board or Court pursuant to Department Policy 100-APA-15, APA Initial Interview with the Offender.
2. APA field staff shall require the offender to acknowledge receipt in writing by signing the Conditions of Supervision (DRC3019) and provide a copy to the offender. Copies shall be maintained in the district office file and/or Court of Jurisdiction. In cases when the Court has not journalized the conditions of supervision or specifies a different format, APA field staff shall utilize the format specified by the Court.
3. In the event the offender refuses to sign the conditions of supervision, the field officer shall do the following:
  - a. Document the incident in his/her Field Officer Tablet (FOT) notes;
  - b. Staff the incident with the field unit supervisor; and
  - c. Have another staff member witness the forms.

### B. Translation

When a literacy, language problem, or other obvious barrier to comprehension exists and prevents an offender from understanding any of the information regarding the conditions of supervision, staff shall explain the information to offenders and document this assistance on the Conditions of Supervision (DRC3019). If the officer is unable or not qualified to assist, the officer should utilize resources within the community that may be available at no charge. The translator/interpreter or staff providing the assistance shall sign the Conditions of Supervision

(DRC3019) as a witness. The conditions of supervision for offenders on probation/community control are imposed by the Court and are therefore translated to the offender by the Court if necessary. If the offender requires further translation services while under supervision, (s)he shall be provided these through the respective Court, district office, or regional office.

### **C. Modification of Conditions/Sanctions for Offenders**

1. Removal and/or modification of the conditions of supervision and/or special condition(s)/sanction(s), or the imposition of new special condition(s)/sanction(s) for offenders under court jurisdiction may be requested by the offender or supervising officer as follows:
  - a. If an offender is requesting a removal and/or modification of the special conditions of supervision, he/she shall notify the supervising officer of the request. The supervising officer shall document the request in FOT;
  - b. The supervising officer shall staff the reasons for the modification of conditions of supervision and/or special condition(s)/sanction(s) with his/her unit supervisor/designee prior to submitting them to the Court;
  - c. The supervising officer shall follow the procedure stipulated by the sentencing Court. This may be a formal or informal process; and
  - d. The offender shall be notified in writing of any modification. A new Conditions of Supervision form (DRC3019) shall be completed and signed with copies to the Court, offender, and district office file.
2. Modification of the conditions of supervision and/or special condition(s) or the imposition of new special condition(s) for offenders under parole or post release control supervision may be requested by the offender or supervising officer to the Parole Board. The process is as follows:
  - a. The supervising officer shall staff the reasons for the modification of conditions with the unit supervisor/designee. If approved, the supervising officer shall submit the Request/Add/Modify Conditions of Supervision form (DRC3020) outlining the reasons for the request to the supervisor/designee. The unit supervisor/designee shall then submit the request to the Regional Case Analyst or appropriate staff member.
  - b. The request shall be reviewed by the Regional Case Analyst/designated staff. If they concur the request is appropriate, they shall forward the request to the Parole Board Chair or designee. If the request is not considered to be necessary, it shall be returned to the unit along with an explanation for denial.
  - c. The Parole Board Chair or designee shall review the request and submit a response directly to the unit supervisor within five (5) business days. Any modification shall not take effect until approved by the Parole Board Chair or designee.

- d. The offender shall be notified in writing of any modification. A new Conditions of Supervision form (DRC3019) shall be completed and signed with copies to the offender and district office file.
  - e. Special conditions involving program related services imposed by the Parole Board do not require modification if the offender has been evaluated by the appropriate staff or a community provider and programming is not recommended. The outcome shall be documented in NOTEC.
3. When specific services ordered by the Court or releasing authority are not available, field staff shall notify the Court or releasing authority and request guidance and document the notification in the FOT notes.
  4. Monitored time may be imposed on offenders under the following circumstances:
    - a. The offender has been given monitored time by the Parole Board;
    - b. The offender has exhausted all of his/her available prison sanction time and is not eligible for termination from post release control; and/or
    - c. The parole officer, after staffing the case with his/her unit supervisor/designee, determines the offender meets the criteria per Department Policy 100-APA-19, Monitored Time. The parole officer shall have the offender sign the Monitored Time Conditions of Supervision (DRC3251);
    - d. PRC Offenders who have been deported and re-screened to Monitored Time by the Parole Board.
  5. If the parole officer or supervisor determines it is necessary to impose a temporary order on an offender due to an incident that requires immediate attention, a temporary order may be placed on the offender. The temporary order may be verbal or in writing with the documentation in NOTEC and the FOT. The unit has five (5) business days to investigate the incident and shall submit a request to the Parole Board to add the temporary order as a special condition or remove the temporary order locally.

#### D. Interstate Compact

1. The sending state can place supervision conditions on their offenders transferring through Interstate Compact. If Ohio cannot enforce a condition, the sending state shall be notified prior to acceptance of the case through a Compact Action Request.
2. If the supervising unit or the offender is requesting a modification of an existing condition that was imposed by the sending state, a request shall be made to the sending state via a Compact Action Request.
3. If the supervising unit or the offender is requesting a modification of an Ohio imposed condition, the request shall be submitted to the appropriate compact analyst and deputy compact administrator who will submit it to the Parole Board.

**Related Department Forms:**

Conditions of Supervision	DRC3019
Request/Add/Modify Conditions of Supervision	DRC3020
Monitored Time Conditions of Supervision	DRC3251