

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: APA Termination Recommendation	PAGE <u> 1 </u> OF <u> 16 </u>
RULE/CODE REFERENCE: ORC. 2967.16; 2967.28 ORC. 2929.15; 2923.13; 2951.041; 2930; 2967.17 A.R. 5120:1-1-02; HB525; HB86; HB130; 5120:1-1-42	NUMBER: 100-APA-16 SUPERSEDES: 100-APA-16 dated 10/24/14
RELATED ACA STANDARDS: 2-1009; 2-1124; 2-1125; 4-APPF5-2A-13; 2A-14	EFFECTIVE DATE: January 5, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with the Ohio Revised Code 5120.01 which delegates to the Director of the Ohio 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 conditions for processing timely terminations for parole, post-release control, and community control/probation.

III. APPLICABILITY

This policy applies to all employees of the Adult Parole Authority and the Office of Victim Services. It also applies to all offenders, excluding incoming Interstate Compact offenders, under the supervision of the Adult Parole Authority.

IV. DEFINITIONS

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

Calendar Days - The days of the week, including Saturday, Sunday, and any legal holiday.

Case Plan (Adult Parole Authority) - An individualized plan for offenders under the Department's custody/supervision designed to identify and target the offender's identified dynamic risk factors based upon the completion of the ORAS tools.

Community Based Correctional Facility (CBCF) – A secure residential program that provides comprehensive programming for offenders on felony probation. CBCFs provide a wide range of programming addressing offender needs such as cognitive behavioral therapy, chemical dependency, education, employment, and family relationships. CBCFs are governed by a facility governing board and advised by a judicial advisory board.

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.

Community Corrections Information System (CCIS) - A computerized information system used to track the criminal history and progress of offenders under the supervision of the Adult Parole Authority. Access to CCIS is restricted to essential users only.

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.

Contact (Supervision) - The obtaining or attempt to obtain meaningful information about the offender and/or the offender’s behavior by the appropriate DRC staff or ODMHAS CDS. The source of the information may be the offender, another person, or agency; it may be in person, by telephone, or by written communication and may be at any location.

Detainer - A request filed by a criminal justice agency with the institution in which a prisoner is incarcerated asking the institution either to hold the prison for the agency or to notify the agency when release of the prisoner is imminent.

Early Termination - The ending of probation/community control/judicial release/parole/PRC supervision prior to the scheduled date because the offender’s performance and/or compliance fulfills or exceeds all supervision plan objectives, conditions, special conditions, and sanction requirements.

Evidence Based Practices (EBP) - The use of current research and available data to guide policy and practice decisions that are aimed at improving outcomes.

Expiration of Supervision Term - The maximum period of time any community control or PRC offender remains under the control and/or supervision of the Adult Parole Authority, as specified by the sentencing Court’s journal entry or parole board minutes.

Final Release - A remission by the Adult Parole Authority of the balance of the sentence or prison term of a parolee, or the official acknowledgment by the APA or the Court of the end of a term of PRC/probation/community control/judicial release. PRC terminations can be classified as Favorable or Unfavorable pursuant to Administrative Code 5120:1-1-42.

Fugitive - An individual who is fleeing to avoid APA supervision, custody, or confinement after conviction.

Good Faith Effort - An attempt by an offender to satisfy his/her financial obligation. This attempt shall include making consistent payments in an amount that is relative to his/her income and/or financial situation.

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

Interstate Compact Offender Tracking System (ICOTS) - A web-based system used by all states to provide required information for supervision.

Intervention in Lieu of Conviction - A period of supervision as if the offender was subject to a community control sanction imposed under section 2929.15 through 2929.18 of the Ohio Revised Code.

Maximum Expiration Date - The last day of a period of incarceration or community supervision which signifies that the maximum sentence imposed by the Court has been served in its entirety.

NOTEC - A section in the Community Corrections Information System (CCIS) to record information regarding offenders' activity while under supervision.

Ohio Risk Assessment System (ORAS) - A collection of risk and needs assessment tools to accurately determine the risk of Ohio offenders.

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 PRC.

Positive Contact (PC) - A face-to-face contact between an offender and an appropriate DRC staff or ODMHAS CDS at any location for the purpose of obtaining information regarding community adjustment.

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

PRC Term Reduction - A reduction by the Parole Board of an offender's term of PRC upon the recommendation of the APA field staff.

Registered Victim - Any person who meets the definition of ORC 2930 and who has registered with the Office of Victim Services.

Reduction - An early release from supervision of PRC offenders who are eligible pursuant to Department Policy 105-PBD-08, PRC Screening and Assessment.

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 Ohio Revised Code.

Sex Offender - An inmate with a documented commission and/or conviction of a sex or sexually oriented offense as defined under section 2950.01 of the Ohio 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.

Staffing (APA only) - A consultation among DRC personnel or ODMHAS CDSs wherein a documented exchange of information is shared with the intent of making decisions or following a course of action which will help facilitate the supervision of an offender, protection of the community, and ensure that all aspects of supervision and investigations meet agency standards.

Supervision Term - The maximum period of time an offender remains under the control and/or supervision of the Adult Parole Authority.

Telephone Contact (TC) - A contact between an appropriate DRC staff member or ODMHAS CDS and an offender via the telephone.

Violation Behavior - Conduct by the offender during the period of Adult Parole Authority supervision that is a violation of the conditions of release.

Violation Hearing - An administrative hearing conducted by a representative(s) of the parole Board or designee of the Chief of the Adult Parole Authority to determine whether an offender has violated one or more of the conditions of release and, if so, the specific sanction that should be imposed upon the offender.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to grant a timely final release/termination to offenders under Adult Parole Authority supervision pursuant to Ohio Revised Code 2967.16 and 2967.28.

VI. PROCEDURE

A. Eligibility Requirements for Recommendation of Reduction and Final Release

1. The supervising officer and supervisor/designee shall staff offenders' conduct and compliance at the earliest eligibility date, as previously determined by the Parole Board or Court to determine if a recommendation for final release/termination/reduction is appropriate. The results of these reviews shall be documented in NOTEC. If eligible and suitable, a final release/termination/reduction shall be submitted within ten (10) business days of staffing.

2. Criteria Negating Eligibility for All Supervision Types

a. A final release from supervision shall not be recommended if the offender:

- i. Has committed a felony within the past eight (8) months which resulted in a conviction with the exception of discretionary Post Release Control (PRC) cases. In these cases, if the offender has been placed on supervision as a result of a new conviction that occurred while the offender was under PRC, the unit may staff the case with the Parole Board Hearing Officer who completed the assessment/designee to determine if continuance of the offender's PRC is necessary. The Parole Board Hearing Officer who completed the assessment/designee shall be guided by the remaining sanction time available versus the possible sanction imposed by the sentencing court for any future violations. The offender may be granted a reduction in supervision period provided the offender meets the minimum supervision time requirement as mandated by statute and remains under supervision on the new conviction(s).
- ii. Has committed an assaultive misdemeanor or DUI/OMVI within the last six (6) months which resulted in a conviction.
- iii. Has failed to make a good faith effort regarding payment of restitution or other financial sanction/obligation, exclusive of supervision fees, with the exception of discretionary PRC cases. In these cases, offenders become eligible for final release after serving one year of PRC.
- iv. Has criminal or serious traffic charges (DUI/OMVI, Hit Skip, etc.) pending unless the charges occurred prior to the offender's current period of supervision.
- v. Is listed as wanted by any law enforcement agency or have any outstanding warrants or detainers unless the charges occurred prior to the offender's current period of supervision or if the agency holding the warrant will not extradite from the offender's county of residence.
- vi. Has not submitted a DNA sample per HB 525.
- vii. Has failed to complete treatment or any other program(s) the offender is required to participate in as a result of an imposed special condition/sanction.
- viii. Has a risk score of high or very high as indicated in the ORAS instrument, or other approved risk assessment, unless the supervision level has been reduced pursuant to Department Policy 100-APA-13, Supervision Reentry Planning and Offender Classification.

3. Supervision Type Specific Criteria Regarding Eligibility

a. Parole Supervision Eligibility

- i. No paroled offender shall be granted a final release earlier than the term ordered by the Parole Board and in any case, a minimum of one (1) year, two (2) years for sex offenders unless the released offender's maximum sentence has expired.
- ii. No paroled offender who served a sentence with a maximum of life shall be granted a final release earlier than five (5) years after the offender is released from institution under a period of parole.

b. PRC, Community Control (CC), Risk Reduction (RR), and Intervention in Lieu Supervision Eligibility

- i. No PRC offender's supervision period, pursuant to Ohio Revised Code 2967.28, shall be extended past the statutory limit.
- ii. Offenders released via PRC and Risk Reduction (RR) shall be eligible for consideration for a reduction in supervision as noted by the Parole Board in the PRC assessment.
- iii. Risk Reduction cases not placed on monitored time, shall also be on PRC, though CCIS shall reflect Risk Reduction as the supervision type, for the entire period of supervision. The time until the offender's EST date shall not count towards any eligibility time when considering for a reduction in period of supervision.
- iv. Risk Reduction cases that are placed on monitored time only until their EST date as listed in PROLI or SENTV shall not be extended.
- v. Pursuant to section 2929.15 of the Ohio Revised Code, no offender on community control/probation shall be supervised beyond the timeframe specified in the sentencing journal entry unless extended by the sentencing court.
- vi. Recommendation to grant final release from Intervention in Lieu supervision shall not be made if the offender has failed to comply with an intervention plan.

c. Outgoing Compact Offenders

Pursuant to Interstate Commission for Adult Offender Supervision (ICAOS) Guidelines, some eligibility requirements may not be applicable and appropriate ICAOS guidelines shall apply.

- d. Mandatory PRC who have been deported and not returned to the United States shall be eligible at their minimum eligibility date. Termination Recommendation form (DRC3065) completed as would a Monitored Time Case.

B. Suitability Criteria for All Supervision Types

1. An offender who has met all other criteria may be granted a final release/termination/reduction upon successful completion of any program(s), Evidence Based Practices (EBP) tools, or interventions for any high or moderate need domain(s) pursuant to Department Policy 100-APA-13, Supervision Reentry Planning and Offender Classification, excluding ongoing mental health treatment.
2. An offender confined in a mental health facility or long term care facility, such as a nursing home, may be recommended for final release/termination/reduction from supervision if all the requirements contained in this policy for a final release/termination/reduction have been met.
3. Even if otherwise eligible, if an offender has received a unit sanction for a high severity violation, a final release/reduction recommendation cannot be submitted prior to one-hundred eighty (180) days from the date of the sanction. If an offender has received a unit sanction for a low severity violation, a final release/reduction recommendation cannot be submitted prior to ninety (90) days from the date of the sanction.
4. Even if otherwise eligible, if an offender has received a prison sanction term, a CBCF sentence, or a local jail sentence for a new offense committed while on supervision that resulted in a conviction (excluding minor misdemeanors and traffic offenses), he/she cannot be recommended for final release/reduction prior to one-hundred eighty (180) days from release of incarceration.
5. In determining whether an offender is suitable to be released from supervision, the following factors pertaining to the offense and the offender shall be considered:
 - a. The offender has successfully complied with (e.g. mental health) or completed all special conditions and/or sanctions.
 - b. The offender has successfully complied with (e.g. mental health) or completed programming or direct intervention(s) that targeted all identified moderate or high risk factors per an approved validated risk assessment tool.
 - c. The offender has been determined to be a supervision level of low and no case plan completed pursuant to Department Policy 100-APA-13, Supervision Reentry Planning and Offender Classification.
 - d. Evidence that offender has demonstrated positive change and pro-social behavior.
 - e. The serious nature of the crime for which the offender was released onto supervision and the offender's criminal history.
 - f. The risk to public safety and whether or not granting a final release/reduction would further the interests of justice and would be consistent with the welfare and security of society.
 - g. Input from collateral and interested parties.

6. Parole
 - a. Suitability factors noted in VI-B, sections 1-5 are applicable to Parole offenders.
 - b. Suitability factor VI-B-d evidence is further clarified to include, but not be limited to:
 - i. The offender establishing and maintaining permanent or, at a minimum, reasonably stable housing arrangements;
 - ii. The offender being employed or having job skills that make the offender reasonably employable;
 - iii. The offender establishing and maintaining relationships with law-abiding, pro-social family members or others;
 - iv. The offender consistently following all directives of the offender's supervising officer, including, but not limited to, timely appearance for any scheduled office visits, compliance with any no contact orders, and residing at approved residences only.

7. Outgoing Compact Offenders

Pursuant to Interstate Commission for Adult Offender Supervision (ICAOS) Guidelines, some suitability requirements may not be applicable and appropriate ICAOS guidelines shall apply.

8. Sentenced to federal or state prison outside of Ohio (PRC, IPP, RRR)

If the offender is serving a mandatory term of PRC, the term cannot be reduced below the date determined by the Parole Board in the PRC assessment. Discretionary PRC does not require a minimum timeframe for submission. The termination shall be designated as favorable unless it meets any of the unfavorable criteria outlined in section 3 below.

C. Termination Designation

1. When a term of PRC is reduced due to a determination that an offender is suitable, the term of PRC shall be designated as favorable.
2. All PRC reductions shall be submitted as favorable, unless any of the following criteria apply:
 - a. Discretionary offenders who exhaust all prison sanction time (PST);
 - b. Discretionary offenders who failed to make a good faith effort regarding payment of restitution or other financial sanction and have served a minimum of one (1) year;
 - c. Discretionary offenders who commit a felony within the past eight (8) months prior to completion of the period of PRC which resulted in a conviction.

3. The completed PRC supervision term shall be considered favorable unless one or more of the following apply and shall be designated on the Termination Recommendation (DRC3065E) form:
 - a. The offender has served all administrative prison or jail sanction time.
 - b. The offender has failed to comply with sanctions progressively imposed in response to violation behavior.
 - c. The offender, within the six (6) months prior to the completion of the period of PRC, committed two (2) or more misdemeanors (other than minor misdemeanor traffic offenses) which resulted in convictions.
 - d. The offender has failed to make a good faith effort regarding payment of restitution or other financial sanction exclusive of supervision fees imposed under Administrative Rule 5120:1-1-02, Supervision Fees.
 - e. The offender committed an assaultive misdemeanor or DUI/OMVI within the six (6) months prior to the completion of the period of PRC which resulted in a conviction.
 - f. The offender committed a felony within the eight (8) months prior to the completion of the period of PRC which resulted in a conviction.
 - g. The unit supervisor/designee and parole officer shall staff the specifics of any given case to determine the appropriateness of designating an offender's release as unfavorable. When warranted, the unfavorable designation may be overridden to favorable based on positive behavior exhibited by the offender that overrides any previous unsatisfactory adjustment (e.g. offender has two misdemeanor convictions, but becomes gainfully employed and has no further interaction with the law). The override shall be documented in NOTEC.

D. Procedures

1. All Supervision Types
 - a. Prior to submitting a termination recommendation, APA staff shall review OHLEG. APA staff shall document in the FOT the date that they reviewed OHLEG and confirmation of the DNA collection status, upon staffing the case DNA shall be documented in NOTEC.
 - b. Termination Recommendations shall not be submitted more than thirty (30) calendar days before the offender's eligibility date or max date. In PRC cases that are eligible for term reduction after ninety (90) days of supervision, the Termination Recommendation shall not be submitted earlier than ninety (90) calendar days from the start of supervision
 - c. When an offender's term of PRC is about to expire, APA staff shall submit a Termination Recommendation (DRC3065E) as favorable or unfavorable not more than

thirty (30) calendar days prior to the expiration date. The supervising officer and unit supervisor/designee shall verify the offender's actual maximum expiration of sentence date.

- d. Termination Recommendations shall be submitted via DRC3065E in the Parole Application for all offenders under supervision and for all categories of termination from supervision. The original shall be submitted to the Parole Board Case Analyst for Parole/PRC or to the sentencing court for community control/probation cases. The following information shall be included:
 - i. Court or Parole Board special conditions/sanctions- Violation behavior and/or criminal activity in which the offender has been involved within eight (8) months prior to submission of the recommendation, along with the arrest date and other applicable data.
 - ii. Record Check date and results- Within fifteen (15) business days of staffing with the supervisor/designee, APA staff shall conduct a local criminal record check and a check of the LEADS/NCIC computer system to determine any current warrants/wants and unreported arrests during the supervision period. APA staff shall ensure any arrest orders/warrants issued for the offender have been recalled/cleared. APA staff shall document the date and the corresponding results. This section does not apply to cases where PRC have been terminated by the courts as the result of a judicial sanction or in Community Control cases terminated by the courts without APA request for termination.
 - iii. Contacts- A positive contact or telephone contact with the offender within thirty (30) calendar days of staffing the case with the supervisor/designee, excluding monitored time offenders. This section does not apply to cases where PRC have been terminated by the courts as the result of a judicial sanction or in Community Control cases terminated by the courts without APA request for termination. For parole cases, a positive contact with the offender within thirty (30) calendar days of staffing case with the supervisor/designee is required.
 - iv. History of supervision- This section shall contain the following information:
 - a). Initial and current classification levels
 - b). Risk/needs level and status
 - c). Identified risk factor(s) and appropriate intervention(s) for entire supervision period (excluding PRC/Parole maximum expiration, judicial sanction, PRC vacated by Judge, Community Control cases terminated by the courts without APA request for termination, CC/JUR/TIL cases unless sentencing court requests, or exhausted prison sanction time cases)
 - d). Family involvement
 - e). Employment status
 - f). Supervision fee information
 - g). DNA information
 - h). Registered victim and notification (PRC reduction and Parole terminations only)

- i). Good faith effort made regarding payment of restitution/financial sanction including any starting and ending balances. Any counties where the Clerk of Courts will not accept restitution payments are excluded.
 - j). Any remaining problem areas (excluding PRC/Parole maximum expiration, judicial sanction, PRC vacated by Judge, Community Control cases terminated by the courts without APA request for termination, CC/JUR/TIL cases unless sentencing court requests, or exhausted prison sanction time cases)
- v. When the unit has received the Final Release, Maximum Expiration of Sentence Certificate, Expiration of Supervision Term (PRC), or Journal Entry terminating supervision (CC offenders), the unit shall officially close interest on the case. A narrative report is not required, however, the unit supervisor/designee shall be responsible for having the case closed in CCIS.
- vi. The supervising officer/designee shall provide the offender with a copy of his/her final release which states he/she is not relieved of any disability prohibiting the possession of a firearm under section 2923.13 of the Ohio Revised Code (Parole and PRC cases) or journal entry notifying that all appropriate civil rights are restored, unless otherwise prohibited by Title VII of the Federal Omnibus Crime Control and Safe Street Act of 1968 and/or Section 2923.13 of the Ohio Revised Code (CC cases). If this notice is not included in the journal entry, Appendix A shall be provided to the offender.
- vii. If an unfavorable final release termination from supervision is approved, APA staff shall also advise the offender that if he/she is ever convicted of another felony, the unfavorable termination designation could result in the enhancement of the sentence for that conviction. (PRC cases only).
- viii. If the Termination Recommendation (DRC3065E) is not approved, the unit shall be advised in writing with an explanation regarding the disapproval and APA staff shall notify the offender.
- ix. Attachments shall be added to the Termination Recommendation as .pdf files (e.g. TERR header, court entries, etc.).

2. Parole and PRC Reduction Recommendations

- a. The Termination Recommendation (DRC3065E via Parole Application) shall be forwarded electronically, within fourteen (14) calendar days of completion, by the unit supervisor/designee to be reviewed by the Parole Board Case Analyst as the designee of the appointing authority. The Parole Board Case Analyst shall determine if the offender meets eligibility criteria for a Final Release recommendation and then forward the case electronically to the Parole Board Chair/designee for approval. If Final Release is approved by the parole Board Chair/designee and a final release is granted by the appointing authority/designee, a certificate shall be sent to the supervising unit and provided to the offender. A copy of the report shall also be sent to the Bureau of Records Management. If the Parole Board Chair/designee rejects a request for reduction in PRC, the termination recommendation shall be forwarded to the Chief Hearing Officer who shall review and approve or disapprove the rejection.

- b. Registered victim and OVS notification-An e-mail shall be submitted to the Parole Board Notification/Termination Unit at DRC.TERR@odrc.state.oh.us by the supervising officer, supervisor, or designee for any PRC case being considered for reduction or any parole case being considered for final release where there is a registered victim (per PROLI). A notification (letter or e-mail) shall be sent to the victim within two (2) business days of receiving the e-mail from the APA. The victim shall have twenty-five (25) calendar days to respond and provide input. Any input received shall be sent to the Hearing Officer or Parole Board member to consider prior to rendering a decision to reduce the PRC term or grant a final release.
 - c. If the disapproved Termination Recommendation (DRC3065E) involved a victim notification, the Parole Board Case Analyst shall send an e-mail to DRC.TERR@odrc.state.oh.us informing them of the disapproved Termination Recommendation.
 - d. The decision whether to grant a final release to an offender released at the discretion of the Parole Board onto parole supervision is within the sole discretion of the Parole Board Chair/designee. If a recommendation for final release from parole is rejected, the reason for the rejection shall be addressed prior to any subsequent recommendation being made. The recommendation shall further document how the reason for rejection was addressed. All subsequent termination recommendations shall be reviewed and approved by the Regional Administrator/Designee.
 - e. If submitted complete and accurate, PRC reduction recommendations shall be processed within thirty (30) calendar days of submission to the Parole Board Case Analyst.
 - f. If complete and accurate, recommendations for final release from Parole shall be processed within thirty (30) calendar days of submission to the Parole Board Case Analyst.
3. PRC Maximum Expiration Cases
- a. The Termination Recommendation (DRC3065E) for all PRC maximum expiration cases shall be forwarded electronically by the unit supervisor/designee to be reviewed and approved by the Parole Board Case Analyst as the designee of the appointing authority. The Parole Board Case Analyst shall confirm that the offender has reached his/her PRC maximum expiration. If the termination is approved by the Parole Board Case Analyst and a termination is granted by the appointing authority/designee, a certificate shall be sent to the supervising unit and provided to the offender. A copy of the report and the certificate shall also be sent to the Bureau of Records Management.
 - b. For all PRC maximum expiration cases designated as favorable when the term of PRC was eligible for reduction, the supervisor/designee shall indicate the reason(s) for supervision to maximum expiration on the Termination Recommendation (DRC3065E).

4. Community Control Cases

- a. Termination recommendations or extensions of supervisions for community control cases shall not be submitted earlier than thirty (30) calendar days before the offender's eligibility date, unless otherwise instructed by the Court.
- b. When recommending termination for community control cases, all sections of the Termination Recommendation form (DRC3065E) shall be completed.
- c. If the termination recommendation is denied by the Court, the parole officer shall staff the case with the unit supervisor/designee. The unit supervisor/designee shall document the staffing and denial in NOTEC and establish a follow-up date, no longer than one year for the next routine reassessment.
- d. When the APA receives notice, via journal entry, that the Court has terminated supervision where the Termination Recommendation form (DRC3065E) was not previously completed or a violation hearing was not held, all sections of the Termination Recommendation form, except those outlined in this policy under VI. D. 1.c, Termination Recommendation (DRC3065E) shall be completed.

E. Other Forms of Case Closure

1. PRC Offenders Admitted to Institution on New Number

- a. When a PRC offender is admitted to DRC on a new number to serve a sentence for an offense that occurred while on PRC and the Court has not terminated PRC, the unit shall complete a Close of Interest (CI) report in CCIS within twenty (20) calendar days. The unit shall calculate the days remaining on supervision and enter it into the CI report and NOTEC. The Parole Board Hearing Officer/designee shall assess an amount of PRC based on the longest period of supervision.
- b. When a PRC offender is admitted to DRC on a new number to serve a sentence for an offense that occurred prior to being placed on PRC, the unit shall complete a Close of Interest (CI) report in CCIS within twenty (20) calendar days of re-admission to the institution. The unit shall calculate the days remaining on supervision and enter it into the CI report and NOTEC. The Parole Board Hearing Officer/designee shall assess an amount of PRC based on the longest period of supervision.

2. PRC Terminated by Judge

- a. If an offender is sentenced on a new conviction and the current PRC supervision is terminated by a judge, the journal entry terminating the offender's PRC shall be forwarded to the Parole Board Case Analyst along with a completed Termination Recommendation (DRC3065E) for review and approval. Once approved, the offender's supervision shall be closed by the APA unit supervisor/designee and all changes documented in NOTEC. In these cases supervision time shall not be carried over to the new number and prison sanction time will not be stacked.

- b. If an offender's current PRC supervision is terminated by a judge without a new conviction, the journal entry terminating the offender's PRC shall be forwarded to the Regional Case Analyst along with a narrative Close of Interest (CI) for review and approval.
3. Death of an Offender Under Supervision
 - a. When a community control offender passes away while under supervision, the death shall be verified according to local court practices and notification submitted to the sentencing Court.
 - b. When a PRC/Parole or Interstate Compact offender passes away while under supervision, the death shall be verified by death certificate, police report, autopsy report, or documentation from the Bureau of Vital Statistics. Upon verification, the unit shall complete a Close of Interest report detailing the verification, which shall be forwarded to the Regional Case Analyst for PRC/Parole cases and submitted via ICOTS for Interstate Compact offenders.
 - c. For deaths of offenders that receive media attention, or high notoriety cases, a special incident report shall be submitted via the Enterprise Information Management (EIM) system, and shall be labeled under the category "DPCS-death".
4. Other Circumstances Permitting Termination - PRC and Parole Only

Final Releases/Termination may be considered in other rare occasions that are not outlined in this policy. The case shall be staffed with the supervisor/designee and Parole Board Chair/designee. The Parole Board Chair/designee shall staff the case with the Regional Administrator/designee for approval or rejection and advise the supervising unit in writing of the outcome.

5. Administrative Releases

The Adult Parole Authority (APA) through the Parole Board and approval of the Chief of the APA/appointing authority, in its discretion, may grant an administrative release to any of the below utilizing the Administrative Release Review Form (DRC4000). The appropriate case analyst shall complete the form and forward to the APA Superintendent for review and signature. The APA Superintendent, the Parole Board, and the Chief of the APA shall each review the form and indicate an approval or denial. A copy of the form shall be sent to Onbase and the decision shall be noted in NOTEC by the sending case analyst.

- a. A parole violator or release violator serving another felony sentence in a correctional institution within or without this state for the purpose of consolidation of the records or if justice would best be served;
- b. A parole violator at large or release violator at large whose case has been inactive for at least ten (10) years following the date of declaration of the parole violation or the violation of a post-release control sanction;

- c. A parolee taken into custody by the immigration and naturalization service of the United States Department of Justice and deported from the United States.

Attachments:

Appendix A Ohio Revised Code Section 2923.13: Having Weapons While Under Disability

Related Department Forms:

Termination Recommendation	DRC3065
Administrative Release Review Form	DRC4000

Appendix A

Ohio Revised Code Section 2923.13: Having Weapons While Under Disability

- (A) Unless relieved from disability as provided in Section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordinance, if any of the following apply:
- (1) The person is a fugitive from justice;
 - (2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense of violence;
 - (3) The person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or, trafficking in any drug of abuse;
 - (4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic;
 - (5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a Court to be a mentally ill person subject to hospitalization by court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, “mentally ill person subject to hospitalization by court order” and “patient” have the same meanings as in section 5122.01 of the Revised Code.
- (B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

If an offender is returned to the institution to serve a sentence for an offense that occurred prior to being placed on PRC, the case shall not be terminated. The supervising officer shall submit a case closure (CI) within twenty (20) business days of re-admission to the institution.