

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u> 1 </u> OF <u> 7 </u> .
Monitored Time	SECTION: 100-APA-19
RULE/CODE REFERENCE: ORC 2929.15, 2929.17	SUPERSEDES: 100-APA-19 dated 09/24/12
RELATED ACA STANDARDS:	EFFECTIVE DATE: September 20, 2013
	APPROVED: 

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 guidelines for the supervision of Adult Parole Authority offenders on monitored time.

III. APPLICABILITY

This policy applies to all employees of the Adult Parole Authority and especially to those staff members responsible for supervision of offenders.

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 Control Offender - Any individual placed under a community control sanction or combination of sanctions, authorized under Ohio Revised Code sections 2929.16, 2929.17, or 2929.18 by the sentencing Court on or after July 1, 1996, and placed under the supervision of the Adult Parole Authority.

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 parole officer. 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.

Early Termination - The ending of probation/community control/judicial release/parole/post release control 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.

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.

Field Officer Tablet (FOT) - 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.

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 post release control/probation/community control/judicial release. PRC terminations can be classified as Favorable or Unfavorable pursuant to Administrative Code 5120:1-1-42.

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.

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 offenders who commit offenses on or after July 1, 1996 or compact offenders.

Monitored Time Active - The category of monitored time supervision that applies to PRC offenders who have available prison term sanction time.

Monitored Time Inactive - The category of monitored time supervision that applies to mandatory PRC offenders who have no available prison sanction time and who are ineligible for early termination of the imposed PRC term.

Monitored Time Supervision - A period of time during which an offender continues to be under the supervision of the releasing authority and the Adult Parole Authority subject to no conditions other than leading a law abiding life, and when applicable, other specific conditions.

Monitored Time Violation - Any violation of the monitored time notification.

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.

Placement - The approved residence plan of an eligible offender in the community.

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 post release control sanctions imposed by the Parole Board pursuant to section 2967.28 of the Ohio Revised Code.

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.

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.

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

Violator at Large (VAL) - An offender, as defined by the ORC 2967.15, who absconds the supervision of the Adult Parole Authority.

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 ensure that monitored time supervision is maintained jurisdiction over the offender in order to intervene and/or report criminal law violations to local authorities if record checks reveal that the offender is not leading a law-abiding life.

VI. PROCEDURES**A. Notification**

1. When the designated parole board staff screens inmates for the imposition of post release control sanctions of monitored time, staff shall serve the inmate with the Monitored Time Conditions of Supervision (DRC3251), prior to the inmate's release. Any special parole board and/or court imposed conditions (such as restitution) shall be noted. The inmate's signature shall be obtained on the Monitored Time Conditions of Supervision (DRC3251).
2. Copies of the signed notification form shall be distributed as follows:
 - a. Inmate;
 - b. Bureau of Records Management.
3. Those offenders placed on monitored time by a sentencing court shall receive the monitored time notification form at the address provided to the court.
4. Upon receipt of a monitored time case, the supervising unit is not required to conduct a placement investigation.

B. APA Supervising Unit Responsibilities

1. In the case of an offender sanctioned to monitored time directly from the Court or the institution, a placement investigation shall not be conducted. The parole officer shall conduct an initial interview within three (3) business days of APA assuming supervision and do the following:
 - a. Establish that the offender did report to the designated location or APA district office and document this in the field officer tablet (FOT) notes.
 - b. Require the offender to sign the monitored time conditions and review any special conditions. Copies of the conditions are to be provided to the offender, Court or Bureau of Records Management, and to the district file.
 - c. Provide the offender with a contact point, i.e. district/regional office, parole officer, or other assigned employee, for reporting changes in circumstances.
 - d. Collect any information needed by the Adult Parole Authority/Court for the case file, i.e. address and other identifying data.
 - e. Advise the offender of applicable felony registration laws.
2. Offenders may be reduced to monitored time supervision per Department Policy 100-APA-13, Supervision Reentry Planning and Offender Classification. Offenders reduced to monitored time supervision shall sign the Monitored Time Conditions of Supervision (DRC3251). All parole cases with life maximum sentences shall be staffed with the Parole Board prior to reducing the offender to monitored time.
3. Offenders placed on monitored time supervision by the Court, Parole Board, or APA do not require an assessment and case plan to be completed. Offenders who are placed on

monitored time supervision shall not be subject to drug testing or other procedures that apply to offenders who are placed on moderate or higher supervision.

4. The supervising officer or designee shall conduct a record check via the LEADS/NCIC or OHLEG computer system at least once every six (6) months on cases supervised on monitored time. The date and result of the record check shall be documented in the officer's FOT. A record check is also required **within** thirty (30) calendar days prior to the expiration of the monitored time period.
5. All monitored time cases shall at a minimum have an annual contact with the offender's family, support system, or the offender to verify the offender is living and shall be documented in FOT.

C. Violations of the Monitored Time Conditions

1. Community Control Offender

If a violation(s) or alleged violation(s) is discovered, the supervising officer shall notify the sentencing court of the violation. All violations shall be staffed with the unit supervisor/designee. If a violation(s) or alleged violation(s) is discovered and the supervising officer has reasonable cause to believe that the offender has absconded supervision, the officer shall notify the sentencing court via a whereabouts unknown report pursuant to Department Policy 102-FUG-02, Violator at Large.

2. Post Release Control / Monitored Time Active, Parole and Interstate Compact

- a. The supervising unit shall respond to a violation of the monitored time notification when any of the following apply:
 - i. A required record check reveals that the offender has been cited, arrested, charged, and/or convicted of a new criminal offense;
 - ii. The supervising officer receives reliable information in between required record checks indicating that the offender has been cited, arrested, charged, and/or convicted of a new criminal offense, and a subsequent record check verifies the information;
 - iii. The offender knowingly leaves the state of Ohio without permission from the supervising officer.
- b. The supervising officer shall notify the unit supervisor/designee of the discovered violation, and the unit supervisor/designee shall determine the appropriate response, based on the following:
 - i. If the new criminal offense discovered involves behavior described in Department Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision, the offender shall be arrested, and/or detained, and a hold order issued, and a violation hearing shall be scheduled when the offender becomes available.

- ii. If the new criminal offense discovered involves behavior not described in Department Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision, the arrest and/or issuance of a hold order and the scheduling of a violation hearing is not required. The unit supervisor/**designee** shall determine the appropriate response.
 - c. If a post release control offender is indicted for a new felony which occurred while under supervision, the supervising officer shall notify the prosecutor's office in the county of the new charge utilizing the Prosecutor's Notification of PRC Status (DRC3463).
3. Post Release Control/ Monitored Time Due To No Available Sanction Time
 - a. If violation behavior is discovered, the supervising unit shall not arrest the offender or issue a hold order.
 - b. If a post release control offender is indicted for a new felony offense which occurred while under supervision, the supervising officer shall notify the prosecutor in the county of the new charge utilizing the Prosecutor's Notification of PRC Status (DRC3463) in accordance with Department Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.

D. Imposition of Monitored Time by Parole Board after Violation Hearing Conducted

1. Mandatory and Discretionary 3 year PRC Cases: If a hearing officer sanctions an offender to all remaining prison sanction time, the offender is placed on monitored time at the completion of the incarceration and must satisfy all requirements listed in Department Policy 100-APA-16, APA Termination Recommendation, prior to any supervision termination.
2. One year Discretionary Cases: If a hearing officer sanctions an offender to all remaining prison sanction time, the offender's PRC is terminated at the end of the incarceration period. The offender is not placed on monitored time pursuant to Department Policy 100-APA-16, APA Termination Recommendation, and is eligible for an unfavorable termination.

E. Transfer

1. When an offender reports a change of address within Ohio, out of the supervising unit's jurisdiction, the supervising officer shall document the change in the FOT notes. The supervising unit shall maintain jurisdiction until the case is terminated.
2. The offender must obtain permission from the court or supervising officer to reside outside the state of Ohio. All transfers shall adhere to established policy and procedures of the Ohio Interstate Compact. The case shall be staffed with the unit supervisor/designee prior to granting approval or submitting the request to the court. The Court and the offender shall be advised that the receiving state may require that the

offender be placed under a different level of supervision. Offenders with no sanction time available are not eligible for transfer.

F. Early Termination, Termination, Expiration of Supervision Term

When the period of monitored time supervision is to be terminated, community control, parole, and post release control offenders shall be governed by Department Policy 100-APA-16, APA Termination Recommendation, and compact offenders shall be governed by Department Policy 103-SPS-01, Interstate Compact for Probation and Parole. Monitored time offenders on post release control are eligible for either a favorable or unfavorable termination designation.

Related Department Forms:

Monitored Time Conditions of Supervision
Prosecutor's Notification of PRC Status

DRC3251
DRC3463