

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>6</u>
APA Violation Report	NUMBER: 100-APA-24
RULE/CODE REFERENCE: ORC 2929.141;	SUPERSEDES: 100-APA-24 dated 05/16/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: August 31, 2016
	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 prescribe the content of the Adult Parole Authority (APA) violation report and the procedures and time frames for completing the report.

III. APPLICABILITY

This policy applies to all employees of the Division of Parole and Community Services (DPCS).

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.

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 APA. 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.

Departmental Offender Tracking System (DOTS Portal) - The web-based information platform which serves as the primary information system for information on all offenders under Ohio Department of Rehabilitation and Correction (DRC) supervision. The system contains information regarding the offender from reception to final release under supervision. This system is updated throughout each day. Access to DOTS Portal is restricted to essential users only.

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

Post Release Control - A period of supervision for an offender by the APA 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 Sanctions - 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.

Post Release Control Violator Notification - Any time an offender under post release control is indicted on a new felony offense, the local prosecutor's office will be notified in writing with the prosecutor notification form. The notification contains information regarding the time remaining on post release control supervision.

SANCO - The form generated through the DOTS Portal that is used to document prison sanction time available for post release control (PRC) offenders.

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.

Victim - A person who has been directly affected or who has suffered from an act committed by an offender.

Violation Hearing - An administrative hearing conducted by a representative(s) of the parole board or designee of the chief of the APA to determine whether an offender has violated one (1) or more of the conditions of release and, if so, the specific sanction that should be imposed upon the offender.

Violation Report - The APA report completed by the supervising unit when the offender is scheduled for a violation hearing, when the offender is recommitted to the institution for a new offense during the period of supervision, when an offender is convicted of a new felony offense while under post release control (PRC) supervision, or as otherwise instructed by the courts in community control/probation supervision cases.

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

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to require a violation report when an offender supervised by the Adult Parole Authority (APA) is scheduled for a violation hearing, is recommitted to the institution for a new offense during the period of supervision, is declared a violator at large, or when an offender is convicted of a new felony offense while under post release control (PRC) supervision that requires completion of the Post Release Control Violator Notification (DRC3463) per DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.

VI. PROCEDURE

A. Content of Violation Report

1. Introduction: This includes the offender's name, institution number, release status, release offense, supervision period, date of release, arrest date, arresting agency, date of APA hold, date of availability, bond/status, date violations served, date supervisor/designee reviewed JLS and SANCO screens, remaining prison sanction time (if applicable).
2. Violations & Corroboration: Alleged rule violation(s) with corroborating facts should be listed, with sources of how the information was obtained. The corroborating facts shall include any alleged physical, emotional or financial impact caused.
3. Offender's Statement: Statement made by the offender regarding the violations. If no statement then indicate "Not Applicable". If criminal charges are possible, the parole officer shall advise the offender of his/her Miranda Rights to preserve any statements made for subsequent prosecution of those criminal charges.
4. Criminal History: Includes any criminal record since release from the institution. Refer to the DPCS Investigations Manual for formatting directions. In addition, a previously completed PSI or OBI shall be attached for prior criminal record.
5. Supervision Adjustment: A summary of the offender's entire supervision history in chronological order. The offender's risk and case plan should be included with referrals made, programs attended, progress or lack of progress made and previous violation behavior with noted sanctions.
6. Recommendation: The parole officer shall staff the recommendation with the unit supervisor and in written form present the justification to support the recommendation. If applicable, a recommendation is not needed when a PRC case is returned on a new felony.
7. Documents or materials supporting or clarifying the summary of the offender's history of supervision shall be attached to the Violation Report, including a copy of the court's sentencing journal entry if the offender is sentenced to the institution for an offense during the period of supervision.

8. The unit supervisor/designee's signature indicates review of the violation report and agreement with the recommendation.
9. A violation report shall be completed on PRC offenders convicted of a new felony offense and who are subject to sentencing enhancement, unless waived by the prosecutor in the county of indictment via the procedures detailed in DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision. The violation report shall be forwarded to the appropriate prosecutor or court pursuant to the guidelines identified by the regional administrator or designee. Sensitive information will be redacted in accordance with this policy.

B. Procedures and Time Frames for the Violation Report

1. A violation report shall be completed by the parole officer when the decision is made during a case staffing to schedule an offender for a violation hearing or when completion of the Post Release Control Violator Notification form (DRC3463) is required as outlined in DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.
 - a. The parole officer shall complete the violation report and submit it to the unit supervisor with all accompanying materials in sufficient time to allow for review of the report prior to the violation hearing or (10) ten business days after conviction in post release control violator notification cases as applicable.
 - b. The unit supervisor/designee shall review and approve the violation report prior to the violation hearing. If the offender has been arrested in another geographic area, then the originating unit (supervisor & parole officer) shall ensure all necessary paperwork is forwarded and received by the unit handling the violation hearing. The originating unit shall document all activity regarding the hearing in CCIS/NOTEK.
 - c. The violation report and all accompanying materials shall be provided to the hearing officer by the unit supervisor or parole officer through the violation sanction process (VSP) in the forms catalog no later than two (2) business days prior to the violation hearing.
 - d. Copies of the violation report and accompanying materials shall be distributed to the Bureau of Records Management.
 - e. The violation report shall be supplemented by the supervising unit as deemed necessary by the unit supervisor.
2. A violation report shall be assigned to the parole officer by the unit supervisor when an offender has been sentenced to the institution for a new offense during the period of supervision unless a PSI is available for the new offense or a violation report was completed at indictment.

- a. The parole officer shall complete the violation report within ten (10) business days of the date of assignment or two (2) business days prior to the violation hearing, whichever comes first. The violation report shall be submitted with a copy of the court's sentencing journal entry and all other appropriate materials to the unit supervisor for review.
 - b. The unit supervisor/designee shall review and approve the violation report.
 - c. The report, the court's sentencing journal entry, and all materials shall be forwarded to the Bureau of Records Management and copies of the report, entry, and materials shall be maintained in the unit. The violation report shall be uploaded per the DPCS Offender Investigations Manual.
 - d. When a violation hearing is not being pursued on an offender sentenced to prison for a new offense, the "Violation and Corroboration" section may be omitted from the violation report.
3. Pursuant to DRC policy 102-FUG-02, Violator at Large, a violation report shall be completed by the parole officer within thirty (30) calendar days of entering the whereabouts unknown/violator at large (WUVL) header in CCIS. The report shall document all efforts made by the parole officer in locating the offender.
 4. A violation report shall be assigned to the parole officer by the unit supervisor when an offender under supervision is indicted for a new felony offense that requires completion of the Post Release Control Violator Notification (DRC3463) per DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.
 - a. The unit supervisor/designee shall review and approve the violation report.
 - b. Prior to releasing the violation report to the prosecutor and/or court, the parole officer with the unit supervisor's approval shall redact any information from the report that meets the following criteria:
 - i. Would foreseeably result in harm to any person;
 - ii. Could present a security risk to any institution or other facility;
 - iii. Could jeopardize the safety of any department personnel;
 - iv. Identifies the victim of crime committed by the offender and/or any other victim sensitive information;
 - v. Contains any statements made by informants;
 - vi. Contains witness protection information;
 - vii. Contains inmate separation information;
 - viii. Contains diagnostic and testing information of the offender which may include medical, mental health, etc;
 - ix. As outlined in DRC policy 07-ORD-02, Public Records.
 - c. The violation report shall be forwarded to the Bureau of Records Management and copies of the report shall be distributed to the appropriate prosecutor and/or court, and the unit file.

Related Department Forms

Post Release Control (PRC) Violator Notification

DRC3463