

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>APA Fugitive Apprehension</b>	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 102-FUG-01
RULE/CODE REFERENCE: ORC 2967.15	SUPERSEDES: 102-FUG-01 dated 03/14/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 12, 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 establish criteria and guidelines for the apprehension of offenders who have absconded supervision or who have escaped or have been erroneously released from detention.

**III. APPLICABILITY**

This policy applies to employees of the Adult Parole Authority and Office of Prisons, especially those employees who are assigned to fugitive apprehension duties.

**IV. DEFINITIONS**

**Certified in Firearms** - The meeting of all statutory requirements to carry a firearm in addition to the satisfactory completion of the OPOTC 40-Hour Basic Firearms School, an acceptable score on the defensive tactics and subject control (DT/SC) initial proficiency test along with subsequent annual proficiency demonstrations with acceptable scores in firearms and DT/SC for purposes of recertification.

**Erroneously Released Offender** – An offender released from custody due to a calculation error, mistaken identity, or inadvertent release by County Sheriffs.

**Escaped Prisoner/Offender** - An individual who flees from lawful custody/supervision without authorized release.

**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 sheets also contain demographic information pertaining to the offender and documentation of staffing decisions.

**Immediately** - As soon as possible, but no later than the next business day.

**Memorandum of Understanding (MOU)** - A formal written agreement between the Adult Parole Authority and any statewide or federal government entity approved by the Regional Administrator, Field Services Superintendent and Chief of the APA or designees. Informal – Sharing of appropriate information with law enforcement agencies and other person(s) or government entities pursuant to Department policy 07-ORD-02, Public Records.

**National Crime Information Center (NCIC)** – A nationwide computerized information system operated by the US Department of Justice and FBI as a service to all criminal justice agencies. The center provides and maintains a readily available computerized filing system of accurate and timely documented criminal justice information.

**Offender** - Any individual under the supervision of the Adult Parole Authority. For purposes of this policy, offender also includes inmates/prisoners who have been erroneously released or who have escaped from a DRC institution.

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

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC), in its effort to protect the public from convicted offenders, to pursue every reasonable and appropriate method in locating and apprehending all violators at large that are under the supervision/jurisdiction of the Adult Parole Authority pursuant to Department policy 102-FUG-02, Violator-At-Large. Fugitive Officers shall be developed and utilized, as circumstances require, to focus this effort in areas experiencing a higher number of violators at large. The Adult Parole Authority shall also act in concert with the DRC Office of Prisons to locate and apprehend escaped offenders and those erroneously released from DRC prisons.

## VI. PROCEDURES

### A. Fugitive Field Operations

#### 1. Staff Minimum Requirements

In order to be selected as a Fugitive Officer, applicants must meet the minimum qualifications as established per Department policy 100-APA-29, Special Assignment, and must be certified in LEADS (within six months after selection).

#### 2. Posting, screening process and termination shall be conducted in accordance with Department policy 100-APA-29, Special Assignment.

## B. Referrals

1. Regional Administrators are responsible for the allocation of resources and work assignments to all Unit Supervisors and shall collaborate with the Field Services Superintendent and Chief of the APA or designee to develop an equitable plan for the Fugitive Officers unit assignments.
  - a. In regions that have designated Fugitive Officers, violator at large (VAL) cases are referred by the declaring unit to the appropriate Unit Supervisors upon completion of the violation report and issuance of the warrant, no later than thirty (30) calendar days after the WUVL header has been created. For assignment purposes, a Transfer Investigation Request header shall be created by the declaring unit with a three (3) business day follow-up for the Fugitive Officer to accept supervision. In areas without designated Fugitive Officers, the case shall remain active with the declaring officer.
  - b. Generally, priority/high profile cases shall be assigned within twenty-four (24) hours of receipt and shall receive the immediate attention of the Parole Officer. However, it is the responsibility of the Unit Supervisor to assign and monitor all VAL cases to ensure they are adequately investigated.
  - c. The Unit Supervisor shall staff random and/or special cases with each Parole Officer on a weekly basis to monitor the progress of the active investigations and to assist the Parole Officers with any problems or concerns. High profile and/or priority cases shall be staffed between the Unit Supervisor and investigating Parole Officer a minimum of twice monthly.
2. Fugitive Section Referrals
  - a. When a Fugitive Section Coordinator obtains information concerning the possible whereabouts of a VAL offender, the coordinator shall e-mail all available information to an appropriate Unit Supervisor. The Unit Supervisor shall assign the VAL case to a Parole Officer to investigate within two (2) business days of receipt. The Parole Officer shall review the VAL material and conduct the necessary field investigation within thirty (30) calendar days of being assigned the VAL investigation. The Parole Officer shall staff the results of the investigation with the Unit Supervisor and submit an e-mail to the Fugitive Coordinator documenting the Parole Officer's attempts to locate the VAL offender.
  - b. The e-mail report shall briefly document the Parole Officer's field investigation contacts and results. The Fugitive Section shall advise the Unit Supervisor if any further investigative attempts are necessary or if there is new information concerning the VAL case.

## C. Referral and Staffing of Prison Cases for Escapees or Erroneous Releases

1. Records shall be established and maintained by the Fugitive Section on all ODRC prison escapees. A file folder shall be developed containing pertinent information concerning the

offender, including all available identification material.

2. When an offender escapes from a DRC prison, the Office of the Managing Officer or designee shall issue a warrant to the local Highway Patrol post and, as soon as practical, but no longer than twenty-four (24) hours following a confirmed escape, notify the Fugitive Section.
3. The Office of the Managing Officer/designee shall, as soon as practical, but no longer than twenty-four (24) hours following the confirmation of an erroneous release, contact the Fugitive Section and relay the pertinent information on the erroneous release. If the Office of the Managing Officer determines it necessary, the local Highway Patrol Post shall be notified immediately.
4. Upon receiving confirmation that an offender has escaped or was erroneously released, the Fugitive Section shall immediately enter the offender's warrant into the LEADS/NCIC data system. The Fugitive Section shall notify the Office of the Managing Officer the offender has been entered into the LEADS/NCIC system and the Office of the Managing Officer/designee shall notify the local Highway Patrol Post of the Fugitive Sections warrant entry.
5. When appropriate, the Fugitive Section shall then refer the offender's case to a local Fugitive Officer or refer the case to a local supervision unit to investigate as well as request the assistance of the designated regional task force. The Fugitive Officer and local supervision units shall not go outside their assigned county in the investigation of a case without prior approval of the Field Services Superintendent and Chief of the APA or designee.

D. Investigations of Violators at Large

1. Supervision Units and field referrals shall utilize the procedures set forth in Department policy 102-FUG-02, Violator at Large, and including, but not limited to, the following sources in investigating the whereabouts of VAL cases:
  - a. Last known address of violator;
  - b. Family/friends of violator;
  - c. Past employers and coworkers;
  - d. Significant others;
  - e. Known hang-outs/areas of violator;
  - f. Open shelters;
  - g. Religious centers that offer shelter;
  - h. AA/NA; and
  - i. Local community agencies, particularly those provided in training.

2. All Unit Supervisors are responsible for establishing and maintaining positive working relationships and, when possible, MOU's with local community agencies including, but not limited to:
  - a. Law enforcement agencies;
  - b. Court system;
  - c. Prosecutor's office;
  - d. Bureau of Motor Vehicles;
  - e. State or local Board of Health;
  - f. State or local Children Services/Child Support;
  - g. Human Resources; and
  - h. Other agencies which may be helpful in locating the offenders.
3. All contacts with other agencies or the public shall be adequately recorded/documented in the Parole Officers' FOT. These contacts/notes shall be documented in a timely manner.
4. All confidential and/or LEADS material must be shredded in compliance with Department policy 05-OIT-02, LEADS Access and Control.
5. When the Supervision Unit apprehends a VAL offender or learns of the arrest of a VAL, the original declaring unit and the Fugitive Section shall be notified in order to remove the LEADS/NCIC warrant. A Transfer Investigation Request (TIR) shall be completed by the Parole Officer within one (1) business day and a final investigative report shall be completed within five (5) business days. The declaring unit shall complete a Transfer Acceptance (TA) within one (1) business day of receiving the TIR.

#### E. Security Issues

1. While conducting surveillance activities, all Parole Officers shall comply with local/state laws and use caution to not infringe on the rights or privacy of the general public.
2. To better ensure the Parole Officer's safety, a minimum of two (2) Parole Officers shall be used when conducting visits to private residences or any other potential high-risk locations, as deemed appropriate by the Unit Supervisor.
3. Local police backup and assistance shall be requested by the Unit Supervisor or designee prior to any planned arrest.
4. All arrest activities conducted by APA staff shall be in full compliance with Department policies 102-FUG-02, Violator at Large and 100-APA-05, APA Search and Arrest Procedures.
5. Any use of force shall be reported and documented in accordance with Department policy 104-TAW-02, APA Use of Force and 01-COM-08, Incident Reporting and Notification.