

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: APA Cooperation with Law Enforcement	PAGE <u> 1 </u> OF <u> 4 </u>
	NUMBER: 102-FUG-03
RULE/CODE REFERENCE: ORC 109.71; 5149.02; 5149.03	SUPERSEDES: 102-FUG-03 dated 03/18/14
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 set forth the conditions of cooperation as well as the procedures for the Adult Parole Authority in the assisting and sharing of services with persons or government entities pursuant to Ohio Revised Code §5149.03; and establish guidelines and procedures for formal and informal agreements when cooperating with law enforcement agencies.

III. APPLICABILITY

This policy applies to employees of the Ohio Department of Rehabilitation and Correction (DRC), especially those employees of the Adult Parole Authority.

IV. DEFINITIONS

Adult Parole Authority (APA) - That section of the Division of Parole and Community Services which includes the Parole Board, Interstate Compact, Fugitive and the Offender Services Network.

Agreements

Formal - A written agreement between the APA and any statewide or federal government entity recommended by the Regional Administrator, and approved by the Field Services Superintendent and Chief of the APA or designee.

Informal – The sharing of appropriate information with law enforcement agencies and other person(s) or government entities, pursuant to Department policy 07-ORD-02, Public Records, including any law enforcement activities not directly related to assigned investigations or offenders, and approved by the Regional Administrator or designee.

Chief of the APA - Per ORC §5149.02, the Chief is the individual responsible for directing and controlling the operation of the APA. The Chief may also be referred to as the Division of Parole and Community Services (DPCS) Deputy Director.

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

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.

CLE Agreement - Cooperation with Law Enforcement Agreement.

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

Law Enforcement Agency - For purposes of this policy, refers to: the Ohio State Highway Patrol, an agency that employs peace officers as defined in ORC §109.71, the Adult Parole Authority, a county department of probation, a prosecuting attorney, the Attorney General, similar agencies of other states, federal law enforcement agencies, and postal inspectors.

Memorandum of Understanding (MOU) - A formal written agreement between the APA and any statewide or federal government entity recommended by the Regional Administrator and approved by the Field Services Superintendent and Chief of the APA or designee.

Task Force – For the purposes of this policy, a group of law enforcement agencies including the APA organized via a Memorandum of Understanding, to accomplish the mission for which the task force was created.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to cooperate and assist law enforcement agencies, other person(s) and government entities and to the extent that such assistance is consistent with the mission of the Adult Parole Authority. The APA shall select volunteer staff to complete this mission pursuant to the policy to ensure consistency and quality in APA operations.

VI. PROCEDURES

A. Informal Agreement

The Adult Parole Authority shall cooperate with law enforcement agencies in the tracking, investigation, and arrest of offenders under the supervision of the APA who are suspected of being involved in criminal activity. Should a Parole Officer obtain or learn of information that may be helpful to law enforcement agencies in the solving of a crime(s), the following shall occur:

1. The Parole Officer shall staff the information with the Unit Supervisor and volunteer said information to the appropriate law enforcement agency immediately or no later than the next business day.
2. If requested by law enforcement agencies, the Unit Supervisors may provide law enforcement agencies a list of offenders currently under the supervision of the Adult Parole Authority for a specific geographical area. This may be a list created by the unit or generated from the Community Corrections Information System (CCIS).
3. Any information provided must be in accordance with Department policy 07-ORD-02, Public Records. Information provided may include the following:
 - a. Offender name
 - b. Parole officer
 - c. Current offense
 - d. Last known address
 - e. Date of birth
 - f. Social security number
 - g. Photographs
 - h. Physical descriptions
4. Informal agreements require either a written or verbal request which is recommended by the Regional Administrator and approved by the Field Services Superintendent and Chief of the APA or designee.
5. It is expected that Field Officers shall establish and maintain good communication with local law enforcement agencies in the Field Officer's region and shall share information concerning those offenders under the supervision of the APA.
6. A request shall be submitted to the Regional Administrator for approval of certain activities (e.g. ride-alongs, sting operations, shadowing programs, etc.). Prior to approving such activities, the Regional Administrator shall review unit/officer operations and resource allocations.
7. Any activities which are not directly related to assigned investigations or offenders under supervision of the APA shall be staffed in advance with the appropriate supervisor.

B. Formal Agreement

The APA may enter into written agreements with person(s) or government entities to share information, personnel, and services for the purposes of training, crime interdiction, fugitive apprehension, and community supervision. Such an agreement shall include the following:

1. Permit the APA to be involved with and to provide assistance to law enforcement agencies in the detection, tracking, apprehension or the detaining of an individual subject to arrest.

2. Formal agreements require a written memorandum of understanding (MOU) which is recommended by the Regional Administrator and then approved by the Field Services Superintendent and Chief of the APA or designee. No agreement shall be approved which obligates the DPCS or any employee to perform duties outside the Department's mission. The length of the formal agreements shall not exceed two (2) years based on the available resources in the current biennium (see sample Appendix A).

Attachments:

Appendix A Memorandum of Understanding/Formal Agreement

Related Department Forms:

CLE Formal Application DRC3465

APPENDIX A (102-FUG-03)

Sample Formal Agreement

State of Ohio/Adult Parole Authority
Law Enforcement/Governmental Agency

Ohio Revised Code §5149.03 authorizes the Adult Parole Authority (APA) to enter into agreements with government agencies to share information, personnel and services for purposes of training, crime interdiction, fugitive apprehension and community supervision. The Authority may act in concert with and provide assistance to law enforcement agencies in detecting, tracking and apprehending individuals subject to arrest.

The APA and the _____ share the philosophy that public safety is enhanced through collaborative efforts to share information and resources to supervise, monitor, intervene and take other appropriate actions toward offenders who are under community supervision.

Therefore, the APA and the _____ agree to work cooperatively to improve their relationship in order to improve the quality of life and reduce the fear of crime on the part of the citizens of _____. To that end, we furthermore agree to work diligently to implement the agreements contained in this document.

APA RESPONSIBILITIES

1. The APA shall assign liaisons to establish contact with designated Sections and Staff of the _____ to maintain lines of communication and to address situational problems.
2. The APA shall share information with the _____ as permitted by Departmental policies concerning identified gang and threat group members and other offenders who are supervised are supervised by the APA, including information from background investigations, prison visiting lists and classification information.
3. The APA shall provide and seek opportunities for cross-training for the APA and the _____ as resources permit.
4. The APA shall request assistance from, and provide assistance to _____ officers as circumstances may require in the performance of duties to apprehend fugitives and other violators.
5. The _____ shall collaborate with the APA in developing strategies to prevent criminal activities by offenders under APA supervision and to involve families and communities in similar efforts, including the use of conditions of supervision to impose curfews and to restrict associations when appropriate and the use of community services to provide counseling and other forms of intervention as appropriate.
6. The APA shall assign _____ for _____ to actively participate in the
(Amount) (Time period)
activities designated by this MOU and Formal Agreement. This designation can be modified based on availability of resources in the current biennium. Any permanent modification by the parties must be made in writing 30 days prior to effective date. To terminate cooperative law enforcement agreement, both parties are required to submit their request in writing 30 days prior to the termination date.

RESPONSIBILITIES

1. The _____ shall assign liaisons to maintain lines of communication with the APA and address problems that arise.
2. The _____ shall share information with the APA as permitted by departmental policies concerning identified gang and threat group members and other offenders who are supervised by the APA.
3. The _____ shall seek and provide opportunities for cross-training for the _____ and the APA as resources permit.
4. The _____ shall request assistance from, and provide assistance to APA parole officers, as circumstances may require in the performance of duties to apprehend fugitives and other violators and persons subject to arrest and also to assist APA parole officers to provide effective supervision of offenders. Specifically, the _____ shall accompany APA parole officers at times mutually agreed upon when the officers perform visits at offenders' residences.
5. The APA shall collaborate with the _____ in developing strategies to prevent criminal activities by offenders under APA supervision and to involve families and communities in similar efforts.