

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Parole Board Release Consideration Hearings</b>	PAGE <u>  1  </u> OF <u>  15  </u> NUMBER: 105-PBD-03
RULE/CODE REFERENCE: ORC Section 2967.02, 03, 12, 121.13 2930.16; 5149.10, 101 OAC Section 5120:1-1-07, 08, 10, 11, 12, 14	SUPERSEDES: 105-PBD-03 dated 06/17/15
RELATED ACA STANDARDS: 2-1007, 1020, 1070, 1071, 1074, 1077, 2-1078; 2-1080-85, 2-1088-98, 1101	EFFECTIVE DATE: July 11, 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 foster consistent parole board hearing procedures designed to promote public confidence and safety, as well as fair and objective decision-making, and to establish procedures for transferring eligible inmates to transitional control.

**III. APPLICABILITY**

This policy shall apply to all employees of the Ohio Department of Rehabilitation and Correction (DRC) and most specifically to the Adult Parole Authority (APA), the Bureau of Sentence Computation (BCS), central record office, unit management staff, Office of Victim Services (OVS) staff, all other staff involved in parole board release processes, and all inmates.

**IV. DEFINITIONS**

**Central Office Board Review (COBR)** - The mechanism by which the parole board considers cases referred by the hearing panel that require approval of a final decision by a majority of parole board members. COBR does not require that members sit together to consider a case referred to it to obtain the required votes.

**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.

**Conflict of Interest** - A condition arising whenever a parole board member or hearing officer determines that a personal relationship exists with any principal participant in a case which would impair the parole board member or hearing officer from rendering an impartial assessment of the case or give the appearance that the parole board member or hearing officer would not be impartial.

**Continued Hearing** - A subsequent release consideration on or about a date established by the parole board at a first hearing or at a previous continued hearing.

**Eligibility Date** - A date calculated pursuant to statute which indicates when an inmate can be considered for release.

**First Hearing** - A regular parole release consideration hearing calculated pursuant to sections 2967.13, 2967.191, and 2967.193 of the Ohio Revised Code.

**Full Board Hearing** - A parole board hearing conducted by a majority of parole board members as described in section 5149.101 of the Ohio Revised Code.

**Hearing** - Any release consideration for an eligible inmate's case conducted by a majority of parole board members, a hearing panel, or as an interview by a hearing officer with a recommended action forwarded to a parole board member for final determination.

**Hearing Officer Interview** - The portion of a hearing process wherein an inmate appears in person or through video-conferencing before one or more hearing officers who review and evaluate available information concerning the inmate's case and formulates a recommendation which is provided to a designated parole board member.

**Hybrid Case** - A case where an inmate is serving an indefinite sentence of prison incarceration for offenses committed and is under the criminal sentencing code as it existed before July 1, 1996, and who is also serving a sentence of incarceration for offenses committed and the criminal sentencing code as it existed on or after July 1, 1996.

**Majority Vote** - The recommendation of the parole board that becomes the final decision because it received a greater number of votes cast by current and active parole board members than an alternate recommendation.

**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.

**Offender Conference Day** - A designated day each month wherein offenders, families, and/or supporters are scheduled to meet with a parole board member or other parole board staff to exchange information prior to an offender's release consideration hearing.

**OnBase** - An enterprise content management system utilized by DRC for electronic document archival and retrieval. Access to OnBase is restricted to essential users only.

**Panel Hearing** - A hearing wherein an inmate personally appears before a parole board hearing panel at an institution or through video-conferencing for the purpose of reviewing and evaluating available information and determining whether to recommend release of the inmate to community supervision.

**Parole** - The release from confinement in any state penal or reformatory institution by the APA 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 APA in its published rules and official minutes. A parolee so released shall be supervised by the APA. Legal custody of a parolee shall remain in the DRC until a final release is granted by the APA, pursuant to section 2967.16 of the Ohio Revised Code. The above applies to all offenders who are sentenced to indeterminate sentences the release mechanism of which is the discretionary releasing authority of the parole board.

**Parole Board** - That section of the APA 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.

**Parole Board Hearing Panel** - That body of the parole board designated by the parole board chair to conduct release consideration hearings. A panel shall consist of a designated number of parole board members, and/or hearing officers.

**Parole Board Hearing Worksheet** - The form generated from DOTS Portal utilized to record the actions and recommendations of the monthly institutional hearings, pre-release record reviews, and parole violator recommissioned reviews.

**Parole Board Minutes** - The official public record of the decisions of the parole board.

**Parole Hybrid** - An offender released on parole, who is also subject to a period of post-release control, and who receives credit toward the period of post-release control while being supervised on parole.

**Parole On or After (POA)** - The earliest date upon which an inmate may be released on parole supervision. Given the individual requirements of each case, the actual release may be extended to a date after the POA date.

**Post Release Control (PRC)** - 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.

**Pre-Parole Mental Health Treatment Summary** - A summary of mental health care prepared by institutional mental health staff to assist in ensuring continuity of mental health care once the offender is released to the community.

**Projected Release Date (PRD)** - An action taken by the parole board to establish a future date of release not less than six (6) months or more than ten (10) years from the date of the hearing based on the inmate complying with program and institution conduct requirements. A projected release date greater than one (1) year from the parole hearing date shall not be established for any prisoner serving a life sentence, sentence of fifteen (15) years to life, or a sentence imposed for any offense pursuant to chapter 2907 of the Revised Code.

**Recommendation Review** - The portion of a hearing process wherein a designated parole board member reviews the recommendation provided by a hearing officer or officers following a hearing officer interview.

**Rescheduled Hearing** - An action taken by a parole board hearing panel or by a hearing officer to postpone a hearing to a future date whenever there is a need for additional information or clarification of existing information.

**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.

**Transitional Control (TC)** - Inmates approved for release up to 180 days prior to the expiration of their prison sentence or release on parole or post release control supervision under closely monitored supervision and confinement in the community, such as a stay in a licensed halfway house or restriction to an approved residence on electronic monitoring in accordance with section 2967.26 of the Ohio Revised Code.

**Unit Management** - A decentralized management system that sub-divides an institution into units in order to improve security and the delivery of correctional services. The unit management system has several basic requirements: 1.) Inmates are housed in the same unit for a major portion of their confinement; however, an exception to this may be participation in a residential program or a transfer due to placement in segregation. 2.) Inmates assigned to a unit work in close relationship with a multi-disciplinary team of staff who are regularly assigned to the unit and whose offices are located within the unit or in a centralized area accessible to inmates.

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

**Victim Conference Day** - A day scheduled and set aside for the sole purpose of allowing victims or victim representatives to have a conference with a representative of the parole board to exchange information prior to an offender's release consideration hearing.

**Victim's Immediate Family Member** - The mother, father, spouse, sibling, or child of the victim, except that, in no case does immediate family member include the offender of the offense for which notice is provided and/or a victim conference is scheduled.

**Victim Representative** - A member of the victim's family or another person who pursuant to the authority of ORC 2930.02 exercises the right of a victim.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) for the Ohio parole board to fulfill its statutory duty of conducting parole consideration hearings to make release suitability determinations by affording meaningful consideration in a fair and objective manner, while recognizing the unique factors of each case. The parole board shall exercise its discretionary releasing authority by compliance with Ohio statute and Administrative Code provisions, and shall ensure that all statutory notices are provided as mandated. The parole board shall operate in a professional, efficient manner, and shall consider community consciousness, public safety and the interests of criminal justice in rendering its decisions. The parole board's procedures shall allocate resources in an efficient manner, concentrating the parole board members' attention on conducting hearings, and assigning hearing officers only when administratively necessary.

**VI. PROCEDURE****A. Hearing Notifications**

1. After calculation of the first legal eligibility date for a release hearing by the Bureau of Sentence Computation (BOSC), prison legal services shall provide a computer-generated written notice to each inmate within ninety (90) calendar days of admission to an institution specifying that first legal eligibility date for a release hearing and the maximum expiration of sentence.
2. Parole board parole officers (PBPOs) shall provide written notice to each inmate of the inmate's scheduled hearing at least thirty (30) calendar days prior to the month in which the hearing is scheduled unless the parole board chair/designee gives prior approval for notice to be provided less than thirty (30) calendar days prior to that month. In no case shall the notice required under this paragraph be provided less than fourteen (14) calendar days prior to the actual hearing date.
3. Designated parole board staff shall provide all notifications to those parties as mandated by Ohio law and as outlined in DRC policy 105-PBD-13, Statutory Notice.

**B. Hearing Preparation**

1. The parole board chair/designee shall complete a monthly schedule that assigns parole board members to conduct hearings based on the number of eligible inmates. The parole board chair/designee may assign specific cases to an individual parole board member. These hearings shall, to the extent administratively possible, be conducted sixty (60) calendar days prior to the inmate's month of release eligibility. Hearings shall be conducted by parole board members. However, if the monthly hearings cannot be conducted exclusively by the parole board members, hearing officers may be assigned to assist on hearing panels or to conduct interviews.
2. Parole board parole officers or other designated parole board staff shall be assigned to prepare case-specific information for hearings and interviews, including specified Ohio Risk Assessment System (ORAS) tools, in a manner designated by the parole board Chair/designee. Hearing preparation shall include verification that all attempts were made with respect to hearing notifications pursuant to DRC policy 105-PBD-13, Statutory Notice. All hearing packets in electronic form shall be initiated and prepared at least seven (7) calendar days prior to the first scheduled hearing date at any given institution. Parole board parole officers or other designated parole board staff may be assigned duties as necessary to assist in coordinating parole board hearings, interviews and reviews.
3. The OVS shall be responsible for receiving and maintaining any information submitted during an offender's incarceration by a victim(s), victim representative, or prosecuting attorney regarding an inmate to include photographs, video tapes, audio tapes, compact discs, DVD's and written statements. The materials shall be maintained in a format where they are accessible to the parole board staff for consideration during a parole release hearing.

4. For each institution where hearings are conducted, the parole board chair/designee shall designate, in advance, a parole board member to be responsible for assigning cases, determining which cases, if any, are subject to hearing officer interviews and coordinating logistics with institution staff. Unit management staff shall provide input in writing no less than seven (7) calendar days prior to the hearing by completing the Institution Summary Report (DRC2666) and Release Placement Plans via the ORAS Gateway.

DRC employees may provide input concerning an inmate's parole board release consideration hearing by creating and routing a Staff Hearing Input Form (DRC3031) through the electronic forms application. The submitted form shall be reviewed and approved by the institution's managing officer or designee prior to being routed to the parole board.

5. Office Conferences

- a. The parole board chair/designee shall assign specific days each month as offender conference day and victim conference day. The purpose of these days shall be to permit offenders' families, representatives and/or supporters, and victims, victim representatives and/or supporters, and those parties to whom notice is required to be provided the opportunity to meet with a parole board member or other staff person to provide input and share information regarding the offender's parole release consideration hearing.
- b. Generally, the conferences shall be scheduled the month prior to the offender's hearing. Conferences shall generally be limited to attendance by parties who have direct involvement with the inmate and/or the offender's case. Subject to section VI.B.5.d below, the number of attendees may be limited at the discretion of the parole board chair/designee. Upon request, phone conferences may be conducted in lieu of in-person conferences.
- c. Attendees may submit any information regarding an inmate, including those materials indicated in section VI.B.3 above. The parole board representative who conducts the conference shall keep a record of those in attendance and summarize the information discussed. Any information presented to the parole board during a conference shall be made available to and shall be reviewed by the parole board members and/or hearing officers who participate in the institutional hearing, or any subsequent proceeding such as COBR or a full board hearing.

- d. Senate Bill 160 Victim Conference Requirements

Victim conferences shall be scheduled upon a request submitted through OVS. In any case where the request is submitted by the victim, victim's immediate family member, or victim's representative and the inmate who is the subject of the future release consideration hearing is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second or third degree or is under a sentence of life, the following shall apply with respect to the conference:

- i. The victim, members of the victim's immediate family, the victim's representative and other individuals, if practicable, shall be permitted to attend;

- ii. Allotment of up to one hour for the conference;
  - iii. Attendees shall not be limited to fewer than three;
  - iv. If attendees are limited and any party who is a victim, victim's immediate family member or victim's representative who requests participation in a conference is not permitted to attend the first scheduled conference, a subsequent conference shall be conducted to fulfill that request.
6. In regard to those inmates subject to release at the discretion of the parole board and serving an Ohio sentence in another state's correctional facility, the parole board chair/designee shall contact the Bureau of Classification and Reception to coordinate obtaining information from the other state for review at an inmate's scheduled parole release consideration hearing. This may include scheduling an interview or hearing via teleconferencing or other means. This procedure shall comply with procedures set forth in DRC policy 53-CLS-07, Interstate Corrections Compact. The parole board chair/designee shall also coordinate with the Bureau of Classification and Reception any courtesy hearings or interviews conducted at the request of another state's sentence in an Ohio correctional facility.

C. Monthly Institutional Hearings/Interviews

1. All institutional hearings shall be conducted in a setting which shall provide privacy, security, comfort, and a dignified atmosphere.
2. Any institutional hearing may be conducted by a majority of parole board members, by a hearing panel consisting of less than a majority of parole board members, or as a hearing officer interview followed by a recommendation review.
3. Attendance at institutional hearings or interviews is limited to parole board staff, the inmate, and if required, special needs facilitators such as an interpreter, translator or a sign language specialist, or other persons authorized by the parole board chair/designee to observe the hearing process. When deemed appropriate or necessary by the parole board staff present, mental health staff or security personnel may also be present in the hearing room. The sole purpose of the presence of mental health staff shall be to assist an inmate on the mental health caseload with understanding the hearing process when the inmate has such diminished capacity that renders him incapable or substantially unable to understand the process without assistance.
4. Parole board members and hearing officers shall not participate in any stage of the hearing process when a conflict of interest exists in a particular case. The parole board chair or designee shall be informed when there is a potential conflict of interest and make a decision as to the validity of the conflict of interest.
5. Each institutional hearing or interview shall be conducted with the inmate personally present or present via videoconferencing unless the parole board chair/designee determines, for good cause shown, that attendance by the inmate is inappropriate or unwarranted. The reasons for conducting a hearing in absentia shall be documented in the electronic hearing forms. The decision to conduct a hearing in absentia shall be made only for good cause. An inmate's mere refusal to appear does not in and of itself constitute good cause. Inmates refusing to appear at an institutional hearing shall not be denied release

based solely on this refusal. For the first such refusal, the hearing shall be rescheduled for ninety (90) calendar days. Unit staff, in an attempt to determine the reasons for the refusal and to resolve the problem, shall interview the inmate. For any subsequent refusal to appear, the hearing shall be conducted without the inmate present. Reasons for conducting the hearing without the inmate present shall be recorded on the Parole Board Decision Sheet (DRC3336).

6. Parole board members conducting the institutional hearing or hearing officers conducting an interview shall review all relevant inmate documents to which they have access and any other relevant information including, but not limited to, comments received pursuant to statutory notification and the results of specified ORAS tools when available, along with the results of any supplemental risk tool specific to the particular type of offense or offender, before the inmate is brought into the hearing room, or prior to the initiation of a videoconferencing hearing, and are responsible for completing all required paper or electronic forms. If it is discovered that required notifications were not made pursuant to DRC policy 105-PBD-13, Statutory Notice, then the parole board member or hearing officer shall cause the hearing to be rescheduled for ninety (90) calendar days to affect proper notice.
7. The discussion with the inmate shall focus on information that is relevant to the question of whether the inmate is fit to be at liberty without being a threat to society, and whether paroling the inmate would further the interests of justice and be consistent with the welfare and security of society. Every institutional hearing or interview shall include consideration of the following mandatory factors listed in Administrative Rule 5120-1-1-07, Procedures for Release on Parole and Shock Parole; Factors that shall be Considered in a Release Hearing:
  - a. Any reports prepared by any institutional staff member relating to the inmate's personality, social history, and adjustment to institutional programs and assignments;
  - b. Any official report of the inmate's prior criminal record, including a report or record of earlier probation or parole;
  - c. Any presentence or post sentence report;
  - d. Any recommendations regarding the inmate's release made at the time of sentencing or at any time thereafter by the sentencing judge, presiding judge, prosecuting attorney, or defense counsel; and any information received from a victim or victim's representative;
  - e. Any reports of physical, mental, or psychiatric examination of the inmate;
  - f. Such other relevant written information concerning the inmate as may be reasonably available, except that no document related to the filing of a grievance under Administrative Rule 5120-9-31, Inmate Grievance Procedure, shall be considered;
  - g. Written or oral statements by the inmate, other than grievances filed under Administrative Rule 5120-9-31, Inmate Grievance Procedure;
  - h. The equivalent sentence range under Senate Bill 2, effective July 1, 1996, for the same offense of conviction, if applicable;
  - i. The inmate's ability and readiness to assume obligations and undertake responsibilities, as well as the inmate's own goals and needs;
  - j. The inmate's family status, including whether his relatives display an interest in him or whether he has other close and constructive association in the community;
  - k. The type of residence, neighborhood, or community in which the inmate plans to live;

- l. The inmate's employment history and his occupational skills;
  - m. The inmate's vocational, educational, and other training;
  - n. The adequacy of the inmate's plan or prospects on release;
  - o. The availability of community resources to assist the inmate;
  - p. The physical and mental health of the inmate as they reflect upon the inmate's ability to perform his plan of release;
  - q. The presence of outstanding detainers against the inmate;
  - r. Any other factors which the parole board determines to be relevant, except for documents related to the filing of a grievance under Administrative Rule 5120-9-31, Inmate Grievance Procedure.
8. Each inmate shall be permitted to respond to the factual information discussed at the hearing or interview and to submit any additional information either verbally or in writing that is pertinent to the decision making process.
  9. Confidential information shall not be released to the inmate. Confidential information includes:
    - a. Responses from judges, prosecutors, victims and victim representatives or any other party statutorily mandated to receive notice of the hearing;
    - b. Information noted in official records as confidential or obtained under promise of anonymity;
    - c. The presentence investigation or Offender Background Investigation and recommendation as directed by Ohio Revised Code section 2951.03, Presentence Investigation Reports;
    - d. Any information which could result in physical harm to any person or diagnostic or medical opinions which, if disclosed, could seriously disrupt rehabilitative programs, or any information deemed confidential by the hearing officer(s) or parole board member(s) conducting the hearing or interview.
  10. The parole board shall not consider a detainer as an automatic bar to parole, nor shall the parole board necessarily deny parole consideration to an inmate who is a foreign national.
  11. Where the inmate's history or current treatment reflects that the inmate is or may be seriously mentally ill, a parole board member or hearing officer may request a pre-parole mental health treatment summary and/or a hearing capacity assessment to assist in formulating a recommendation. The pre-parole mental health treatment summary and hearing capacity assessment shall be completed by institutional mental health staff.

#### D. Recommendations

1. After discussion with the inmate and consideration of all the mandatory factors, an initial determination whether the inmate is suitable for release onto parole supervision shall be made. A recommendation shall be formulated, commensurate with the suitability determination, which shall include appropriate special conditions of supervision, if applicable. The initial determination and recommendation shall require a majority vote of

the currently appointed and active parole board members. The majority vote may occur in the following manner:

- a. When the institutional hearing is conducted with at least a majority of parole board members participating and a majority vote can be reached; or
  - b. When a majority vote cannot be reached at the institutional hearing and the parole board members refer the case to COBR; or
  - c. When the hearing panel refers the case for subsequent consideration at COBR.
2. The initial determination and recommendation shall be supported by a written rationale which shall cite the significant factors relied on to make the suitability determination and formulate the recommendation. If the recommendation is formulated by a hearing officer following a hearing officer interview, it shall be forwarded to the parole board members for a majority vote. The recommendation shall include one of the following actions:
- a. A referral to COBR or transitional control approval in pre-SB2 cases; or
  - b. A continuance to a future hearing date not to exceed ten (10) years or the expiration of the maximum sentence; or
  - c. Reschedule for ninety (90) calendar days to obtain additional information or affect proper notice. If proper notice was not provided pursuant to DRC policy 105-PBD-13, Statutory Notice, those parties who are required to receive notice shall be afforded the opportunity to submit information or in the case of an offender serving a sentence for aggravated murder, murder or an offense of violence that is a felony of the first, second or third degree or is under a sentence of life, a victim, victim's immediate family member, or victim's representative shall be afforded the opportunity to attend a victim conference.
3. When it is determined by a majority vote that the inmate is unsuitable for release, and the recommendation is to deny parole, the rationale shall support one or more of the reasons cited in Administrative Rule 5120-1-1-07(A), Procedures for Release on Parole and Shock Parole; Factors that shall be Considered in a Release Hearing, for continued incarceration:
- a. There is substantial reason to believe that the inmate will engage in further criminal conduct, or that the inmate will not conform to such conditions of release as may be established under Administrative Rule 5120:1-1-12, Conditions of Release.
  - b. There is substantial reason to believe that due to the serious nature of the crime, the release of the inmate into society would create undue risk to public safety, or that due to the serious nature of the crime, the release of the inmate would not further the interest of justice nor be consistent with the welfare and security of society.
  - c. There is substantial reason to believe that due to serious infractions of Administrative Rule 5120:9-06, Inmate Rules of Conduct, the release of the inmate would not act as a deterrent to the inmate or to other institutionalized inmates from violating institutional rules.

4. When it is initially determined that the inmate may be suitable for release, the case shall be held in COBR until all parole board members have voted. The case shall also be referred to the notification unit to ensure all required notifications have been made and that any additionally located victims have been given the opportunity to participate as required. If after all parole board members have voted, the majority vote is a proposed parole subject to a final determination at a full board hearing, then the parole board chair/designee shall notify quality assurance to initiate the petition process for a full board hearing in those cases where the inmate is convicted of aggravated murder, murder, manslaughter or a sex offense. In all other cases, if the parole board chair/designee elects not to petition for a full board hearing, then quality assurance shall be instructed to contact the OVS to determine if any victim or interested party intends to petition for a full board hearing.
5. When it is initially determined that the inmate may be suitable for release and the recommendation after all parole board members have voted is a proposed parole subject to a final determination at a full board hearing, the imposition of special conditions of supervision, beyond the standard conditions of supervision shall be considered. The special conditions agreed upon by a majority of parole board members or required as indicated below shall be imposed if a release is finalized after a full board hearing is conducted.
  - a. Special conditions shall only be imposed if there is a nexus between the condition and the inmate's offense, history or institutional adjustment. Parole board staff shall utilize risk/needs principles, the appropriate ORAS tools and other supplemental risk tools specific to the particular type of offense or offender, when available, in imposing and prioritizing special conditions. However, in every case where parole is recommended for an offender who is serving a life sentence, including life sentences for sex offenses, or an indefinite sentence that is not a sex offense, special conditions to develop a case plan and to have the inmate supervised at the very high level of supervision shall be imposed. For those inmates serving an indefinite sentence other than life for a sex offense, supervision levels shall be determined pursuant to DRC policy 103-SPS-02, Sex Offender Supervision.
  - b. When release is recommended on an offender serving an indefinite sentence other than life for a sex offense listed in chapter 2907 of the Ohio Revised Code, the parole board shall impose a special condition of parole supervision which shall be of sufficient duration to satisfy any period of supervision required to satisfy a term of PRC that is also imposed. The period of supervision imposed under this paragraph shall be at least two (2) years in duration unless the offender reaches the offender's maximum expiration of sentence prior to the expiration of two (2) years of supervision and the offender is not subject to PRC.
  - c. When release is recommended on an offender serving a life sentence, the special condition of a minimum of five (5) years of parole supervision shall be imposed, unless a longer period of supervision is required to satisfy a term of PRC that is also imposed.
  - d. When considering and recommending release on an inmate subject to both a period of parole and a term of PRC, parole board staff shall determine the length of supervision pursuant to Ohio Revised Code section 2967.28.

- e. When a detail of a release plan is a primary consideration in the determination that an offender is suitable for release, and if a change in that release plan would significantly alter the parole board's expectations and/or would be counter to the suitability determination, then the parole board shall impose a special condition indicating that any change in that particular detail needs to be approved by the parole board. Changes to the special condition shall only be permitted by a request through the modification process utilizing a Request to Add, Modify or Remove Special Conditions form (DRC3020).
6. The recommendation shall be provided to the inmate verbally immediately following the hearing if the majority vote is obtained, and in writing as soon as administratively possible. If the majority vote cannot be obtained at the institutional hearing or the recommendation is referred to COBR, the inmate shall be advised by the member(s) conducting the hearing of the referral to obtain additional parole board members' votes and the subsequent process, and of the pending recommendation(s) if one has been formulated.
    - a. If the majority vote is obtained at the institution hearing and is a denial of release and the continuance is five (5) years or longer in length, then the PBPO shall notify unit staff by telephone or email, with a return response requested, of the continuance prior to the inmate returning to his/her unit.
    - b. The written recommendation shall be delivered in person to the offender by the PBPO or other designated parole board staff after it has been reviewed by quality assurance. The offender shall acknowledge receipt of the written recommendation by signing the Decision Sheet Receipt Verification form (DRC3321). Refusal of the offender to sign the form shall be witnessed by an available staff person.
  7. When the recommendation is referred to COBR, the written recommendation shall be personally delivered to the inmate by the PBPO or other parole board staff when the decision is finalized, which in some cases may be at the conclusion of a subsequent full board hearing. The offender shall acknowledge receipt of the written recommendation by signing the Decision Sheet Receipt Verification (DRC3321). Refusal of the offender to sign the form shall be witnessed by an available staff person.
- F. Post-Hearing
1. After the monthly hearings scheduled for an institution have been completed, the parole board parole officer shall ensure that the worksheets are completed accurately, and by the end of the last day assigned to that institution in the monthly schedule. The PBPO shall send an email to the BOSC parole board account as well as designated parole board staff advising of the name and institutional number of any inmate whose hearing was rescheduled to ensure that subsequent notice is timely made.
  2. The PBPO or other designated parole board staff shall ensure the hearing files are forwarded to OSC within two (2) business days of completion of the monthly hearings. The files shall be sent to the quality assurance section or other designated OSC staff for processing.

3. Upon receipt of the hearing files from an institution, the quality assurance section shall conduct a review within ten (10) business days.
  - a. If the recommendation is a referral to COBR, the quality assurance section shall determine the reason for the referral, and shall obtain any additional information requested and/or facilitate obtaining the necessary additional parole board members' votes. Upon obtaining a majority vote of the parole board members, if the decision is a denial of release and a continuance to a future hearing date or the maximum expiration of sentence, then the quality assurance section shall conduct a review and approve or correct the action and recommendation.
  - b. If the recommendation from a majority vote obtained through COBR is a proposed parole subject to a final determination at a full board hearing, then the quality assurance section shall contact the designated OVS staff person and notify that staff person of the recommendation and that the parole board chair or a parole board member has petitioned for a full board hearing, if applicable.
    - i. The designated OVS staff person shall contact the registered victim(s) and/or the victim(s) who was located through a search conducted prior to the institutional hearing, as well as the prosecutor in the county where the inmate was convicted and advise the parties that the parole board chair or other parole board member has petitioned for a full board hearing, or determine if any of the parties intend to petition for a full board hearing if a petition was not submitted by the parole board chair or other parole board member.
    - ii. The designated OVS staff shall advise the quality assurance section within thirty (30) calendar days of receipt of notice of the pending parole decision whether the victim(s) or prosecutor intends to petition for a full board hearing if a petition was not submitted by the parole board chair or other parole board member.
    - iii. If the intent of the victim(s) or the prosecutor is to petition for a full board hearing, then the quality assurance section shall prepare and submit a petition pursuant to DRC policy 105-PBD-06, Full Board Hearing.
    - iv. If no response is received from the victim(s) or the prosecutor, or either indicates no intention to petition for a full board hearing and the case was not petitioned by the parole board chair or other parole board member, then the quality assurance section shall establish a projected release date or a parole on or after date no sooner than forty-five (45) days from the date the intention to petition is communicated from the designated OVS staff, as approved by the parole board chair. This action shall include any special conditions imposed by a majority of parole board members.
  - c. Any corrected information or modifications pursuant to DRC policy 105-PBD-04, Request for Reconsideration and Amendments to Parole Board Actions, resulting from a quality assurance review shall be provided to the inmate in writing. In some instances, a rehearing of the case may be necessary.

- d. Recommendations approved by quality assurance shall be processed to minutes within five (5) business days and shall become final decisions.
  - e. The quality assurance section shall provide the decision sheet to the PBPO or other designated parole board staff for delivery to the inmate only after the decision has been finalized. For those cases referred to COBR, if the final recommendation is a denial of release and a continuance of five (5) years or longer, the PBPO shall provide the recommendation to the offender's case manager and the unit management chief (UMC). The case manager and/or UMC shall meet with the offender to discuss the recommendation and address any interventions the offender may require.
4. Once a decision has been approved but prior to the issuance of minutes, any media inquiries received shall be brought to the attention of the OVS if there is victim participation. Once a decision has been issued to minutes, notification of the decision shall be provided to the OVS, who shall notify the victim(s).
  5. Parole board minutes are considered public information once certified by the parole board chair.
  6. In the event a victim does not respond to notification attempts prior to the conclusion of the hearing and the recommendation becoming a final decision, but does contact the OVS in response prior to the release of an offender, the OVS shall notify the victim of the decision. If the victim expresses interest in participating in the release process by either submitting materials or participating in a victim conference, the OVS shall notify the quality assurance section of the parole board of the victim's interest. The quality assurance section shall send an instruction sheet to the parole board chair/designee requesting rescission of the recommendation and a rehearing. The rehearing shall be rescheduled on a date that allows for the victim to participate in the hearing process by either submitting a statement or participating in a victim conference. The information provided by the victim shall then be considered by the parole board in determining release suitability at the rehearing.

G. Transitional Control Hearings

Inmates serving indefinite sentences for crimes committed prior to July 1, 1996, who are otherwise eligible for placement into a transitional control program shall be considered for placement at a hearing conducted by parole board staff unless the offender has a projected release date pending. Inmates approved for placement in a transitional control program may be placed no sooner than six (6) months prior to the parole release eligibility date. The same hearing procedures that apply to parole release consideration hearings apply to transitional control consideration hearings. Inmates serving sentences imposed for crimes committed after July 1, 1996 who request placement into the Transitional Control Program are considered for the program pursuant to DRC policy 108-ABC-05, Transitional Control Screening Process.

H. All relevant documents utilized in any of the release processes shall be forwarded to the Bureau of Records Management.

**Related Department Forms:**

Institution Summary Report	DRC2666
Request to Add, Modify or Remove Special Conditions	DRC3020
Staff Hearing Input Form	DRC3031
Decision Sheet Supplement	DRC3332
Confidential Sheet/Decision Process	DRC3333
Decision Sheet/Parole Board	DRC3336