

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

<b>SUBJECT:</b> <b>Request for Reconsideration and Amendments to Parole Board Actions</b>	PAGE <u> 1 </u> OF <u> 4 </u>
	NUMBER: 105-PBD-04
<b>RULE/CODE REFERENCE:</b> 5149.10	<b>SUPERSEDES:</b> 105-PBD-04 dated 07/12/12
<b>RELATED ACA STANDARDS:</b> 2-1083; 2-1096-1	<b>EFFECTIVE DATE:</b> July 5, 2013
	<b>APPROVED:</b> 

**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 institute a fair and equitable process for the reconsideration of Parole Board decisions and the amendment of Parole Board actions.

**III. APPLICABILITY**

This policy shall apply to all employees of the Department of Rehabilitation and Correction and most specifically to the Adult Parole Authority, central record office, inmates, inmates' families or representatives, victims, victims' families or representatives, and any other interested party or parties providing information to the Ohio Parole Board.

**IV. DEFINITIONS**

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

**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 (Parole)** - 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.

**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.

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

**Reconsideration** - The process by which the Parole Board will rescind an action and conduct a new hearing to again determine release suitability due to the submission of relevant and significant new information that was not available or considered at the time the parole hearing was conducted.

**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.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to provide a procedure for reconsideration of parole hearing decisions when relevant and significant new information is provided to the Parole Board that was not available or not considered at the time the parole hearing was conducted. It is also the policy to establish a procedure for administratively amending certain parole hearing actions, and to correct clerical errors and other errors.

## VI. PROCEDURE

### A. Requests for Reconsideration of a Parole Hearing Decision

1. A request for reconsideration must be submitted in writing to the Parole Board. Reconsideration requests can only be submitted by the inmate whose release decision is the subject of the reconsideration request, or that inmate's representative (family member, personal friend, employer, clergy or attorney). The request must be based on, and specifically refer to, relevant and significant new information that was either not available or not considered at the time of the hearing. The request must be submitted within a reasonable time after the new information becomes available. A request for reconsideration may be denied based on an unreasonable delay in presenting the information to the Parole Board. The designated Parole Board staff shall submit to the Parole Board Chair for approval any reconsideration request denied on the basis of an unreasonable delay in presenting the information.
2. The Parole Board Chair or his/her designee shall delegate to a staff member the reconsideration request for an examination of the issues in question. Without unreasonable delay, the staff member shall examine the issues and take one of the following actions:
  - a. If the new information is found to be irrelevant, insignificant, or without merit, then a written correspondence to that effect shall be provided to the person that requested the reconsideration.
  - b. If it is determined that the request for reconsideration has merit, then the new information shall be incorporated into a Request for Reconsideration of Prior Decision (DRC3161) and submitted to the Parole Board members for a majority vote.

3. Within 10 business days of submission by the designated staff member to the Parole Board members, the Parole Board members shall review the request for reconsideration and adopt by majority vote one of the following options:
  - a. Modification of the previous hearing decision to reflect an action commensurate with the request for reconsideration; or
  - b. Modification of the previous decision with an alternative action; or
  - c. Rescission of the previous decision and the scheduling of a rehearing; or
  - d. No change to the previous decision.
4. If a majority of Parole Board members vote to modify or rescind the previous action, the designated staff member shall cause special minutes to be prepared to reflect the majority vote of the Board within 5 business days of the vote.
5. If a majority of Parole Board members vote to rescind the previous action and schedule a new hearing, the hearing shall be scheduled as soon as administratively possible. The hearing shall be scheduled on a date which allows for notices to be provided within timeframes established by Ohio Revised Code section 2967.12.
6. A copy of the special minutes and all other related documents shall be submitted to the Bureau of Records Management.
7. Written correspondence advising of the majority vote of the Parole Board shall be provided to the person that requested the reconsideration by the designated staff person within 5 business days of the vote.

**B. Requests for Amendments to Parole Board Actions**

1. Within 5 business days of notification of a circumstance that necessitates an amendment to a Parole Board action, the Quality Assurance Section shall submit an Instruction Sheet (DRC3173) to the Parole Board Chair for approval of the following amendments that do not require submission to the Parole Board members for a majority vote:
  - a. To stop an inmate's release from incarceration to parole supervision as a result of a petition by the Office of Victim Services for a Full Board Hearing;
  - b. To rescind an action and schedule a rehearing when the Office of Victim Services notifies the Board that a victim who is required to receive notification of a parole hearing pursuant to Ohio law did not respond to notice until after the hearing was conducted and the recommendation was finalized, and requests to participate in the hearing process either by submitting a statement or attending a Victim Conference. The rehearing will allow for the victim to participate as requested, and for any information provided by the victim to be considered by the Parole Board in determining release suitability;
  - c. To rescind an action and schedule a rehearing in cases where the Parole Board is notified of pending criminal charges or recent institution rules infractions that were not considered at the parole hearing;
  - d. To correct a clerical or other error in the official minutes of a decision;

- e. To modify a release date or rescind an action and schedule a rehearing upon request of APA Field Services when an inmate has been granted a parole, but an appropriate placement has not been secured;
  - f. To add or remove a special condition of supervision upon written request submitted any time prior to an inmate's release from incarceration up until the final release from supervision;
  - g. To rescind an action and rehear a case when a recalculation of an inmate's sentence significantly alters the effect of the hearing decision;
  - h. To modify a release date, or rescind an action granting parole release and schedule a rehearing when the Parole Board Chair determines that the release may not further the interest of justice or be consistent with the welfare and security of society.
2. Upon review, the Parole Board Chair may elect to refer the amendment for approval by a majority Parole Board member vote.
  3. The amendment shall only be authorized by signature of the Parole Board Chair.
  4. Special minutes shall be prepared to reflect the authorized amendment within 5 business days of the Parole Board Chair's authorization. The central record office, APA Field Services Superintendent/designee when applicable, and the inmate shall also be notified.
  5. A copy of the special minutes and all other related documents shall be submitted to the Bureau of Records Management.

**Related Department Forms:**

Action for Modification of Prior Decision	DRC3161
Parole Board Instruction Sheet	DRC3173