

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: 80% Court Release	PAGE <u> 1 </u> OF <u> 3 </u> NUMBER: 78-REL-08
RULE/CODE REFERENCE: 2967.16 2967.26 2930.16 A.R.5120-2-15	SUPERSEDES: 78-REL-08 dated 01/14/13
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 8, 2014
	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 screening guidelines for offenders to be considered for 80% court release.

III. APPLICABILITY

This policy applies to all employees of the Department of Rehabilitation and Correction (DRC) and all inmates under the supervision of DRC.

IV. DEFINITIONS

Review Panel – A permanent 3-member panel consisting of the Justice Reinvestment Officer assigned to the institution and two members appointed by the institution’s Managing Officer.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that inmates shall be screened to determine eligibility for 80% court release based upon the criteria established pursuant to Ohio Revised Code section 2967.19 and Administrative Rule 5120-2-15, Request for Court Release.

A. General Guidelines

1. All inmates shall be screened to determine initial 80% court release eligibility based on the criteria established in Administrative Rule 5120-2-15, Request for Court Release.
2. The review panel shall evaluate requests and compile information for the institution’s inmates that the Department may consider when requesting an early release from an inmate’s sentencing court. The panel shall include the designated Justice Reinvestment

Officer, who shall provide the Director and the sentencing court with the relevant information in a report format.

3. If it is determined at any time that the inmate shall not be recommended for 80% court release, the inmate shall be notified in writing of this fact.

B. 80% Court Release Screening Procedures

1. Initial eligibility, pursuant to the Administrative Rule and the Ohio Revised Code, shall be determined by the Bureau of Sentence Computation and entered into DOTS Portal CERT2 screen which designates if an inmate is initially eligible for consideration.
2. Utilizing the INMATE WITH JR 80% DATE Report in DOTS Portal, the unit manager/designee shall prescreen to exclude any inmates who has a detainer, is security level 3 or higher, is incarcerated for a new felony committed while the inmate was on parole or PRC, is presently serving an indefinite sentence, has been found guilty by the Rules Infraction Board of an assaultive infraction (rules 1-7) within the last 24 months, or has served time in local control within the last 12 months.

Inmates that are returned to prison from a Transitional Control status with no new charges shall not be considered for 80% Court Release. Inmates that are returned to prison having violated judicial release and the sentence is re-imposed shall not be considered for 80% Court Release if they have less than 120 days remaining to be served. Returned judicial release violators may be considered if they have 120 days or more remaining to be served.

3. The unit manager/designee shall interview all inmates determined to be initially eligible to explain 80% court release and determine if the inmate wishes to participate.

All inmates shall be screened at the earliest 90 calendar days prior to their JR 80% date.

4. Based on the interview, the decision of the inmate shall be documented on an 80% Court Release Waiver (DRC3184), which shall be signed by the inmate and the unit manager/designee. If the inmate elects to be considered, he/she shall be instructed to complete the 80% Court Release Application (DRC3186) and return to the unit manager/designee within seven calendar days.

If the inmate reconsiders, or the unit manager or designee refers, or they become eligible by meeting a previously not met criterion, the process can be initiated at any point prior to 90 days from their actual release date.

5. If the inmate elected to be considered for 80% Court Release, the unit manager/designee shall provide the 80% Court Release Waiver (DRC3184), and the 80% Court Release Checklist (DRC3232), 80% Court Release Application (DRC3186) and the ISR (DRC2666) to the review panel no later than 60 calendar days prior to the JR 80% date or upon notification of eligibility.

Should the unit manager/designee feel the inmate is an unsuitable candidate due to poor institutional adjustment, serious past criminal behavior, or other significant factors, the

unit manager/designee may complete the Unit Team Prescreen Form (DRC3187) and forward to the panel with all inmate completed forms (DRC3184, & 3186) within the established timeframes. DRC3232 is not needed in this instance. The panel will then review the existing packet within the guidelines in section (6) and make a decision based on the existing packet. Should the panel decide to request a full packet on the inmate; the unit manager/designee will forward the 80% Court Release Checklist (DRC3232) and any accompanying documentation to the panel within 7 calendar days.

6. A comprehensive review shall be conducted by the review panel. All appropriate candidates shall be interviewed by designated panel members within 30 calendar days of receipt from the unit manager/designee. The recommendation for/against consideration shall be based on criteria as established in Administrative Rule 5120-2-15, Request for Court Release, and any other information pertaining to the inmate's prior criminal record and institutional adjustment deemed relevant.
7. Result notification from the panel shall be forwarded to the inmate indicating whether they have been recommended for further consideration.
8. The Justice Reinvestment Officer shall compile additional information regarding the suitability of the inmate for 80% court release and forward to the Director/designee for those inmates that appear to be a candidate in accordance with Administrative Rule 5120-2-15 Request for Court Release.
9. Upon the Director's/designee review and determination of suitability and eligibility, a notice shall be sent to the sentencing court requesting early release consideration.
 - a. Included with this notice shall be a detailed description of the inmate's conduct and rehabilitative activities while incarcerated. The notice shall include the name and contact information of the Justice Reinvestment Officer.
 - b. Copies of the information provided to the court shall also be provided to the prosecuting attorney of the county of conviction.
10. Victim notification pursuant to section 2930.16 of the Ohio Revised Code shall be sent by the designated Parole Board staff as mandated to the victim of the inmate or the victim's representative who is registered with the Office of Victim Services.
11. All completed waivers and packets shall be scanned to OnBase at the point of final disposition.

Related Department Forms:

80% Court Release Checklist	DRC3232
Institutional Summary Report (ISR)	DRC2666
80% Court Release Request/Waiver	DRC3184
80% Court Release Notification	DRC3183
80% Court Release Application	DRC3186
Unit Team Prescreen Form	DRC3187