

APA VSP FAQ's

What is Parole?

The release from confinement in any state penal or reformatory institution by the Adult Parole Authority (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 Adult Parole Authority in its published rules and official minutes. A parolee so released shall be supervised by the Adult Parole Authority. Legal custody of a parolee shall remain in the Department of Rehabilitation and Correction until a final release is granted by the Adult Parole Authority, pursuant to Section 2967.16 of the Ohio Revised Code. The above applies to all persons who have committed felonies prior to July 01, 1996.

What is Post Release Control (PRC)?

A period of supervision for an offender by the Adult Parole Authority 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.

What is a Sanction?

Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 of the Revised Code.

What is Prison Sanction Time?

The total number of days that an offender under post release control may be returned to prison as a sanction for violation behavior.

What happens if/when I violate my conditions of supervision?

Whenever an offender under the supervision of the APA violates one (1) or more Conditions of Supervision (DRC3019), the APA shall take appropriate steps to respond to the behavior. The response could range from: a verbal warning, a written sanction, halfway house placement, substance abuse or cognitive behavioral modification programming, parole board summons, community based correctional facility placement (CBCF) and an out-of-custody or in-custody Violation Sanction Process (VSP) hearing.

What happens when a parole officer discovers that an offender has violated their conditions of supervision?

The officer has 10 business days from the date of knowledge to address the violation behavior as long as the offender is available to the APA.

What happens when a parole officer discovers that there are serious allegations that an offender has violated their conditions of supervision?

If the offender is not in custody, the offender may be arrested pending the investigation. The unit supervisor/designee may issue an active Hold Order for up to five (5) business days on offenders who are available. That active Hold Order may be extended for five (5) business days for a total of ten (10) business days. If the offender is unavailable to the APA due to pending charges/warrants from other agencies, the Hold Order is considered inactive.

What does it mean to be available to the APA?

This means that either the criminal charges have been dismissed or a bond has been granted and posted. In other words, the only reason you are in custody is because the APA has a Hold Order on you.

What happens once an offender is available to the APA?

The case will be reviewed to determine what actions will be taken. The unit may choose to pursue a violation hearing or unit sanction. If an Out-of-Custody hearing is scheduled, the offender will be released from custody and his/her VSP hearing will be held at the local APA office. If an In-Custody hearing is scheduled, the hearing may be held at a local jail or DRC institution.

The courts dismissed the charges. Why is the APA pursuing a VSP hearing?

The APA addresses behavior. Dismissal of a case does NOT prohibit the APA from moving forward with a violation hearing.

When will my hearing be scheduled?

Currently, a VSP hearing shall be scheduled within twenty-five (25) business days of availability. A continuance may be requested by the hearing officer, the APA, as well as the offender or his/her representative.

How will I know when my hearing will be held?

Offenders will be served with their Notification of Release Violation Hearing paperwork which includes the date, time and location of the hearing. At that time, the offender will be notified of the alleged violation behavior.

What is "Gagnon"?

Those considerations set forth by the United States Supreme Court in *Gagnon v. Scarpelli*, 411 U.S. 778 (1973), for determining when an indigent person on supervised release should be represented by counsel at a revocation hearing.

Will I be allowed to have representation?

All offenders have the right to have representation at their hearing. However, the offender is responsible for any costs associated with hiring an attorney. An offender may request a public defender at no cost. However, the request must be staffed with a Parole Board Hearing Officer using the "Gagnon" Criteria, mentioned previously. If the hearing officer determines that the offender is eligible for a public defender, the request is sent to the Ohio Public Defender's Office. The APA will forward all information regarding the VSP hearing to the OPD office. If the Hearing Officer denies the request for a public defender, the denial must be served to the offender within 5 business days.

When will OPD contact me regarding my pending hearing?

Public Defenders are assigned to cases approximately 2 weeks prior to the scheduled hearing and attorneys set up calls with their clients. If someone needs to reach the public defender before that time, they may kite us through the institution and someone will get back to them within 3 business days. Alternatively, they can call our main number collect and they will be transferred to prison legal services attorney (614-466-5394).

What is a Waiver?

A waiver is available for PRC and Compact offenders. The offender waives his/her appearance at a hearing. Compact offenders must admit to at least one (1) violation. However, PRC offenders do not have to admit to any violations. The APA must inform the offender of the amount of prison time/sanction being recommended. The offender must have that time available. The benefits of waiving include: (1) there will be no audio recording of the hearing review that could be subpoenaed and used in pending criminal proceedings and (2) the hearing officer cannot impose a prison sanction greater than the waived amount without rejecting the waiver and setting it for an actual hearing.

How much time will I receive?

If an offender is found guilty of at least one rule violation, the offender may be continued on supervision with additional sanctions, sanctioned to CBCF placement or given a prison sanction up to 270 days in duration.

Will I receive credit for the time I sat in local jail or in prison before my hearing?

From the time an offender is available to the APA, he/she will receive credit for ALL jail and prison time prior to their hearing.

When will I know the results of my hearing?

You will receive the results (“the findings”) of your hearing at the conclusion of your hearing. If you choose to waive your appearance at a hearing, you should receive the results within five (5) business days of the scheduled hearing.

What happens if I have pending criminal charges?

Criminal charges do not prohibit the APA from moving forward with the violation process. The case will be reviewed to determine how the APA will proceed.

How do I appeal my hearing results?

The hearing officer’s decision is final and there is no appeal process.

When are continuances issued?

Continuances are issued at the discretion of the hearing officer and for good cause shown. Each continuance is evaluated for merit by the hearing officer. Continuances are not automatic unless a person is medically or mentally unable to attend the hearing. Each continuance request is evaluated on an individual basis and based on specific facts of each scenario.

What are the consequences of not attending my hearing?

Refusing to attend your violation hearing is not an option. Every effort will be made to have you present for your hearing. Disruptive or threatening behavior will result in RIB and potential for additional violation charges



The aforementioned questions and answers are to assist you in understanding the violation sanction process. This information is NOT to be construed as LAW or an actual POLICY.

Please remember that just as every offender is different, so are the circumstances surrounding every violation and the results of a violation hearing. However, should you have any additional questions, you may be given the opportunity to address those questions with your supervising parole officer (or designee) at the time of service, with the Parole Board Hearing Officer during your violation release hearing, or again with your supervising parole officer, following your release from custody. Please keep in mind that continued violation behavior prior to your hearing, whether committed in the community, the county jail, or any DRC prison, may result in additional charges.
