

SUBJECT: <b>APA Probation/Community Control Violation and Supplement Reports</b>	PAGE <u>  1  </u> OF <u>  7  </u>
	NUMBER: <b>100-APA-10</b>
RULE/CODE REFERENCE: ORC 2951.08	SUPERSEDES: 100-APA-10 dated 06/09/16
RELATED ACA STANDARDS:	EFFECTIVE DATE: <b>August 7, 2017</b>
	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 prescribe the manner in which an offender's violations of community control and probation are to be managed and processed.

## III. APPLICABILITY

This policy applies to all Adult Parole Authority (APA) staff and to all offenders under the jurisdiction of the sentencing court, including those on community control, probation, judicial release, judicial 80, shock probation, and intervention-in-lieu.

## IV. DEFINITIONS

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

**Capias** - "That you take". The general name for several species of writs; the common characteristic of which is that they require the officer to take a named defendant into custody.

**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.

**Contact (Supervision)** - The obtaining or attempt to obtain meaningful information about the offender and/or the offender's behavior by appropriate DRC staff or ODMHAS CDS. The source of the information may be the offender, another person, or agency; it may be in person, by telephone, or by written communication and may be at any location.

**Field Officer Tablet (FOT)** - Computerized data maintained by the parole officer assigned to the case that contains the chronological details involving contact with the offender, social services agencies, law

enforcement, etc. The tablet also contains demographic information pertaining to the offender and documentation of staffing decisions.

**NOTE** - A section in the Community Corrections Information System (CCIS) to record information regarding offender's activity while under supervision.

**Staffing (APA only)** - A consultation among DRC personnel or ODMHAS CDSs wherein a documented exchange of information is shared with the intent of making decisions or following a course of action which will help facilitate the supervision of an offender, protection of the community and ensure that all aspects of supervision and investigations meet agency standards.

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

**Violation Behavior** - Conduct by an offender during the period of Adult Parole Authority supervision that is a violation of the conditions of release.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to report violation behavior to the court on offenders under the court's jurisdiction. This information shall be current, accurate, and shall meet the court's requirements in the preparation and submission of the violation report.

## VI. PROCEDURES

### A. The Adult Parole Authority (APA) shall require a violation report in any of the following instances:

1. A court violation hearing is scheduled and revocation is being recommended or the offender is sentenced to prison.
2. An offender is sentenced to prison on a new offense and no PSI has been or is being completed on the new offense.
3. The offender's whereabouts remains unknown for thirty (30) calendar days.
4. As otherwise directed by the court.

### B. Parole Officer Responsibilities

1. Whenever a parole officer becomes aware that one (1) or more violations have occurred, the officer shall document all case action, staffing, and contacts in the Field Officer's Tablet (FOT).
  - a. Conduct an initial investigation with appropriate individuals to determine if corroborating evidence exists.
  - b. Staff the case with the unit supervisor/ or designee. The unit supervisor/designee shall document the staffing in NOTE. The Violation Hearing Grid (DRC3458) shall be used as a guide for appropriate sanction. If a unit sanction is the appropriate response,

notify the court of violation behavior and the sanction issued or follow the procedure outlined by the court.

- c. Arrest the offender pursuant to DRC policy 100-APA-05, APA Search and Arrest Procedures, or issue an Order to Arrest (DRC3062) to law enforcement agencies pursuant to ORC section 2951.08, or, if the offender is in custody on a new offense, issue an Order to Hold (DRC3064) pursuant to ORC section 2951.08.
2. Once APA gains knowledge that the offender has been arrested the following shall occur:
    - a. An Order to Hold (DRC3064) shall be issued no later than the following business day to the holding facility where the offender is confined. As soon as possible or per the local court procedures, the order to hold shall be replaced by a court ordered Capias or warrant.
    - b. All outstanding Orders to Arrest (DRC3062) shall be retrieved as soon as possible after the Order to Hold (DRC3064) is issued.
    - c. The unit supervisor/designee shall enter an arrest header into CCIS within two (2) business days of knowledge of the offender's arrest, document information in NOTEC, and set an appropriate follow up for tracking purposes.
    - d. Complete the investigation of the violation(s), including all information regarding the victim(s), if appropriate. If insufficient corroboration or contradictory statements regarding new charges are retained in law enforcement reports and/or the prosecutor's file, the parole officer shall conduct an independent investigation including obtaining statements from all victims and/or witnesses. The officer shall staff findings of the investigation with supervisor/designee.
    - e. The parole officer shall complete the violation report pursuant to section VI.C (Violation Reports) of this policy. The report shall be staffed with the unit supervisor/designee. The unit supervisor/designee has the responsibility for final review and the recommendation.

Note: Check the availability of any recommended sanction prior to the time of the hearing.

- f. If the offender is confined pending a hearing, the parole officer shall monitor availability through weekly status checks, report any status change immediately to the unit supervisor/designee, and note such changes in the FOT.
- g. If supervision is terminated and the offender is given a term of imprisonment, ~~then~~ the parole officer/designee shall:
  - i. Submit copies of the PSI (if completed), violation report, and any supplemental reports to the institution through established channels.
  - ii. Supplement the violation report with the dates and disposition of the violation hearings.

- h. If supervision is not revoked or terminated, the parole officer shall:
  - i. Submit a violation supplement report within ten (10) business days of the disposition hearing.

### **C. Violation Reports**

The violation report shall consist of the following sections:

- Face sheet/Introduction;
  - Alleged Violations;
  - Corroboration;
  - Victim Impact (if appropriate);
  - Offender's Statement;
  - Criminal History;
  - History of Supervision (including parole officer intervention);
  - Recommendation.
1. When an offender's whereabouts is unknown for thirty (30) calendar days, a Probation/Community Control Violation Report shall be completed and submitted to the originating unit and the court of jurisdiction. The report shall include the following:
    - a. Under the corroboration section, the officer's investigative efforts to locate the offender shall be listed and indicated by type of contact:
      - i. Social service agencies (e.g., welfare, church, community programs, mental health, etc.);
      - ii. Relatives;
      - iii. Law enforcement personnel;
      - iv. Residence (include past residence);
      - v. Utility companies;
      - vi. Post office;
      - vii. Letters/registered letters.
    - b. A conclusion that:
      - i. Outlines apparent violations and escape charges if the court has approved the request for indictment;
      - ii. Recommends that supervision be tolled; and
      - iii. Requests a Capias to be entered in NCIC.
    - c. A recommendation for disposition should not be included in the Violation Report.
  2. The supervising officer shall verify the Capias was issued by the sentencing court. If the sentencing court declines to issue a Capias, the supervising officer shall verify that the offender's case is being tolled. The verification shall be staffed and documented in the FOT or NOTEC.

3. After the violation report has been submitted and the Capias or tolling of probation/community control supervision verified and documented, the supervising unit shall close the case in CCIS per local court practices.

**D. Violation Supplement Report**

The violation supplement report shall include the following:

1. Details of the arrest;
2. The offender's statement;
3. The citation of any violations occurring after the offender absconded;
4. Corroboration of any new violations;
5. A recommendation as to disposition; and
6. Any other relevant information that was not available when the probation/community control violation report was completed.

**E. Distribution of Violation Reports and Supplement Reports**

The Violation and Supplement Reports shall be provided to the court of jurisdiction. In transfer cases, the original unit shall deliver the report to the court. When an investigation is available electronically, it may not be necessary to distribute a paper copy.

**F. Violations Outside Parole Officer's Jurisdiction**

1. When an offender violates supervision outside the supervising officer's jurisdiction, every effort shall be made to collect details of the incident (e.g., police report, view court websites). If the supervising officer is unable to gather needed information, the parole officer covering the area shall assist with the needed information. The information shall be provided prior to the probable cause hearing.
2. The supervising parole officer is responsible for compiling the violation report from the investigation, including violations, criminal and technical, corroboration and the offender's statement.

**G. Transfer Cases**

1. When parole officers are supervising an offender for a county probation department, all time requirements and staffing of recommendations shall apply.
  - a. When the court policy mandates that it must grant permission to effect the arrest of an offender, the sending parole officer shall note this in the transfer investigations request report.

- b. In situations such as this, the receiving parole officer shall never cause the arrest of the offender without receiving permission from the sentencing court.
2. Violation Prior To Transfer: When an offender is transferred from one parole officer to another and a violation is found to have occurred prior to the date the transfer request was initiated, the previous officer shall be responsible for completing the violation report.
  - a. If a significant amount of time has elapsed, the receiving officer must provide the previous officer with a history of supervision.
  - b. The parole officer completing the violation report shall ensure both officers have a copy of the report.
  - c. If at all possible, all violation hearings should be completed prior to the transfer of supervision and/or placement in a halfway house.
3. Violation subsequent to transfer: When an offender has been accepted for supervision and a violation occurs subsequent to that time, the supervising officer who accepted the case shall complete the violation report.
  - a. Assistance with the preparation of a history of supervision may be required of the previous officer.
  - b. The officer completing the violation report shall ensure both officers have a copy of the report, unless the sending officer no longer maintains any interest in the case.

#### **H. Time Parameters**

1. The violation report shall be submitted for the supervisor's approval by the tenth (10<sup>th</sup>) business day following the date of the APA detainer, or sooner if requested by the Court.
2. In those rare cases when an offender is arrested and/or given sanctions(s) or community control/probation is terminated without the parole officer's knowledge, details of the circumstances regarding the arrest and outcome shall be included in the close of interest and TERR submitted if required per DRC policy 100-APA-16, APA Termination Recommendation.

#### **I. Imposition of Prison Term**

1. When the sentencing court imposes a prison term, the officer shall complete a Violation Supplement report and/or a Close of Interest report addressing the following:
  - a. Date and location of hearing;
  - b. Violations which resulted in conviction; and
  - c. Actual sentence/prison term imposed by court.
2. If the case is no longer supervised by the APA, the supervisor/designee shall ensure the Close of Interest Header and close the case in CCIS.

**Related Department Forms:**

Order to Arrest	DRC3062
Order to Hold	DRC3064
Arrest Report	DRC3081
Violation Hearing Grid	DRC3458