



Department of  
Rehabilitation & Correction

SUBJECT: <b>Sanctions for Violations of Conditions of Supervision</b>	PAGE <u> 1 </u> OF <u> 8 </u>
	NUMBER: <b>100-APA-14</b>
RULE/CODE REFERENCE: AR5120: 1-1-17, 1-1-18, 1-1-41, 1-1-43; ORC 2929 and 2967.26	SUPERCEDES: 100-APA-14 dated 12/26/16
RELATED ACA STANDARDS: 2-1003, 2-1092-1, 2-1106 to 2-1111, 2-1114 to 2-1120, 2-1122, 2-1123; 4-APPFS-2B-02 to 2B-12, 2E-01	EFFECTIVE DATE:  <b>June 11, 2018</b>
	APPROVED: 

## I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

## II. PURPOSE

The purpose of this policy is to promote fair, consistent, and objective decision making when addressing violation behavior.

## III. APPLICABILITY

This policy applies to all employees of the Adult Parole Authority (APA) and the Bureau of Community Sanctions (BCS) and all offenders under parole, post-release control, transitional control, and interstate compact supervision.

## IV. DEFINITIONS

**Bodily Injury** - Physical harm of a type that normally requires professional medical attention (e.g., a laceration requiring stitches). Minor physical harm (e.g., minor bruises, a sprained wrist, a black eye, or a minor cut) is not included in this definition.

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

**Community Corrections Information System (CCIS)** - A computerized information system used to track the criminal history and progress of offenders under the supervision of the APA. Access to CCIS is restricted to essential users only.

**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.

**Day Reporting** - A sanction requiring an offender to report daily to a center or other approved reporting location at a specified time in order to participate in work, education/training, treatment or other approved programs. These programs may or may not be located at the center. The offender must also leave the approved area at a specific time. Or a non-residential service and/or designed for offenders under APA supervision who are experiencing supervision difficulties due to lack of employment, education and life skill management.

**Departmental Offender Tracking System (DOTS)** - The web-based information platform which serves as the primary information system for information on all offenders under Ohio Department of Rehabilitation and Correction supervision. The system contains information regarding the offender from reception to final release under supervision. This system is updated throughout each day. Access to DOTS Portal is restricted to essential users only.

**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 tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

**Halfway House (HWH)** - A facility licensed by the DRC pursuant to section 2967.14 of the Ohio Revised Code, as a suitable facility for the care and treatment of adult offenders.

**Hold Order** - The order or act of a parole officer, unit supervisor, or other APA official that causes an offender under the jurisdiction of the APA to be detained or held in custody for alleged violations. The order or act may be placed into effect by use of an APA Hold Order, an APA Arrest Order, a teletype, fax, or a verbal order.

**In-Custody** - An offender under the supervision of the APA who is being held in a jail, prison, or similar detention facility.

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

**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 Ohio Parole Board pursuant to section 2967.28 of the Revised Code.

**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.

**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.

**Transitional Control (TRC)** - 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.

**Violator at Large (VAL)** - An offender, as defined by the ORC 2967.15, who absconds the supervision of the Adult Parole Authority.

## V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to respond to any violation behavior committed by offenders during the period of supervision.

## VI. **PROCEDURES**

### A. **Addressing Violation Behavior**

1. 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.
2. When there is reason to believe an offender has violated a Condition of Supervision (DRC3019) or a previously imposed Sanction, the parole officer shall:
  - a. Investigate the suspected violation behavior. Interview witnesses and complete a Witness Form (DRC3057);
  - b. Document investigative efforts in the Field Officer Tablet (FOT);
  - c. Staff the violation behavior with the unit supervisor/designee.
3. The parole officer and unit supervisor/designee shall determine the appropriate response to violation behavior by using the Violation Hearing Grid (DRC3458) as a guide and also shall consider:
  - a. Supervision adjustment, any prior Sanctions and if the offender has Prison Sanction Time;
  - b. Victim impact;
  - c. The risk of the offender harming themselves or others;
  - d. The seriousness of allegations.
4. If the offender cannot be located, the parole officer shall complete a whereabouts unknown report and follow the procedures set forth in DRC Policy 102-FUG-02, Violator at Large.

5. If a Parole offender has violation behavior that rises to the level of a unit Sanction or above or is a violation of an Ohio Parole Board special condition, the violation behavior must be staffed with a designated Parole Board member.

**B. Mandatory Arrest/Hearing**

1. An in custody violation hearing is required if one (1) or more of the following apply:
  - a. Possession, use or control of a firearm or brandishing of a weapon or devices used to immobilize or deadly weapons or any device that fires or launches a projectile of any kind.
  - b. Causing, threatening or attempting to cause, or conspiring to cause a sex offense, bodily injury or psychological trauma to a person;
  - c. An offender declared a Violator at Large (VAL) or Parole Violator In-Custody who has been arrested, detained, or otherwise located outside the State of Ohio and who has been extradited back to Ohio;
  - d. Unsuccessful termination from CBCF.
2. A violation hearing is not mandatory if the offender never becomes available on the pending charges and is sentenced to community control or prison. The outcome of the pending charges shall be staffed to determine if a hearing is necessary. The unit should take into consideration the extent of injuries to the victim, available prison sanction time and prior violation behavior.

**C. Overriding the Violation Hearing Grid**

The regional administrator/designee and superintendent/designee may override the Violation Hearing Grid (DRC 3458) for an In-Custody hearing. The criteria for regional override is located on the Violation Hearing Grid.

**D. Interstate Compact**

1. Incoming Interstate Compact offenders shall have a probable cause hearing if requested by the sending state regardless of availability. If a probable cause hearing is not requested, the violation behavior shall be addressed in accordance with this policy.
2. The compact analyst shall respond to violation behavior which could include a violation hearing or ordering the offender to return to Ohio. If the offender is ordered to return, an APA unit will be assigned the case for supervision.

**E. Transitional Control (TRC)**

1. If an offender under Transitional Control (TRC) for an offense committed on or after July 1, 1996 violates any condition of TRC, it shall be the responsibility of the Halfway House (HWH) or the Bureau of Community Sanctions (BCS) to respond to that behavior pursuant to DRC Policy 108-ABC-01, Transitional Control Supervision.
2. The APA shall arrest, transport, issue Hold Orders on TRC offenders. The Hold Orders will be replaced with the Acknowledgment of Requirement to Retain Inmate in Custody until Expiration of Sentence or Return to Prison (DRC2560).

**F. Responsibilities Relative to Victims**

1. The unit supervisors/designee shall contact the Office of Victim Services (OVS) whenever the violation behavior involves corroborated violence or a corroborated threat of violence. The APA may contact OVS on any other case as deemed necessary. OVS may be contacted by email at [drc.victim.services@odrc.state.oh.us](mailto:drc.victim.services@odrc.state.oh.us) or by telephone at 614-728-1551 or toll free at 1-888-842-8464.
2. If an offender has violation behavior for an offense of violence that is a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree felony (as defined in ORC 2901.01 A9) where prison time is imposed, a copy of the arrest report shall be labeled with the offender's name and inmate number and sent to the [DRC.CoVictimNotices@odrc.state.oh.us](mailto:DRC.CoVictimNotices@odrc.state.oh.us) email account.

**G. Active and Inactive Hold Orders**

1. A Hold Order is only considered active if it is the sole reason for an offender's detention. An offender held on an inactive Hold Order shall be considered unavailable and time limitations for sanctioning the offender's violation behavior shall be tolled for the duration of the inactive hold. Once an inactive Hold Order becomes active, the timeframe starts over for addressing the violation behavior. Any offender with an APA Hold Order shall have their custody status verified weekly regardless of availability. The status check shall include verification that the offender is being held on APA hold only and/or status of pending charges/bond.
2. Hold Orders shall be placed when the unit supervisor/ designee intends to proceed with an in custody violation hearing. Hold orders may be placed when the unit supervisor/ designee intends to sanction the offender or investigate alleged violation behavior. If the offender is available, and will be sanctioned, the unit has five (5) business days to complete and remove hold order. If the offender is unavailable, and will be sanctioned, the unit should complete this immediately and remove hold order. Some factors to consider when placing an inactive hold order:
  - a. Seriousness of pending charges
  - b. Felonious behavior
  - c. Victim impact
  - d. Offenders risk score
  - e. Prior violation behavior
  - f. Instant Offense

3. 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 upon the approval of the regional administrator/designee.
4. No Hold Order shall be lodged against an offender who has exhausted all available Prison Sanction Time.

#### **H. Availability of Offenders**

1. An offender shall be considered available and time limitations for imposing Sanctions shall be in effect in the following circumstances:
  - a. The offender is under APA supervision and is being held in custody with an active APA Hold Order;
  - b. The offender is being held in a DRC institution;
  - c. The offender is under TRC;
  - d. The offender has posted bond;
  - e. The offender has pending charges and has been released to Electronic Monitoring status;
  - f. The offender was sentenced to a period of incarceration in the local jail, CBCF, or other locked facility; and has fully served that period of local incarceration.
2. When an offender is available and an active Hold Order is in place, any days held in custody in Ohio on that active Hold Order up to and including the date of the violation Sanction hearing (including continued hearings), shall be credited in JLS by the unit supervisor/designee.
3. Jail Time shall be credited in JLS for any days an offender is in custody in Ohio as a result of being arrested on a VAL warrant unless the offender is arrested with new charges.
4. If an offender is found to be incompetent by court or medically unstable, the offender shall be considered unavailable and timeframes stop. The timeframes shall resume once the offender is deemed competent, medically stable or is released from the hospital.
5. Permission shall be obtained from the chief hearing officer when a unit is requesting to proceed with a violation hearing for an offender who is unavailable. E-mails approving an unavailable offender to move forward with a hearing shall be included in the violation packet.

6. If the unit supervisor/designee determines an offender will be scheduled for a violation hearing, the procedures in DRC Policy 105-PBD-09, Violation Hearing Process, shall be followed.

### **I. Utilization of a Unit Level Sanction**

1. A unit level Sanction shall be imposed no later than ten (10) business days after the parole officer has knowledge of the violation behavior or if the offender is incarcerated in a local jail, ten (10) business days after the offender becomes available. A written violation sanction shall be documented by completing a Sanction Receipt (DRC3361). A copy of the Sanction receipt shall be provided to the offender with a copy being retained in the unit file. All Sanctions, including but not limited to verbal reprimands, shall be documented in FOT.
2. Parole officers, unit supervisors, and TRC facility staff shall make every effort to ensure local Sanctions are identified and used appropriately. The following Sanctions may be imposed at the unit level:
  - a. Day Reporting;
  - b. Upgrades in supervision levels (must be staffed with supervisor/designee);
  - c. Mandatory employment;
  - d. Structured supervision activities;
  - e. Summons before a unit supervisor (must be staffed with supervisor/designee);
  - f. Substance abuse testing;
  - g. Residential curfew;
  - h. Formal written reprimand;
  - i. Modified reporting instructions;
  - j. HWH (must be staffed with supervisor/designee) or non-residential program placement;
  - k. Electronic Monitoring (must be staffed with supervisor/designee);
  - l. Community Service (must be staffed with supervisor/designee);
  - m. Summons to Parole Board hearing officer (must be staffed with supervisor/designee).

### **J. Sentencing Enhancement**

1. When an offender under PRC is convicted of a new felony offense that occurred while under supervision, the court, in addition to any sentence imposed as a result of the new felony conviction, may impose the greater of twelve (12) months or the remainder of the offender's period of PRC. This time shall be reduced by the amount of time the offender has been incarcerated by and available to the APA for the same violation.
2. When an offender under PRC is indicted for a new felony, which occurred while under supervision, the unit supervisor/designee shall notify the prosecutor's office in the county of the new charge utilizing the PRC Violator Notification (DRC3463). A copy of the PRC reporting order shall also be sent to the prosecutor's office within ten (10) business days of indictment.

3. The accuracy of the remaining PRC supervision time available shall be verified prior to the PRC Violator Notification (DRC3463) being completed and forwarded to the prosecutor’s office.

**K. Exceptions**

Waiver PRC Violator Notification (DRC3463)

The requirement to forward the PRC Violator Notification (DRC3463) and a copy of the Post Release Control Reporting Order to the prosecutor’s office and/or the court within ten (10) business days of indictment may be waived in those counties where the local prosecutor and court have agreed in writing that they do not require a notice be sent on all felonies.

1. The regional administrator and/or designee shall meet with local prosecutors and court in each of the counties in their region to determine the local practice for the county and/or establish select felonies for which notification is required.
2. The specifics of the agreement worked out with the local prosecutor and court shall be included in the county agreement.
3. For those counties where there is no county agreement, the waiver shall be reviewed on a bi-annual basis with the local prosecutor and court to ensure local needs are being met.

**Related Department Forms:**

Acknowledgement of Requirement to Retain Inmate in Custody until Expiration of Sentence or Return to Prison	DRC2560
Conditions of Supervision	DRC3019
Witness Form	DRC3057
Order of Release	DRC3063
Order of Hold	DRC3064
Sanction Receipt/Parole Officer	DRC3361
Violation Hearing Grid	DRC3458
PRC Violator Notification	DRC3463
Offender Notify	DRC3540