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 supervisees under Parole, Post Release Control (PRC), Transitional Control (TRC), and Interstate Compact supervision.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the policies page on the Ohio Department of Rehabilitation and Correction (ODRC) Intranet at the following:

Definitions Link
- Bodily Injury
- Business Day
- Community Corrections Information System (CCIS)
- Conditions of Supervision
- Day Reporting
- Departmental Offender Tracking System (DOTS)
- Halfway House (HWH)
- Hold Order
- In-Custody
- Parole
- Post Release Control (PRC)
V. POLICY

It is the policy of the ODRC to respond to any violation behavior committed by supervisees during the period of supervision.

VI. PROCEDURES

A. Addressing Violation Behavior

1. Whenever a supervisee under APA supervision 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 a supervisee has violated a Condition of Supervision (DRC3019) or a previously imposed sanction, the parole officer shall:
   a. Investigate the suspected violation behavior.
   b. If witnesses are interviewed, complete a Witness Form (DRC3057).
   c. Document investigative efforts in the violation tab in OCSS.
   d. 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 and shall consider:
   a. Supervision adjustment, any prior sanctions and available prison sanction time,
   b. Victim impact,
   c. The risk of the supervisee harming themselves or others, and
   d. The seriousness of allegations.

4. If the supervisee cannot be located, the parole officer shall complete a whereabouts unknown and follow the procedures set forth in ODRC Policy 102-FUG-02, Violator at Large.

5. If a parole supervisee has violation behavior that rises to a unit sanction or above or is a violation of a 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 violation behavior involves one (1) or more of the following:
   a. A deadly weapon or dangerous ordinances, or
   b. Physical harm, causing, threatening, or attempted serious physical harm to a person,
2. A violation hearing is not mandatory if the supervisee never becomes available on the pending charges and is sentenced to 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 (DRC3458) for an In-Custody hearing. The criteria for regional override is located on the Violation Hearing Grid.

D. **Interstate Compact**

1. Incoming interstate compact supervisees 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 supervisee to return to Ohio. If the supervisee is ordered to return, an APA unit will be assigned the case for supervision.

E. **Transitional Control (TRC)**

1. If a supervisee 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 ODRC Policy 108-ABC-01, Transitional Control Supervision.

2. The APA shall arrest, transport, and issue hold orders on TRC supervisees. 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 or by telephone at 614-728-1551 or toll free at 1-888-842-8464.

2. If a supervisee has violation behavior for an offense of violence that is a 1st, 2nd or 3rd degree felony, as defined in ORC section 2901.01 (A) (9), where prison time is imposed,
a copy of the police report shall be labeled with the supervisee’s name and incarceration number and sent to the DRC.CoVictim Notices@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 a supervisee’s detention. A supervisee held on an inactive hold order shall be considered unavailable and time limitations for sanctioning the supervisee’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 supervisee with an APA hold order shall have their custody status verified weekly regardless of availability. The status check shall include verification that the supervisee is being held on APA hold only and/or status of pending charges/bond.

2. A hold order shall be placed when the unit supervisor/designee intends to proceed with an in-custody violation hearing. The hold order may be placed when the unit supervisor/designee intends to sanction the supervisee, investigate alleged violation behavior, or proceed with an out of custody hearing. If the supervisee is unavailable and will not have a hearing, the unit should sanction and remove the hold order. Some factors to consider when placing an inactive hold order:
   a. Seriousness of pending charges,
   b. Felonious behavior,
   c. Victim impact,
   d. Supervisee’s 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 supervisees who are available. That active hold order may be extended for five (5) business days for a total of ten (10) business days. The unit should make every effort to release supervisees within five (5) business days. The approval of extensions should be reserved for supervisees that need to be transported to a HWH or investigated for alleged violation behavior.

4. No hold order shall be lodged against a supervisee who has exhausted all available prison sanction time.

H. Availability of Supervisees

1. A supervisee shall be considered available and time limitations for imposing sanctions shall be in effect in the following circumstances:
   a. The supervisee is under APA supervision and is being held in custody with an active APA hold order,
   b. The supervisee is being held in an ODRC institution,
   c. The supervisee is under TRC,
   d. The supervisee has posted bond,
   e. The supervisee has pending charges and has been released to electronic monitoring
status,
f. The supervisee was sentenced to a period of incarceration in the local jail, CBCF, or other locked facility and has served that period of local incarceration.

2. When a supervisee 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 a supervisee is in custody in Ohio as a result of being arrested on a VAL warrant unless the supervisee is arrested with new charges.

4. If a supervisee is found to be incompetent by court or medically unstable, the supervisee shall be considered unavailable, and timeframes stop. The timeframes shall resume once the supervisee 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 a supervisee who is unavailable. E-mails approving an unavailable supervisee to move forward with a hearing shall be included in the violation packet.

6. If the unit supervisor/designee determines a supervisee will be scheduled for a violation hearing, the procedures in ODRC 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 supervisee is incarcerated in a local jail, ten (10) business days after the supervisee becomes available. If the violation behavior is for failing to report, the unit has five (5) business days to impose a sanction on the following supervisees:

   a. Felony 1 or felony 2 (very high and high risk) supervisees with more than thirty (30) days of available prison sanction time,
   b. Sex offenders,
   c. Parole supervisees.

   A written violation sanction shall be documented by completing a Sanction Receipt (DRC3361). A copy of the sanction receipt shall be provided to the supervisee with a copy being retained in the unit file. All sanctions, including but not limited to verbal reprimands, shall be documented in the sanctions tab in OCSS.

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),
n. CBCF referral (non-mandatory behavior must be approved by regional administrator/designee).

J. Sentencing Enhancement

1. When a supervisee 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 supervisee has been incarcerated by and available to the APA for the same violation.

2. When a supervisee 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.

Referenced ODRC Policies:

102-FUG-02 Violator at Large
105-PBD-09 Violation Hearing Process
108-ABC-01 Transitional Control Supervision

Referenced Forms:

Acknowledgement of Requirement to Retain Inmate in Custody until Expiration of Sentence or Return to Prison
Conditions of Supervision
Witness Form
Sanction Receipt/Parole Officer
Violation Hearing Grid
PRC Violator Notification