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 set forth conditions for processing timely terminations for Parole, Post-Release Control, and Community Control/Probation.

III. APPLICABILITY

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and Ohio Department of Mental Health and Addiction Services (ODMHAS). It also applies to all individuals, excluding incoming Interstate Compact supervisees, under the supervision of the Adult Parole Authority (APA).

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the policies page on the ODRC Intranet at the following:

- Business Days
- Calendar Days
- Case Plan
- Community Based Correctional Facility (CBCF)
- Community Control
- Community Corrections Information System (CCIS)
- Conditions of Supervision
- Contact (Supervision)
- Detainer
- Early Termination
V. POLICY

It is the policy of the ODRC to grant a timely Final Release/Termination to individuals under APA supervision pursuant to Ohio Revised Code 2967.16 and 2967.28. Individuals sentenced on/after September 30, 2021 for a felony sex offense are not eligible for an early termination.

VI. PROCEDURES

A. Eligibility Review for Final Release or Termination

1. The parole officer and supervisor/designee shall staff supervisee’s conduct and compliance at the earliest eligibility date to determine if a recommendation for Final Release/Termination is appropriate. The results of these reviews shall be documented in NOTEC or FOT. If appropriate, a Final Release/Termination shall be submitted.

2. An Early Termination from supervision shall not be recommended if the supervisee:
   a. Is mandatory PRC and has committed a felony within the past eight (8) months which resulted in a conviction,
   b. Has committed an assaultive misdemeanor or DUI/OMVI within the last six (6) months which resulted in a conviction,
c. Has criminal or serious traffic charges (e.g., DUI/OMVI, Hit Skip, etc.) pending unless the charges occurred prior to the individual’s current period of supervision,

d. Is listed as wanted by any law enforcement agency or has any outstanding warrants or detainers unless the charges occurred prior to the individual’s current period of supervision or if the agency holding the warrant will not extradite,

e. Has a supervision level of high or very high,

f. If a supervisee has received a prison term sanction, CBCF sentence or sanction, or a local jail sentence for a new offense committed while on supervision that resulted in a conviction (excluding minor misdemeanors and traffic offenses, they cannot be recommended for a Final Release/Termination prior to one-hundred eighty (180) days from release of incarceration.

3. Eligibility Criteria by Supervision Type

a. Parole Supervision Eligibility

Paroled individuals shall serve the supervision term ordered by the Parole Board.

b. Community Control (CC) and Intervention in Lieu Supervision Eligibility

i. Community Control cases shall not be supervised beyond the timeframe specified in the sentencing journal entry unless extended by the sentencing court pursuant to ORC 2929.15

ii. Recommendation to grant Final Release from Intervention in Lieu Supervision shall not be made if the supervisee has failed to comply with an intervention plan.

c. PRC supervisees screened as Community Based Substance Use Disorder Treatment Program (Treatment Transfer) shall be eligible for consideration for a termination after they successfully complete recommended programming.

d. Interstate Compact Eligibility

Pursuant to Interstate Commission for Adult Offender Supervision (ICAOS) Guidelines, some eligibility requirements may not be applicable for outgoing compact supervisees and appropriate ICAOS guidelines shall apply.

B. Suitability Criteria for All Supervision Types

1. Suitability for early termination should be driven by a person’s behavior while on supervision. A supervisee who has met all other eligibility criteria and demonstrates positive change and prosocial behavior may be considered suitable. The following are examples of positive/prosocial behavior:
a. The supervisee being employed or having job skills that make them reasonably employable,
b. The supervisee establishing and maintaining relationships with law-abiding, pro-social family members or others,
c. The supervisee consistently following all directives of the supervising officer including, but not limited to, timely appearances for any scheduled office visits, compliance with any no contact orders, complying with special conditions and residing at approved residences.

2. Supervisees requiring long-term care or continuous care, such as mental health treatment or nursing home placement may be recommended for Final Release/Termination from supervision when their disorder or illness makes them incapable of completing the case plan or complying with the other conditions of supervision and is in the best interest of their rehabilitation.

3. In determining whether a supervisee is suitable to be terminated from supervision, input from collateral, and interested parties may be considered.

C. Sentenced to federal or state prison outside of Ohio (PRC, IPP, RRR)

If the supervisee is serving a mandatory term of PRC, the term cannot be reduced below the date determined by the Parole Board in the PRC assessment. Discretionary PRC does not require a minimum timeframe for submission. The termination shall be designated as favorable unless it meets any of the unfavorable criteria outlined in VI.D.1.

D. Termination Designation (PRC/IPP/RR)

1. When determining whether termination from PRC is designated as unfavorable, the APA shall consider the following factors; however, the presence of any of these factors does not require an unfavorable designation:
   a. Failure to comply with conditions,
   b. Failure to comply with sanctions imposed in response to violation behavior,
   c. Commission of any new offenses while under supervision,
   d. All available prison sanction time has been exhausted,
   e. Failure to make good faith effort to pay restitution or other financial sanctions excluding supervision fees.

2. When warranted, an unfavorable designation may be overridden to favorable based on positive behavior exhibited by the supervisee that overrides any previous unsatisfactory adjustment (e.g., supervisee has two misdemeanor convictions, but becomes gainfully employed and has no further interaction with the law). The override shall be documented in NOTECH.

E. Procedures for submission of Final Release/Termination

1. A Termination Recommendation (DRC3065) shall be submitted on all cases excluding court cases where local court practice shall be followed:
a. Prior to submitting a Termination Recommendation (DRC3065), APA staff shall review OHLEG to verify DNA collection.

b. Certificates shall be created and processed in the region, with a copy being forwarded to the Bureau of Records Management (BORM).

c. When the unit receives notice terminating supervision, the case shall remain open until the effective date.

d. The supervisee shall be provided a copy of the final release certificate or journal entry.

e. If an unfavorable PRC termination is approved, APA staff shall advise the supervisee that if they are convicted of a felony, the unfavorable termination could result in the enhancement of the sentence for that conviction.

f. If the parole board hearing officer rejects a PRC termination, it shall be forwarded to the chief hearing officer for approval or disapproval.

g. If the Termination Recommendation (DRC3065) is not approved, the unit shall be advised in writing with an explanation. The APA staff shall notify the supervisee.

2. Termination Recommendations (DRC3065) shall not be submitted more than thirty (30) calendar days before the supervisee’s eligibility or max date. The Termination Recommendation (DRC3065) shall not be submitted earlier than ninety (90) calendar days from the start of supervision for PRC supervisees eligible for termination after ninety (90) days.

3. A regional case analyst will process the Termination Recommendation (DRC3065) on max expiration of PRC cases and cases terminated at a hearing by the Parole Board.

   If a favorable designation, the unit shall complete Sections I of the Termination Recommendation (DRC3065). If unfavorable designation, the unit shall complete sections I, II, & VI on the Termination Recommendation (DRC3065). The prison sanction should be attached if the supervisee exhausted all prison sanction and their PRC was terminated by the hearing officer.

4. The Parole Board will process and approve the Termination Recommendation (DRC3065) on the following cases:

   a. Termination Recommendations (DRC3065) for supervisees eligible for an early termination,
   b. All parole final releases,
   c. PRC supervisees who have exhausted all prison sanction time, excluding those terminated at a violation hearing.

5. Notification to Office of Victim Services (OVS) shall occur for any case with a registered victim. The unit shall send an email to DRC.TERR@odrc.state.oh.us for all Parole and PRC cases being recommended for a final release/PRC termination. A notification shall
be sent to the victim within two (2) business days of receiving the email. The victim shall have twenty-five (25) calendar days to provide input. Any input received shall be sent to the hearing officer or Parole Board member to consider prior to a decision to grant an early termination.

6. If a Termination Recommendation (DRC3065) is denied due to victim input, the Parole Board shall send an email to DRC.TERR@odrc.state.oh.us notifying OVS of the disapproved Termination Recommendation.

7. PRC Termination and Final Release from Parole recommendations shall be processed within thirty (30) calendar days of submission to the Parole Board. If approved, the unit shall be notified by the Parole Board.

8. All sections of the Termination Recommendation (DRC3065) must be completed when recommending an early termination on PRC cases or final release on parole cases.

9. The Interstate Compact analyst shall complete the Termination Recommendation (DRC3065) for all PRC maximum expiration cases supervised through compact. The compact analyst shall confirm the PRC maximum expiration. The termination shall be forwarded to the deputy compact administrator/designee for approval. If approved, a certificate shall be provided to the supervising state to give to the supervisee. A copy of the report and certificate shall be sent to BORM. If a favorable termination recommendation, Section I of the Termination Recommendation (DRC3065) must be completed. If unfavorable termination recommendation, Sections I, II & VI of the Termination Recommendation (DRC3065) must be completed.

10. Community Control Cases

The local court practices for submitting terminations must be followed. If the local courts require the submission of a Termination Recommendation (DRC3065), the following procedures shall be followed:

a. Termination Recommendations (DRC3065) or extensions of supervision for Community Control cases shall not be submitted earlier than thirty (30) calendar days before the supervisee’s eligibility date, unless otherwise instructed by the court.

b. When recommending termination for Community Control cases, all sections of the Termination Recommendation (DRC3065) shall be completed.

c. If the Termination Recommendation (DRC3065) is denied by the court, the parole officer shall staff the case with the unit supervisor/designee. The unit supervisor/designee shall document the staffing and denial in NOTEC.

d. When the court terminates supervision without a Termination Recommendation (DRC3065) from the APA, or a violation hearing was not held, Section I of the Termination Recommendation (DRC3065) shall be completed and DNA collection shall be verified.
e. If Community Control is revoked, a Termination Recommendation (DRC3065) shall not be completed. The unit shall document the revocation in NOTEC and/or FOT and close interest in the case.

F. New Admissions and Judicial Terminations

1. When a PRC supervisee is admitted to ODRC on a new number, the unit shall document the days remaining on supervision in NOTEC and complete a Close of Interest (CI) header. The unit shall provide the information to the regional case analyst.

2. If an individual’s PRC supervision is terminated by a judge or a judicial sanction is imposed by the judge, the journal entry shall be forwarded to the regional case analyst. The regional case analyst shall forward the journal entry to the chief hearing officer for review. Once approved, the regional case analyst shall notify the unit to submit a close of interest header. The regional case analyst shall update STATI in DOTS Portal to reflect the court termination.

3. Death of a Supervisee under Supervision

   a. When a Community Control supervisee passes away while under supervision, the death shall be verified according to local court practices and notification submitted to the sentencing court.

   b. When a PRC/Parole or Interstate Compact supervisee passes away while under supervision, the death shall be verified by death certificate, police report, autopsy report, documentation from the Bureau of Vital Statistics, or other official report. Upon verification, the unit shall complete a Close of Interest (CI) report and forward to the regional case analyst for PRC/Parole cases and submit via ICOTS for Interstate Compact supervisees. Notification to OVS shall occur for any case with a registered victim. The notice shall be sent to DRC.Victim.Services@odrc.state.oh.us.

4. Other Circumstances Permitting Termination - PRC and Parole Only

Final Releases/Termination may be considered in other rare occasions that are not outlined in this policy. The case shall be staffed with the supervisor/designee and Parole Board chair/designee. The Parole Board chair/designee shall staff the case with the regional administrator/designee for approval or rejection and advise the supervising unit in writing of the outcome.

5. Administrative Releases

With the approval of the appointing authority/designee, an administrative release may be granted to any of the below utilizing the Administrative Release Review (DRC4000). The regional case analyst shall complete the form and forward to the APA superintendent for review and signature. The APA superintendent, Parole Board, and the chief of the APA shall each review the form and indicate an approval or denial. A copy of the form shall be sent to OnBase and the decision shall be noted in NOTEC by the regional case analyst.
a. A Parole/PRC violator serving a felony sentence in a correctional institution for the purpose of consolidation of the records or if justice would best be served.

b. A Parole/PRC violator at large whose case has been inactive for at least ten (10) years following the date of declaration of the parole violation or the violation of a PRC Sanction.

c. A Parole/PRC supervisee taken into custody by immigration and naturalization service of the United States Department of Justice and deported from the United States.

Referenced Forms:

Termination Recommendation [DRC3065]
Administrative Release Review Form [DRC4000]