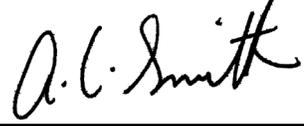




Department of
Rehabilitation & Correction

SUBJECT: Monitored Time	PAGE <u> 1 </u> OF <u> 6 </u>
	NUMBER: 100-APA-19
RULE/CODE REFERENCE: ORC 2929.15, 2929.17	SUPERSEDES: 100-APA-19 dated 02/18/19
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 6, 2020
	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 set forth guidelines for the supervision of Adult Parole Authority (APA) offenders on monitored time.

III. APPLICABILITY

This policy applies to all employees of the APA and especially to those staff members responsible for supervision of offenders.

IV. DEFINITIONS

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

Calendar Days - The days of the week, including Saturday, Sunday, and any legal holiday.

Case Plan - An individualized plan for offenders designed to identify and target their identified dynamic risk factors based upon the completion of the Ohio Risk Assessment Tools.

Community Control Offender - Any individual placed under a community control sanction or combination of sanctions, authorized under Ohio Revised Code (ORC) sections 2929.16, 2929.17, or 2929.18 by the sentencing court on or after July 1, 1996, and placed under the supervision of the APA.

Conditions of Supervision - The general and special rules and regulations with which offenders are expected to comply as a requirement of community supervision.

Contact (Supervision) - The obtaining or attempt to obtain meaningful information about the offender and/or the offender's behavior by Ohio Department of Rehabilitation and Correction (ODRC) staff or Ohio Department of Mental Health and Addiction Services (ODMHAS) Chemical Dependency Specialist (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.

Early Termination - The ending of probation/community control/judicial release/parole/post release control (PRC) supervision prior to the scheduled date because the offender's performance and/or compliance fulfills or exceeds all supervision plan objectives, conditions, special conditions, and sanction requirements.

Expiration of Supervision Term - The maximum period of time any community control or post release control (PRC) offender remains under the control and/or supervision of the APA, as specified by the sentencing court's journal entry or parole board minutes.

Field Officer Tablet (FOT) - Computerized data maintained by the parole officer assigned to supervise an offender 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.

Final Release - A remission by the APA of the balance of the sentence or prison term of a parolee, or the official acknowledgment by the APA or the court of the end of a term of post release control/probation/community control/judicial release. PRC terminations can be classified as favorable or unfavorable pursuant to Administrative Code 5120:1-1-42.

Interstate Compact - The agreement codified in Ohio Revised Code (ORC) section 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

Monitored Time - A sanction option pursuant to ORC section 2929.17 which is that period of time an offender continues to be under the supervision of the sentencing court or releasing authority and Adult Parole Authority (APA), subject to no conditions other than leading a law-abiding life.

Monitored Time Active - The category of monitored time supervision that applies to PRC offenders who have available prison term sanction time.

Monitored Time Inactive - The category of monitored time supervision that applies to mandatory PRC offenders who have no available prison sanction time and who are ineligible for early termination of the imposed PRC term.

Monitored Time Supervision - A period of time during which an offender continues to be under the supervision of the sentencing court, releasing authority and APA, subject to monitored time conditions and, when applicable, special conditions.

Monitored Time Violation - Any violation of the monitored time conditions of supervision.

Parole - The release from confinement in any state penal or reformatory institution by the APA's Parole Board under such terms and for such period of time prescribed by the Parole Board in its published rules and official minutes. A parolee so released shall be supervised by the APA. Legal custody of a parolee shall remain in the ODRC until a final release is granted by the APA pursuant to Ohio Revised Code (ORC) section 2967.16. Parole applies to all persons who have committed felonies prior to July 1, 1996 and to those persons who commit felonies on or after that date who are subject to the Parole Board's discretionary release authority.

Parole Board - The section of the APA created in ORC sections 5149.02 and 5149.10 whose duties include, but are not limited to, reviewing and evaluating offenders for parole and clemency consideration and imposing post release control.

Placement - The approved residence plan of an eligible offender in the community.

Post Release Control (PRC) - A period of supervision for an offender by the APA following release from imprisonment that includes one (1) or more post release control sanctions imposed by the Parole Board pursuant to ORC section 2967.28.

Sanction - Any penalty imposed upon an offender who is found guilty of an offense or violation of the conditions of supervision, including any sanction imposed pursuant to any provision of ORC sections 2929.14 to 2929.18.

Special Conditions of Supervision - Conditions related to an offender's offense and criminal and supervision history that are individually applied and narrowly tailored to rehabilitate the offender and protect public safety. Special conditions may be imposed by the court, or by the Parole Board, pursuant to policy.

Supervision Term - The maximum period of time an offender remains under the control and/or supervision of the APA.

Violation Behavior - Conduct by the offender during the period of APA supervision that is a violation of the conditions of release.

Violation Hearing - An administrative hearing conducted by a representative(s) of the Parole Board or designee of the chief of the APA to determine whether an offender has violated one (1) or more of the conditions of release and, if so, the specific sanction that should be imposed upon the offender.

Violator at Large (VAL) - An offender who absconds the supervision of the APA as set forth in ORC section 2967.15 (C)(1).

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to intervene and/or report criminal law violations to local authorities if record checks reveal the offender is not leading a law-abiding life.

VI. PROCEDURES**A. Notification**

1. An offender screened by the Parole Board to monitored time shall sign the Monitored Time Conditions of Supervision (DRC3251), prior to release. Any special Parole Board and/or court-imposed conditions (such as restitution) shall be documented on the form.
2. Copies of the signed notification form shall be distributed as follows:
 - a. Offender;
 - b. Bureau of Records Management (BORM).
3. Those offenders placed on monitored time by a sentencing court shall receive the monitored time notification form.

B. APA Supervising Unit Responsibilities

1. For an offender sanctioned to monitored time by the court or Parole Board, a placement investigation is not required. The parole officer shall conduct an initial interview within three (3) business days of APA assuming supervision and do the following:
 - a. Document in the field officer tablet (FOT) notes that the offender reported;
 - b. Require the offender to sign the monitored time conditions and review any special conditions. Copies of the conditions are to be provided to the offender, court (per local court practices) or BORM, and the file;
 - c. Provide the offender with a point of contact for reporting changes;
 - d. Collect any information needed by the APA or court for the case file;
 - e. Advise the offender of applicable felony registration laws.
2. Offenders reduced to monitored time supervision per ODRC Policy 100-APA-13, Offender Classification, Case Planning, and Contact Standards, shall sign the Monitored Time Conditions of Supervision (DRC3251). All parole cases shall be staffed with the Parole Board prior to reducing to monitored time.
3. Offenders placed on monitored time supervision do not require an assessment and case plan to be completed. Offenders placed on monitored time supervision shall not be subject to drug testing or other procedures that apply to offenders on moderate or higher supervision.
4. The supervising officer/designee shall conduct a record check via the LEADS/NCIC or OHLEG at least annually on cases supervised on monitored time. The date and result of the record check shall be documented in FOT. A record check is also required within thirty (30) calendar days prior to the expiration of the monitored time period.

5. Parole officers shall have one (1) contact annually to verify the offender is living. This contact can be with the offender, the offender's family or support system or LEADS/OHLEG verification regarding issuance of state identification since last annual contact. This contact shall be documented in FOT.

C. Violations of the Monitored Time Conditions

1. Community Control Offender

If a violation(s) or alleged violation(s) is discovered, the supervising officer shall notify the sentencing court of the violation. All violations shall be staffed with the unit supervisor/designee. If the officer believes the offender has absconded supervision, notify the sentencing court via a whereabouts unknown report pursuant to ODRC Policy 102-FUG-02, Violator at Large.

2. PRC (with prison sanction time), Parole and Interstate Compact

- a. The supervising unit shall respond to a violation when any of the following apply:
 - i. Officer receives reliable information that the offender has been cited, arrested, charged, and/or convicted of a new criminal offense;
 - ii. The offender leaves the state of Ohio without permission.
- b. The supervising officer shall staff the violation behavior with the unit supervisor/designee to determine the appropriate response described in ODRC Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.
- c. If a PRC offender is indicted for a new felony which occurred while under supervision, the supervising officer shall notify the prosecutor's office in the county of the new charge utilizing the PRC Violator Notification (DRC3463).

3. PRC with No Available Sanction Time

- a. If violation behavior is discovered, the supervising unit shall not arrest the offender or issue a hold order.
- b. If an offender is indicted for a new felony offense that occurred while under supervision, notification shall be sent to the prosecutor in the county of the new charge utilizing the PRC Violator Notification (DRC3463) in accordance with ODRC Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision.

D. Imposition of Monitored Time by Parole Board after Violation Hearing

1. **Mandatory Cases:** If a hearing officer sanctions an offender to all remaining prison sanction time, the offender is placed on monitored time at the completion of the incarceration and must satisfy all requirements in ODRC Policy 100-APA-16, APA Termination Recommendation.

2. Discretionary Cases: If a hearing officer sanctions an offender to all remaining prison sanction time, the offender's PRC is terminated at the end of the incarceration period. The offender is not placed on monitored time pursuant to ODRC Policy 100-APA-16, APA Termination Recommendation, and is eligible for an unfavorable termination.

E. Transfer

1. When an offender reports a change of address within Ohio, out of the supervising unit's jurisdiction, the supervising officer shall document the change in the FOT notes. The supervising unit shall maintain jurisdiction unless the offender is being supervised for another case that requires a transfer.
2. The offender must obtain permission from the court or supervising officer to reside outside the state of Ohio. All transfers shall adhere to the Ohio Interstate Compact rules. The case shall be staffed with the unit supervisor/designee prior to granting approval. Offenders with no sanction time available are not eligible for transfer. If the officer learns that the offender moves out of state, Interstate Compact shall be notified. The interstate compact analyst shall notify the receiving state.

F. Early Termination, Termination, Expiration of Supervision Term

When the period of monitored time supervision is to be terminated, community control, parole, and PRC offenders shall be governed by ODRC Policy 100-APA-16, APA Termination Recommendation, and compact offenders shall be governed by ODRC Policy 103-SPS-01, Interstate Compact for Probation and Parole. Monitored time offenders on PRC are eligible for either a favorable or unfavorable termination designation.

Related Department Forms:

Monitored Time Conditions of Supervision	DRC3251
PRC Violator Notification	DRC3463