



SUBJECT: APA Violation Report	PAGE <u> 1 </u> OF <u> 5 </u> NUMBER: 100-APA-24
RULE/CODE REFERENCE: ORC 2929.141, 2929.14 thru 2929.18, 2967.15, 2967.28; AR 5120:1-1-16, AR 5120:1-1-17	SUPERSEDES: 100-APA-24 dated 08/20/18
RELATED ACA STANDARDS:	EFFECTIVE DATE: December 2, 2019
	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 prescribe the content of the Adult Parole Authority (APA) violation report and the procedures and time frames for completing the report.

III. APPLICABILITY

This policy applies to all employees of the Division of Parole and Community Services (DPCS).

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.

Community Control - A sentence that consists of one or more community control sanctions authorized pursuant to Ohio Revised Code (ORC) section 2929.16, 2929.17, or 2929.18 that may be imposed when the court is not required to impose a mandatory prison term, or a term of life imprisonment upon the offender. The maximum period of community control is five years.

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

Departmental Offender Tracking System (DOTS Portal) - The web-based information platform which serves as the primary information system for information on all offenders under Ohio Department of Rehabilitation and Correction (ODRC) 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.

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

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 (PRC) sanctions imposed by the Parole Board pursuant to ORC section 2967.28.

Post Release Control (PRC) Sanction - A sanction that is authorized under ORC section 2967.28 that is imposed by the Parole Board at the time of the offender's release from prison, including any community residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to ORC sections 2929.16, 2929.17, and 2929.18.

Post Release Control (PRC) Violator Notification - Any time an offender under PRC is indicted on a new felony offense, the prosecutor notification form will be used to notify the prosecutor's office in writing. The notification contains information regarding the time remaining on PRC supervision.

SANCO - The form generated through the DOTS Portal that is used to document prison sanction time available for PRC offenders.

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.

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

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.

Violation Report - The APA report completed by the supervising unit when the offender is scheduled for a violation hearing, when the offender is recommitted to the institution for a new offense during the period of supervision, when an offender is convicted of a new felony offense while under PRC supervision, when an offender is declared to be a violator at large, or as otherwise instructed by the courts in community control/probation supervision cases.

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 require a violation report when an offender supervised by the APA is scheduled for a violation hearing, is recommitted to the institution for a new offense during the period of supervision, is convicted of a new felony offense while under PRC supervision or at the request of the court, is declared to be a violator at large, or as otherwise instructed by the courts in community control/probation cases.

VI. PROCEDURES

A. Content of Violation Report

1. **Introduction:** This includes the offender's name, institution number, release status, release offense, supervision period, date of release, arrest date, arresting agency, date of APA hold, date of availability, bond/status, date violations served, date supervisor/designee reviewed JLS and SANCO screens, remaining prison sanction time (if applicable).
2. **Violations & Corroboration:** Alleged rule violation(s) with corroborating facts shall be listed. The corroborating facts shall include any alleged physical, emotional or financial impact caused.
3. **Offender's Statement:** The offender has a right to make a statement regarding the violations, which can include a written statement. If no statement, then indicate "Not Applicable". If criminal charges are possible, the parole officer shall advise the offender of his/her Miranda Rights to preserve any statements made for subsequent prosecution of those criminal charges.
4. **Criminal History:** Includes any criminal record since release from the institution. This should include the date of the offense, the criminal charges, the location of the offense, and disposition of the charges (if available). In addition, a previously completed PSI or OBI shall be attached for prior criminal record.
5. **Supervision Adjustment:** A brief summary of the offender's supervision history. The offender's supervision level, risk level, and Parole Board special conditions shall be included. Any previous violation behavior shall be noted as well as any sanctions that the offender received. Supporting documentation (i.e., HWH, mental health, substance abuse or other programming) regarding the offender's supervision history can be attached.
6. **Recommendation:** A recommendation for a potential sanction shall be included. A recommendation is not required when a PRC case is sentenced to prison on a new felony that occurred while under supervision.
7. All violation reports shall be reviewed and approved by the unit supervisor/designee.

8. Short version violation reports may be completed on VAL offenders and offenders only being charged with technical violations that do not require a mandatory violation hearing under ODRC Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision. A short version violation report contains only the Introduction, Violations & Corroboration, Supervision Adjustment, and Recommendation be completed.

B. Procedures and Time Frames for the Violation Report

1. A violation report shall be completed when the decision is made to schedule an offender for a violation hearing.
 - a. All accompanying materials shall be reviewed by the supervisor/designee. The report shall be reviewed prior to the violation hearing or ten (10) business days after conviction for PRC violator notification cases, whichever is applicable.
 - b. If the offender has been arrested in a geographic area outside the originating unit, the originating unit shall ensure all necessary paperwork is forwarded to the unit handling the violation hearing. The originating unit shall document all activity in CCIS/NOTEC.
 - c. The violation report and all accompanying materials shall be provided to the hearing officer no later than two (2) business days prior to the violation hearing.
 - d. Copies of the violation report and accompanying materials shall be distributed to the Bureau of Records Management (BORM).
 - e. The violation report shall be supplemented by the supervising unit as deemed necessary by the unit supervisor.
2. When an offender under supervision is sentenced to the institution for a new offense, a violation report shall be assigned to the parole officer by the unit supervisor unless either a PSI is available for the new offense or a violation report was completed at indictment.
 - a. The parole officer shall complete the violation report within ten (10) business days of the date of assignment or two (2) business days prior to the violation hearing, whichever comes first. The violation report shall be submitted to the unit supervisor for review.
 - b. The report shall be forwarded to the BORM and copies of the report, entry, and materials shall be maintained in the unit. The violation report shall be uploaded to the gateway portal.
 - c. When a violation hearing is not being pursued on an offender sentenced to prison for a new offense, the “Violation and Corroboration” section may be omitted from the violation report.

3. Pursuant to ODRC Policy 102-FUG-02, Violator at Large, a violation report shall be completed by the parole officer when the offender is arrested and a violation hearing is scheduled. The warrant shall be requested no later than thirty (30) days after the WUWL header is entered unless an expedited warrant or extension is approved.
4. If an offender under supervision is indicted for a new felony offense that requires completion of the Post Release Control Violator Notification (DRC3463) per ODRC Policy 100-APA-14, Sanctions for Violations of Conditions of Supervision, and the court requests a violation report be completed, the parole officer shall submit the completed report to the court within ten (10) business days of the request.
 - a. Prior to releasing the violation report to the prosecutor and/or court, the parole officer, with the unit supervisor's approval, shall redact any information from the report that meets the following criteria:
 - i. Would foreseeably result in harm to any person;
 - ii. Could present a security risk to any institution or other facility;
 - iii. Could jeopardize the safety of any department personnel;
 - iv. Identifies the victim of crime committed by the offender and/or any other victim sensitive information;
 - v. Contains any statements made by informants;
 - vi. Contains witness protection information;
 - vii. Contains inmate separation information;
 - viii. Contains diagnostic and testing information of the offender which may include medical, mental health, etc.;
 - ix. As outlined in ODRC Policy 07-ORD-02, Public Records.
 - b. The violation report shall be forwarded to the BORM and copies of the report shall be distributed to the appropriate prosecutor and/or court, and the unit file.

Related Department Forms:

Post Release Control (PRC) Violator Notification

DRC3463