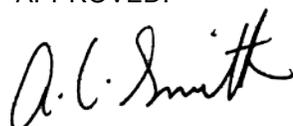


SUBJECT: <b>80% Court Release</b>	PAGE <u> 1 </u> OF <u> 4 </u> .  NUMBER: <b>105-PBD-14</b>
RULE/CODE REFERENCE: 2967.19; 2930.16; A.R.5120-2-15	SUPERSEDES: 105-PBD-14 dated 06/12/17
RELATED ACA STANDARDS:	EFFECTIVE DATE: <b>July 29, 2019</b>
	APPROVED: 

## 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 establish screening guidelines for offenders to be considered for 80% court release.

## III. APPLICABILITY

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and all inmates under the supervision of ODRC.

## IV. DEFINITIONS

**Extended Restrictive Housing** - A security classification level represented as “E” in the Departmental Offender Tracking System (DOTS). ERH is the most restrictive security level in the ODRC reserved for inmates who constitute the greatest threat to the safety and security of the community, staff, others, and/or the secure operations of a correctional facility.

**JR 80% Date** - The date on which an inmate is eligible to be released from prison under Section 2967.19 of the Revised Code.

**OnBase** - An enterprise content management system utilized by ODRC for electronic document archival and retrieval. Access to OnBase is restricted to essential users only.

## V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) that inmates shall be screened to determine eligibility for 80% court release based upon the criteria established pursuant to Ohio Revised Code section 2967.19 and Administrative Rule 5120-2-15, Request for Court Release.

**VI. PROCEDURES****A. General Guidelines**

1. All inmates shall be screened to determine initial 80% court release eligibility based on the criteria established in Administrative Rule 5120-2-15, Request for Court Release.
2. Designated Parole Board staff shall evaluate inmates for 80% court release and shall compile information the Director/designee may consider in determining whether to request an early release from an inmate's sentencing court. Designated Parole Board staff shall provide the sentencing court with the relevant information in a report format.
3. If it is determined at any time that the inmate will not be recommended for 80% court release, the inmate shall be notified in writing of that fact.

**B. 80% Court Release Screening Procedures**

1. Initial eligibility, pursuant to Administrative Rule and the Ohio Revised Code, shall be determined by the Bureau of Sentence Computation (BOSC) and entered in DOTS Portal CERT2 screen which designates if an inmate is initially eligible for consideration.
2. Utilizing the INMATE WITH JR 80% DATE Report in DOTS Portal, the unit manager/designee shall prescreen to exclude any inmate who has a detainer, is incarcerated for a new felony committed while the inmate was on parole or PRC, is presently serving an indefinite sentence, has been found guilty by the Rules Infraction Board of an assaultive infraction (rules 1-7) within the last six months, or has served time in Restrictive Housing or Extended Restrictive Housing within the last six months.

Inmates that are returned to prison from a Transitional Control status pursuant to Rule 5120-12-08 of the Administrative Code shall not be considered for 80% Court Release. Inmates that are returned to prison after having violated judicial release shall not be considered for 80% Court Release during the remainder of that sentence.

3. The unit manager/designee shall interview all inmates determined to be initially eligible to explain 80% court release and determine if the inmate wishes to participate.

All inmates shall be screened no earlier than ninety calendar days prior to their JR 80% date.

4. Based on the interview, the decision of the inmate shall be documented on an 80% Court Release Waiver (DRC3184), which shall be signed by the inmate and the unit manager/designee. If the inmate elects to be considered, the inmate shall be instructed to complete the 80% Court Release Application (DRC3186) and return it to the unit manager/designee within seven calendar days.

If an inmate who initially declines to participate later reconsiders, or if an inmate who is initially ineligible later becomes eligible by meeting a previously unsatisfied criterion, the

process can be initiated at any point prior to ninety days from the inmate's expiration of stated term.

5. If an inmate elected to be considered for 80% Court Release, the unit manager/designee shall provide to the designated Parole Board staff a packet consisting of the 80% Court Release Waiver (DRC3184), 80% Court Release Checklist (DRC3232), 80% Court Release Application (DRC3186), and the Institutional Summary Report (DRC2666) no later than sixty (60) calendar days prior to the JR 80% date or, if the inmate elects to participate or becomes eligible to participate after that date, immediately upon notification of eligibility. The packet shall be submitted electronically to the following dedicated email account established by the Parole Board for that purpose: [DRC.ParoleBoard80%CourtRelease@odrc.state.oh.us](mailto:DRC.ParoleBoard80%CourtRelease@odrc.state.oh.us).
6. Designated Parole Board staff shall review all candidates submitted by the unit manager/designee to confirm their eligibility and determine their suitability for referral to the sentencing court for consideration for 80% court release. The recommendation for or against consideration shall be based on criteria established in Administrative Rule 5120-2-15 and any other information pertaining to the inmate's prior criminal record, court history, and institutional adjustment deemed relevant.
7. Result notification from the Parole Board shall be forwarded to the inmate indicating whether they have been recommended for further consideration.
8. The designated Parole Board staff shall submit all information regarding the suitability of an inmate for 80% court release and forward the information to the Director/designee if the inmate appears to be a suitable candidate 80% court release.
9. If the Director/designee determines an inmate is both eligible and suitable for referral to the sentencing court for 80% court release, a notice shall be sent to the sentencing court requesting early release consideration.
  - a. Included with this notice shall be a detailed description of the inmate's conduct and rehabilitative activities while incarcerated. The notice shall include the name and contact information of the Parole Board staff person to whom the court may direct questions.
  - b. Copies of the information provided to the court shall also be provided to the prosecuting attorney of the county of conviction.
10. If the Director/designee determines that an inmate is not suitable for submission to the sentencing court for 80% court release consideration, notification of that result shall be forwarded to the inmate.
11. Victim notification pursuant to section 2930.16 of the Ohio Revised Code shall be sent by the designated Parole Board staff as mandated to the victim of the inmate or the victim's representative who is registered with the Office of Victim Services.

12. All completed waivers and packets shall be scanned to OnBase at the point of final disposition.

**Related Department Forms:**

Institutional Summary Report (ISR)	DRC2666
80% Court Release Request/Waiver	DRC3184
80% Court Release Application	DRC3186
80% Court Release Checklist	DRC3232