




Department of  
Rehabilitation & Correction

SUBJECT: <b>Conditions of Supervision</b>	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: <b>100-APA-09</b>
RULE/CODE REFERENCE: AR 5120: 1-1-12	SUPERSEDES: 100-APA-09 dated 03/11/19
RELATED ACA STANDARDS: 4-APPFS-2A-04, 2A-12, 2B-01; 2-1004, 2-1099, 2-1100, 2-1102, 2-1104	EFFECTIVE DATE: <b>March 2, 2020</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 set requirements for the issuance of general and special conditions of supervision for offenders under the supervision of the Adult Parole Authority (APA).

## III. APPLICABILITY

This policy applies to all employees of the APA, Ohio Department of Mental Health and Addiction Services (ODMHAS) employees out of an interagency memorandum of understanding (MOU), and to all offenders under its jurisdiction except for transitional control offenders.

## IV. DEFINITIONS

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

**Community Control** - A sentence that consists of one (1) 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 (5) years.

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

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

**Field Staff** - According to the Internal Accounting Control Program, personnel who are away from the office at least 50% of the time and/or those employees who leave directly from home to go to field sites at least 50% of the time.

**Interstate Compact** - The agreement codified in 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 APA, subject to no conditions other than leading a law-abiding life.

**NOTE** - A section in the Community Corrections Information System (CCIS) to record information regarding an offender's activity while under 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 ORC section 2967.16. Parole applies to all persons who have committed felonies prior to July 01, 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** - That 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.

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

**Post Release Control 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.

**Probation** - A period of supervision for a convicted offender (felony or misdemeanor) in lieu of prison/jail term for a specified length of time. The execution of the sentence of confinement is suspended, and the defendant is placed under the supervision of the court. The period of supervision can be up to a period of five (5) years. Once placed on probation, the offender is expected to abide by the conditions the court imposed. Probation services may be administered by the county probation department, the APA Field Services, or a nonprofit, public, or private agency, association, or organization with which the county decides to contract services. The term probation was replaced with "Community Control" for offenses committed on or after July 1, 1996, and Community Control differs from Probation in that the trial court no longer suspends execution of the prison term, but rather, the sentencing court orders the offender directly to submit to community-control sanctions. Upon a community control violation, the court imposes a sanction which could be a prison term within the range available for the original offense.

**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 this policy.

**Temporary Order** - An immediate restriction given to an offender that is not included in the standard conditions or any special conditions of supervision.

## V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) that offenders under supervision receive, sign, and understand the conditions of supervision to ensure accountability for their behavior. Special conditions may be imposed based upon offender risk and need and shall have a nexus to the offender's behavior.

## VI. **PROCEDURES**

### A. **Initial Interview**

1. Staff shall review and explain the conditions of supervision to the offender and any special condition(s) imposed by the Parole Board or court pursuant to ODRC Policy 100-APA-15, APA Initial Interview with the Offender.
2. Staff shall require the offender to sign the Conditions of Supervision (DRC3019) and provide a copy to the offender. Copies shall be maintained in the district office file and/or court of jurisdiction. If the court has not journalized the conditions of supervision or specifies a different format, staff shall utilize the format specified by the court.
3. In the event the offender refuses to sign the Conditions of Supervision (DRC3019), the parole officer shall:
  - a. Document the incident in his/her Field Officer Tablet (FOT) notes;
  - b. Staff the incident with the unit supervisor/designee;
  - c. Have another staff member witness the forms.

### B. **Translation**

When a literacy, language problem, or other obvious barrier to comprehension exists and prevents an offender from understanding the conditions of supervision, staff shall explain the information to offenders and document this assistance on the Conditions of Supervision (DRC3019). If the officer is unable or not qualified to assist, the officer should utilize resources within the community that may be available at no charge. The translator/interpreter or staff providing the assistance shall sign the conditions of supervision (DRC3019) as a witness. The

conditions of supervision for offenders on probation/community control are imposed by the court and are therefore translated to the offender by the court if necessary. If the offender requires further translation services while under supervision, it shall be provided through the court or APA.

**C. Modification of Conditions/Parole Board Sanctions for Offenders**

1. Modification of the conditions of supervision and/or or the imposition of new special condition(s) for offenders under court jurisdiction may be requested by the offender or supervising officer as follows:
  - a. The parole officer shall staff the reasons for the modification with the unit supervisor/designee prior to submitting them to the court. The parole officer shall document the request in FOT.
  - b. The parole officer shall follow the procedure stipulated by the sentencing court;
  - c. If approved by the court, new Conditions of Supervision (DRC3019) shall be completed and signed with copies to the court, offender, and file.
2. Modification of the conditions of supervision, special condition(s), new special condition(s) or parole board sanctions for offenders under parole or post release control supervision may be requested by the offender or supervising officer to the Parole Board as follows:
  - a. The parole officer shall staff the reasons for the modification with the unit supervisor/designee. If approved, the Request/Add/Modify Conditions of Supervision (DRC3020) shall be sent to the supervisor/designee. The unit supervisor/designee shall submit the request to the regional case analyst or appropriate staff member.
  - b. If approved, the request shall be forwarded to the Parole Board chair/designee. If the request is not approved, it shall be returned to the unit with an explanation for denial.
  - c. The Parole Board chair/designee shall review the request and submit a response to the unit supervisor/designee within five (5) business days. Any changes shall not take effect until approved by the Parole Board chair/designee.
  - d. The offender shall be notified in writing of any modification. A new Conditions of Supervision (DRC3019) shall be completed and signed with copies provided to the offender and file.
  - e. Special conditions involving program related services imposed by the Parole Board do not require modification if the offender has been evaluated and programming is not recommended. The outcome shall be documented in NOTEC and/or FOT.
3. The parole officer or supervisor/designee may impose a temporary order on an offender due to an incident that requires immediate attention. The temporary order may be verbal or in writing with documentation in NOTEC and/or FOT. The unit has five (5) business

days to investigate the incident and submit a request to the Parole Board to add the temporary order as a special condition or remove the temporary order.

4. When specific services ordered by the court or Parole Board are not available, staff shall notify the court or Parole Board and request guidance and document the notification in FOT and/or NOTEC.
5. If an offender is placed on monitored time, the Monitored Time Conditions of Supervision (DRC3251) shall be reviewed and signed by the offender. Monitored time may be imposed on offenders under the following circumstances:
  - a. The offender has been given monitored time by the Parole Board;
  - b. The offender has exhausted all available prison sanction time and is not eligible for termination;
  - c. The offender meets the criteria per ODRC Policy 100-APA-19, Monitored Time.

#### **D. Interstate Compact**

1. The sending state may place supervision conditions on their offenders transferring through interstate compact. If Ohio is unable to enforce a condition, the sending state shall be notified prior to acceptance on the reply to transfer. If Ohio is unable to comply with the enforcement of the condition after the reply to transfer request was submitted, the sending state can be notified on a compact action request.
2. The receiving state can impose additional conditions of supervision on an offender transferring through interstate compact, consistent with how they would supervise their own offenders. If Ohio is placing additional conditions of supervision, outside of the standard conditions of supervision, on a transferring offender, the sending state shall be notified prior to acceptance of the case through a compact action request.
3. If the supervising unit or the offender is requesting a modification of an existing condition that was imposed by the sending state, a request shall be made to the sending state via a compact action request.
4. If an Ohio offender who has transferred through interstate compact or the receiving state is requesting a modification of an Ohio imposed condition, the request shall be submitted to the appropriate compact analyst and deputy compact administrator who shall submit it to the Parole Board.

#### **Related Department Forms:**

Conditions of Supervision	DRC3019
Request/Add/Modify Conditions of Supervision	DRC3020
Monitored Time Conditions of Supervision	DRC3251