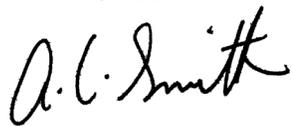




Department of
Rehabilitation & Correction

SUBJECT: APA Probation/Community Control Violation and Supplement Reports	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 100-APA-10
RULE/CODE REFERENCE: ORC 2967.15, 2951.08, 5120.01	SUPERSEDES: 100-APA-10 dated 08/07/2017
RELATED ACA STANDARDS:	EFFECTIVE DATE: February 1, 2021
	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 promote fair, consistent, and objective decision making when addressing violation behavior.

III. APPLICABILITY

This policy applies to all Adult Parole Authority (APA) staff and to all offenders under the jurisdiction of the sentencing court.

IV. DEFINITIONS

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

<http://intra/policies/pagecontent/files/Policy%20Definition%20Spreadsheet%20-%20Intranet%202021.pdf>

- **Business Days**
- **Capias**
- **Community Corrections Information System (CCIS)**
- **Contact (Supervision)**
- **Field Officer Tablet (FOT)**
- **NOTEC**
- **Staffing (APA only)**
- **Victim**
- **Violation Behavior**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to report violation behavior to the court on offenders under the court's jurisdiction. This information shall be current, accurate, and shall meet the court's requirements in the preparation and submission of the violation report.

VI. PROCEDURES

A. The APA shall require a violation report in any of the following instances:

1. A court violation hearing is scheduled, and revocation is being recommended.
2. As otherwise directed by the court.

B. Parole Officer Responsibilities

1. Whenever a parole officer becomes aware that one or more violations have occurred, the officer shall document all case action, staffing, and contacts in the field officer's tablet (FOT).
 - a. Conduct an initial investigation with appropriate individuals to determine if corroborating evidence exists.
 - b. Staff the case with the unit supervisor/designee. The unit supervisor/designee shall document the staffing in NOTEC. The Violation Hearing Grid (DRC3458) shall be used as a guide for appropriate sanction. If a unit sanction is the appropriate response, notify the court of the violation behavior and the sanction issued or follow the procedure outlined by the court.
 - c. Arrest the offender pursuant to ODRC Policy 100-APA-05, APA Search and Arrest Procedures, or issue an Order to Arrest (DRC3062) to law enforcement agencies pursuant to ORC section 2951.08, or, if the offender is in custody, issue an Order to Hold (DRC3064) pursuant to ORC section 2951.08.
2. Once APA gains knowledge that the offender has been arrested the following shall occur:
 - a. An Order to Hold (DRC3064) shall be issued no later than the following business day to the holding facility where the offender is confined. As soon as possible or per the local court procedures, the order to hold shall be replaced by a court ordered Capias or warrant.
 - b. All outstanding Orders to Arrest (DRC3062) shall be retrieved as soon as possible after the Order to Hold (DRC3064) is issued.
 - c. The unit supervisor/designee shall enter an arrest header into CCIS within two (2) business days of knowledge of the offender's arrest, document information in NOTEC, and set an appropriate follow up for tracking purposes.

- d. Conduct an investigation of the violation(s), to include police reports, witness statements if applicable, offender statement and victim(s) statement, if appropriate. The officer shall staff findings of the investigation with supervisor/designee.
- e. The parole officer shall complete the violation report pursuant to section VI.C (Violation Reports) of this policy. The report shall be staffed with the unit supervisor/designee. The unit supervisor/designee shall review and approve the violation report.
- f. If the offender is confined pending a hearing, the parole officer shall monitor availability through weekly status checks, document changes in the FOT and staff changes with the unit supervisor/designee.
- g. If supervision is terminated and the offender is given a term of imprisonment, the parole officer/designee shall:
 - i. Submit copies of the PSI (if completed), violation report, and any supplemental reports to the institution through established channels.
 - ii. Supplement the violation report with the dates and disposition of the violation hearings.
- h. If supervision is not revoked or terminated, the parole officer shall:
 - i. Submit a violation supplement report within ten business days of the disposition hearing if a violation report was completed.

C. Violation Reports

1. A Probation/Community Control Violation Report shall be submitted to the court of jurisdiction when a violation hearing is scheduled and revocation to prison is recommended or at the request of the court. The report shall include the following sections:
 - a. Face sheet/Introduction;
 - b. Alleged Violations;
 - c. Corroboration;
 - d. Victim Impact (if appropriate);
 - e. Offender's Statement;
 - f. Criminal History;
 - g. History of Supervision (including parole officer intervention);
 - h. Recommendation.
2. If the offender's whereabouts is unknown, the supervising officer shall request a Capias be issued by the sentencing court. If the sentencing court declines to issue a Capias, the supervising officer shall verify that the offender's case is being tolled. The verification shall be staffed and documented in the FOT or NOTEC.

3. After verifying the Capias is issued or tolling of probation/community control supervision, the supervising unit shall close the case in CCIS per local court practices.

D. Violation Supplement Report

A violation supplement report shall be completed thirty (30) days after the completion of a violation report. The report shall include the outcome of the violation hearing to include details of new convictions, sentence time imposed by the court or the date of a continued hearing.

E. Distribution of Violation Reports and Supplement Reports

The Violation and Supplement Reports shall be provided to the court of jurisdiction. In transfer cases, the original unit shall deliver the report to the court.

F. Violations Outside Parole Officer's Jurisdiction

1. When an offender violates supervision outside the supervising officer's jurisdiction, every effort shall be made to collect details of the incident (e.g., police report, pending case(s) details). If the supervising officer is unable to gather needed information, the parole officer covering the area shall assist with the needed information. The information shall be provided prior to the violation hearing.
2. The supervising parole officer is responsible for completing the violation report.

G. Transfer Cases

1. When parole officers are supervising an offender for a county probation department, all time requirements and staffing of recommendations shall apply.
 - a. When the court policy mandates that it must grant permission to effect the arrest of an offender, the sending parole officer shall note this in the transfer investigations request report.
 - b. In situations such as this, the receiving parole officer shall never cause the arrest of the offender without receiving permission from the sentencing court.
2. Violation Prior To Transfer: When an offender is transferred from one parole officer to another and a violation is found to have occurred prior to the date the transfer request was initiated; the previous officer shall be responsible for completing the violation report.
 - a. If a significant amount of time has elapsed, the receiving officer must provide the previous officer with a history of supervision.
 - b. The parole officer completing the violation report shall ensure both officers have a copy of the report.
 - c. If possible, all violation hearings should be completed prior to the transfer of supervision and/or placement in a halfway house.

3. Violation subsequent to transfer: When an offender has been accepted for supervision and a violation occurs subsequent to that time, the supervising officer who accepted the case shall complete the violation report.
 - a. Assistance with the preparation of a history of supervision may be required of the previous officer.
 - b. The officer completing the violation report shall ensure both officers have a copy of the report, unless the sending officer no longer maintains any interest in the case.

H. Time Parameters

1. The violation report shall be submitted for the supervisor’s approval by the tenth business day following the date of the APA detainer, or sooner if requested by the court.
2. When an offender is arrested or community control/probation is terminated without the parole officer’s knowledge, details of the circumstances regarding the arrest and outcome shall be included in the termination recommendation and close of interest reports.

Referenced ODRC Policies:

100-APA-05 APA Search and Arrest Procedures

Related Department Forms:

Order to Arrest	DRC3062
Order to Hold	DRC3064
Arrest Report	DRC3081
Violation Hearing Grid	DRC3458