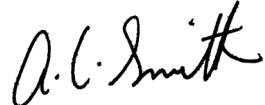




Department of  
Rehabilitation & Correction

SUBJECT: <b>Sanctions for Violations of Conditions of Supervision</b>	PAGE <u> 1 </u> OF <u> 7 </u> .
	NUMBER: <b>100-APA-14</b>
RULE/CODE REFERENCE: ORC 2929, 2967.01, 2967.14, 2967.15, 2967.26, 2967.28, 5120.01 AR 5120: 1-1-17, 1-1-18, 1-1-41, 1-1-43	SUPERCEDES: 100-APA-14 dated 06/11/2018
RELATED ACA STANDARDS: 2-1003, 2-1092-1, 2-1106 to 2-1111, 2-1114 to 2-1120, 2-1122, 2-1123; 4-APPFS-2B-02 to 2B-12, 2E-01	EFFECTIVE DATE: <b>February 1, 2021</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 promote fair, consistent, and objective decision making when addressing violation behavior.

## III. APPLICABILITY

This policy applies to all employees of the Adult Parole Authority (APA) and the Bureau of Community Sanctions (BCS) and all offenders under Parole, Post Release Control (PRC), Transitional Control (TRC), and Interstate Compact supervision.

## 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:

### [Definitions Link](#)

**Bodily Injury**

**Business Day**

**Community Corrections Information System (CCIS)**

**Conditions of Supervision**

**Day Reporting**

**Departmental Offender Tracking System (DOTS)**

**Field Officer Tablet (FOT)**

**Halfway House (HWH)**

**Hold Order**

**In-Custody**

**NOTE**

**Parole**  
**Post Release Control (PRC)**  
**Prison Sanction Time**  
**Sanction**  
**Transitional Control (TRC)**  
**Violator at Large (VAL)**

## **V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to respond to any violation behavior committed by offenders during the period of supervision.

## **VI. PROCEDURES**

### **A. Addressing Violation Behavior**

1. Whenever an offender under the supervision of the APA violates one (1) or more Conditions of Supervision (DRC3019), the APA shall take appropriate steps to respond to the behavior.
2. When there is reason to believe an offender has violated a Condition of Supervision (DRC3019) or a previously imposed sanction, the parole officer shall:
  - a. Investigate the suspected violation behavior. Interview witnesses and complete a Witness form (DRC3057).
  - b. Document investigative efforts in the field officer tablet (FOT).
  - c. Staff the violation behavior with the unit supervisor/designee.
3. The parole officer and unit supervisor/designee shall determine the appropriate response to violation behavior by using the Violation Hearing Grid (DRC3458) as a guide and shall consider:
  - a. Supervision adjustment, any prior Sanctions and if the offender has prison sanction time.
  - b. Victim impact.
  - c. The risk of the offender harming themselves or others.
  - d. The seriousness of allegations.
4. If the offender cannot be located, the parole officer shall complete a whereabouts unknown report and follow the procedures set forth in ODRC Policy 102-FUG-02, Violator at Large.
5. If a parole offender has violation behavior that rises to the level of a unit sanction or above or is a violation of a Parole Board special condition, the violation behavior must be staffed with a designated Parole Board member.

**B. Mandatory Arrest/Hearing**

1. An In-Custody violation hearing is required if one (1) or more of the following apply:
  - a. Possession, use, or control of a firearm; or
  - b. Brandishing of a weapon or devices used to immobilize; or
  - c. Brandishing of a deadly weapon; or
  - d. Brandishing of any device that fires or launches a projectile of any kind; or
  - e. Causing, threatening, or attempting to cause, or conspiring to cause a sex offense, bodily injury or psychological trauma to a person; or
  - f. Violation of a protection order; or
  - g. Intentional contact with victim; or
  - h. Violation of No Unsupervised Contact with Minors (Supervising Adult Must be approved by the APA) special condition.
2. A violation hearing is not mandatory if the offender never becomes available on the pending charges and is sentenced to prison. The outcome of the pending charges shall be staffed to determine if a hearing is necessary. The unit should take into consideration the extent of injuries to the victim, available prison sanction time and prior violation behavior.

**C. Overriding the Violation Hearing Grid**

The regional administrator/designee and superintendent/designee may override the Violation Hearing Grid (DRC3458) for an In-Custody hearing. The criteria for regional override is located on the Violation Hearing Grid.

**D. Interstate Compact**

1. Incoming interstate compact offenders shall have a probable cause hearing if requested by the sending state, regardless of availability. If a probable cause hearing is not requested, the violation behavior shall be addressed in accordance with this policy.
2. The compact analyst shall respond to violation behavior, which could include a violation hearing or ordering the offender to return to Ohio. If the offender is ordered to return, an APA unit will be assigned the case for supervision.

**E. Transitional Control (TRC)**

1. If an offender under Transitional Control (TRC) for an offense committed on or after July 1, 1996 violates any condition of TRC, it shall be the responsibility of the halfway house (HWH) or the Bureau of Community Sanctions (BCS) to respond to that behavior pursuant to ODRC Policy 108-ABC-01, Transitional Control Supervision.
2. The APA shall arrest, transport, and issue hold orders on TRC offenders. The hold orders will be replaced with the Acknowledgment of Requirement to Retain Inmate in Custody until Expiration of Sentence or Return to Prison (DRC2560).

**F. Responsibilities Relative to Victims**

1. The unit supervisors/designee shall contact the Office of Victim Services (OVS) whenever the violation behavior involves corroborated violence or a corroborated threat of violence. The APA may contact OVS on any other case as deemed necessary. OVS may be contacted by email at [drc.victim.services@odrc.state.oh.us](mailto:drc.victim.services@odrc.state.oh.us) or by telephone at 614-728-1551 or toll free at 1-888-842-8464.
2. If an offender has violation behavior for an offense of violence that is a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree felony, as defined in ORC section 2901.01 (A) (9), where prison time is imposed, a copy of the police report shall be labeled with the offender's name and incarceration number and sent to the [DRC.CoVictimNotices@odrc.state.oh.us](mailto:DRC.CoVictimNotices@odrc.state.oh.us) email account.

**G. Active and Inactive Hold Orders**

1. A hold order is only considered active if it is the sole reason for an offender's detention. An offender held on an inactive hold order shall be considered unavailable and time limitations for sanctioning the offender's violation behavior shall be tolled for the duration of the inactive hold. Once an inactive hold order becomes active, the timeframe starts over for addressing the violation behavior. Any offender with an APA hold order shall have their custody status verified weekly regardless of availability. The status check shall include verification that the offender is being held on APA hold only and/or status of pending charges/bond.
2. A hold order shall be placed when the unit supervisor/ designee intends to proceed with an in-custody violation hearing. The hold order may be placed when the unit supervisor/ designee intends to sanction the offender or investigate alleged violation behavior. The unit has five (5) business days from the date of availability to sanction and remove hold order. If the offender is unavailable and will not have a hearing, the unit should Sanction and remove the hold order. Some factors to consider when placing an inactive hold order:
  - a. Seriousness of pending charges;
  - b. Felonious behavior;
  - c. Victim impact;
  - d. Offender's risk score;
  - e. Prior violation behavior;
  - f. Instant offense.
3. The unit supervisor/designee may issue an active hold order for up to five (5) business days on offenders who are available. That active hold order may be extended for five (5) business days for a total of ten (10) business days. The unit should make every effort to release offenders within five (5) business days. The approval of extensions should be reserved for offenders that need to be transported to a HWH or investigated for alleged violation behavior.
4. No hold order shall be lodged against an offender who has exhausted all available prison sanction time.

**H. Availability of Offenders**

1. An offender shall be considered available and time limitations for imposing sanctions shall be in effect in the following circumstances:
  - a. The offender is under APA supervision and is being held in custody with an active APA hold order.
  - b. The offender is being held in an ODRC institution.
  - c. The offender is under TRC.
  - d. The offender has posted bond.
  - e. The offender has pending charges and has been released to electronic monitoring status.
  - f. The offender was sentenced to a period of incarceration in the local jail, CBCF, or other locked facility; and has served that period of local incarceration.
2. When an offender is available and an active hold order is in place, any days held in custody in Ohio on that active hold order up to and including the date of the violation sanction hearing (including continued hearings), shall be credited in JLS by the unit supervisor/designee.
3. Jail time shall be credited in JLS for any days an offender is in custody in Ohio as a result of being arrested on a VAL warrant unless the offender is arrested with new charges.
4. If an offender is found to be incompetent by court or medically unstable, the offender shall be considered unavailable and timeframes stop. The timeframes shall resume once the offender is deemed competent, medically stable or is released from the hospital.
5. Permission shall be obtained from the chief hearing officer when a unit is requesting to proceed with a violation hearing for an offender who is unavailable. E-mails approving an unavailable offender to move forward with a hearing shall be included in the violation packet.
6. If the unit supervisor/designee determines an offender will be scheduled for a violation hearing, the procedures in ODRC Policy 105-PBD-09, Violation Hearing Process, shall be followed.

**I. Utilization of a Unit Level Sanction**

1. A unit level sanction shall be imposed no later than ten (10) business days after the parole officer has knowledge of the violation behavior or if the offender is incarcerated in a local jail, ten (10) business days after the offender becomes available. If the violation behavior is for failing to report, the unit has five (5) business days to impose a sanction on the following offenders:
  - a. Felony 1 or felony 2 (very high and high risk) offenders with more than thirty (30) days of available prison sanction time,
  - b. Sex offenders,

c. Parole offenders.

A written violation sanction shall be documented by completing a Sanction Receipt (DRC3361). A copy of the sanction receipt shall be provided to the offender with a copy being retained in the unit file. All sanctions, including but not limited to verbal reprimands, shall be documented in FOT or NOTEC.

2. Parole officers, unit supervisors, and TRC facility staff shall make every effort to ensure local sanctions are identified and used appropriately. The following sanctions may be imposed at the unit level:
  - a. Day Reporting
  - b. Upgrades in supervision levels (must be staffed with supervisor/designee)
  - c. Mandatory employment
  - d. Structured supervision activities
  - e. Summons before a unit supervisor (must be staffed with supervisor/designee)
  - f. Substance abuse testing
  - g. Residential curfew
  - h. Formal written reprimand
  - i. Modified reporting instructions
  - j. HWH (must be staffed with supervisor/designee) or non-residential program placement
  - k. Electronic Monitoring (must be staffed with supervisor/designee)
  - l. Community Service (must be staffed with supervisor/designee)
  - m. Summons to Parole Board hearing officer (must be staffed with supervisor/designee)
  - n. CBCF referral (must be approved by regional administrator/designee)

## **J. Sentencing Enhancement**

1. When an offender under PRC is convicted of a new felony offense that occurred while under supervision, the court, in addition to any sentence imposed as a result of the new felony conviction, may impose the greater of twelve (12) months or the remainder of the offender's period of PRC. This time shall be reduced by the amount of time the offender has been incarcerated by and available to the APA for the same violation.
2. When an offender under PRC is indicted for a new felony, which occurred while under supervision, the unit supervisor/designee shall notify the prosecutor's office in the county of the new charge utilizing the PRC Violator Notification (DRC3463). A copy of the PRC reporting order shall also be sent to the prosecutor's office within ten (10) business days of indictment.
3. The accuracy of the remaining PRC supervision time available shall be verified prior to the PRC Violator Notification (DRC3463) being completed and forwarded to the prosecutor's office.

**K. Exceptions**

Waiver PRC Violator Notification (DRC3463)

The requirement to forward the PRC Violator Notification (DRC3463) and a copy of the Post Release Control Reporting Order to the prosecutor’s office and/or the court within ten (10) business days of indictment may be waived in those counties where the local prosecutor and court have agreed in writing that they do not require a notice be sent on all felonies.

1. The regional administrator and/or designee shall meet with local prosecutors and court in each of the counties in their region to determine the local practice for the county and/or establish select felonies for which notification is required.
2. The specifics of the agreement worked out with the local prosecutor and court shall be included in the county agreement.
3. For those counties where there is no county agreement, the waiver shall be reviewed on a bi-annual basis with the local prosecutor and court to ensure local needs are being met.

**Referenced ODRC Policies:**

- 102-FUG-02 Violator at Large
- 105-PBD-09 Violation Hearing Process
- 108-ABC-01 Transitional Control Supervision

**Referenced Forms:**

Acknowledgement of Requirement to Retain Inmate in Custody until Expiration of Sentence or Return to Prison	DRC2560
Conditions of Supervision	DRC3019
Witness Form	DRC3057
Order of Release	DRC3063
Order of Hold	DRC3064
Sanction Receipt/Parole Officer	DRC3361
Violation Hearing Grid	DRC3458
PRC Violator Notification	DRC3463
Offender Notify	DRC3540