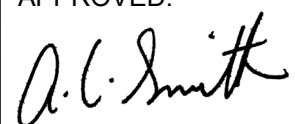




Department of
Rehabilitation & Correction

SUBJECT: Determination of Lost Time	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 100-APA-27
RULE/CODE REFERENCE: ORC 2929.14 to 2929.18; 2967.15, 2967.16, 2967.19, 2967.191, 2967.26, 2967.28, 5120.01; OAC 5120: 1-1-31; 5120.03, 5149.02	SUPERSEDES: 100-APA-27 dated 01/07/2019
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 establish a standard procedure for the calculation and determination of lost time pursuant to Administrative Rule 5120:1-1-31, Detainers for Offenders on Parole, Transitional Control, Treatment Transfer, Risk Reduction Releases or Post Release Control.

III. APPLICABILITY

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and to offenders under the supervision of the Adult Parole Authority (APA).

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

Detainer

Expiration of Definite Sentence (EDS)

Expiration of Stated Term

Expiration of Supervision Term

Fugitive

In-Custody

Lost Time

Maximum Expiration Date

NOTEC

Parole

Parole/PRC in Custody (PIC)
Parole Violator in Custody (PVIC)
Post Release Control (PRC)
Risk Reduction (RR)
Supervision Term
Toll
Transitional Control (TRC)
Treatment Transfer (TT)

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) that an offender, who has failed to abide by the conditions of parole, transitional control (TRC), treatment transfer (TT), or post release control (PRC) by being unavailable for supervision, have their supervision date extended.

VI. PROCEDURES

A. Violator at Large (VAL)

1. In-State Arrests - If an offender has been determined to be a Violator at Large (VAL), the Fugitive section shall complete Special Minutes – Violator at Large (DRC3148) and the supervision period shall be tolled. The time between the VAL date and when the offender is arrested shall be considered lost time.
2. Out-Of-State Arrest - The time between the VAL date and when the offender is returned to custody in the State of Ohio under the immediate control of the APA shall be considered lost time.
3. Restoration without Arrest - The time between the VAL date and when the offender is restored shall be considered lost time.
4. Upon restoration of supervision, the Fugitive section shall calculate lost time and complete Special Minutes – R/W/A/L Parole/TRC/TT (DRC3535) or PRC cases Special Minutes – R/W/A/L PRC (DRC3534).

B. Parole/PRC Violator in Custody (PVIC)

1. If an offender has been arrested outside of Ohio or is in federal custody (in-state or out-of-state) for committing a new offense/violation and a detainer is lodged, the time between the date of the arrest and when the offender is returned to custody in the State of Ohio under the immediate control of the APA shall be considered lost time.
 - a. The unit shall contact the fugitive analyst within two (2) business days of knowledge and provide the following information:
 - i. Date of arrest,
 - ii. Arresting agency,
 - iii. Pending charges,
 - iv. Location being held,

- v. Copy of conditions of supervision.
- b. The Fugitive section shall issue Special Minutes – Parole Violator in Custody (PVIC) (DRC3481), toll the offender’s time in STATI, and lodge a detainer with the holding agency. Upon availability, the fugitive section shall arrange for the offender’s return to Ohio.
- c. The supervising unit shall track the pending case until the offender is sentenced. Following sentencing, the case will be transferred to the Fugitive section for tracking.
- d. Upon the offender’s return to Ohio, the Fugitive section shall notify the supervising unit of the offender’s arrival date and availability.

C. Parolee/PRC in Custody (PIC)

1. If an offender is in custody in another state or federal custody (in-state or out-of-state) for an offense/charge that has been determined not to warrant extradition, the offender will be declared PIC. If an offender is within thirty (30) days of their max date, the case shall be staffed with fugitive to determine if the case should be declared PIC.
2. The Fugitive section shall issue Special Minutes – Parolee in Custody (PIC) (DRC3533) and Toll the offender’s time in STATI.
3. Lost time shall be accrued from the date the offender was arrested until the date they are returned to supervision in Ohio or accepted for transfer to another state.
4. Within five (5) business days of discovering that the offender is in custody, the supervising unit shall forward an Offender Notify (DRC3540) to the facility holding the offender and request a signed copy. The case will remain with the unit for monitoring with biannual checks for offenders serving less than five (5) years. The unit will conduct annual checks on offenders serving five (5) years or more. The unit will monitor the offender’s custody status.

D. Release to Detainer

1. If a parole offender is released from an Ohio institution to an out-of-state detainer or to federal authorities, their sentence shall continue to run. In this situation, there is no lost time whether it is an in-state, out-of-state, or federal detainer.
2. If a PRC offender is released from serving a prison sentence (excluding PST) to an immigration, federal, or out-of-state detainer, the time between the date the offender is released to the detainer and the date the offender is released from the detaining authority shall be considered lost time. For those PRC offenders who are deported by ICE and re-screened by the Parole Board to monitored time supervision, the monitored time supervision will become effective the date of the deportation.
3. To calculate lost time, the DAYSC screen shall be utilized. The date of to the detaining authority shall be entered as the start date and the date of release from the detaining authority shall be entered as the end date. In a case where the APA does not receive

notice of the offender's release from the out-of-state detainer, lost time shall continue to accrue until either the APA is made aware of the offender's release, or when the offender notifies their supervising officer of their release. In this circumstance, lost time is calculated by the APA unit and all calculations shall be documented in NOTEC. The DAYSC screen generates the total; one (1) day shall be SUBTRACTED from the total to arrive at the number of days lost time.

E. Ohio Interstate Compact Cases

1. If an Ohio offender on compact supervision is declared VAL and gets arrested outside the State of Ohio, lost time runs from the VAL date until the date returned to Ohio and under the immediate custody and control of the APA.
2. If an Ohio offender on compact supervision is declared VAL and gets arrested in Ohio, lost time runs from the VAL date until date arrested in Ohio.
3. The Ohio interstate compact analyst shall calculate the lost time and document all changes in NOTEC.

F. Prison Sanction

Prison sanction days shall be considered lost time. The unit supervisor/designee shall calculate the new max expiration date by adding the number of prison sanction days ordered by the hearing officer to the current max expiration date. DAYSA shall be utilized to calculate the new max date. The "Start Date" shall be the current max date and "Days to be added" shall be the number of prison sanction days ordered by the hearing officer. The calculated date after adding the prison sanction days shall be the new max expiration date.

G. Calculation of Remaining Days on Supervision

When a PRC offender is admitted to ODRC on a new number, the unit shall calculate the supervision days remaining for the current supervision period. This shall be calculated by using the DAYSC screen. The date the offender was admitted on the new number shall be entered as the start date and the current supervision max date (updated to include any lost time if necessary) as the end date. The total provided shall be the remaining days of supervision for the current period of PRC. The unit supervisor/designee shall document all calculations or changes in NOTEC.

H. Lost Time Calculation (VAL, PVIC and PIC)

1. Lost time for Parole/TRC/TT shall be determined by the Fugitive section submitting a request to the Bureau of Sentence Computation (BOSC). BOSC shall provide the total number of lost time days to the fugitive section. The fugitive section shall forward the lost time days to the Bureau of Community Sanctions (BCS) on all transitional control (TRC) and treatment transfer (TT) cases. The Fugitive section shall document the lost time in NOTEC.
2. For PRC cases, the Fugitive section shall calculate the lost time and document all calculations and changes in NOTEC.

3. To calculate lost time, the DAYSC screen shall be utilized. The declaration date shall be entered as the start date and the restore date shall be entered as the end date. The screen generates the total; one (1) day shall be SUBTRACTED from the total to arrive at the number of lost time days. The lost time total shall be provided to the unit.

Referenced Forms:

Special Minutes – Parole Violator at Large	DRC3148
Special Minutes – Parole Violator in Custody (PVIC)	DRC3481
Special Minutes – Parolee in Custody (PIC)	DRC3533
Special Minutes – R/W/A/L PRC	DRC3534
Special Minutes – R/W/A/L Parole/TRC/TT	DRC3535
Offender Notify	DRC3540