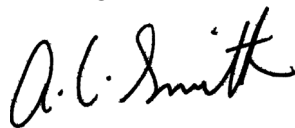




Department of
Rehabilitation & Correction

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| SUBJECT: Request for Reconsideration and Amendments to Parole Board Actions | PAGE <u> 1 </u> OF <u> 4 </u> |
| | NUMBER: 105-PBD-04 |
| RULE/CODE REFERENCE: ORC 2967.12, 5120.01, 5149.02, 5149.10 | SUPERSEDES: 105-PBD-04 dated 07/05/2013 |
| RELATED ACA STANDARDS: 2-1083, 2-1096-1 | EFFECTIVE DATE: July 15, 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 institute a fair and equitable process for the reconsideration of Parole Board decisions and the amendment of Parole Board actions.

III. APPLICABILITY

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and most specifically to the Adult Parole Authority (APA), Central Record Office, incarcerated individuals, families or representatives of incarcerated individuals, victims, victims' families or representatives, and any other interested party or parties providing information to the Ohio Parole Board.

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](#)

- **Business Days**
- **Full Board Hearing**
- **Hearing (Parole)**
- **Parole**
- **Parole Board Minutes**
- **Reconsideration**
- **Special Conditions of Supervision**
- **Victim**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to provide a procedure for reconsideration of parole hearing decisions when relevant and significant new information is provided to the Parole Board that was not available, or not considered at the time the parole hearing was conducted, or credible information indicating that incorrect or inaccurate information considered by the Parole Board at the hearing adversely affected the individual's parole consideration. It is also the policy to establish a procedure for administratively amending certain parole hearing actions, and to correct clerical errors and other errors.

VI. PROCEDURE

A. Requests for Reconsideration of a Parole Hearing Decision

1. A request for reconsideration must be submitted in writing to the Parole Board. Reconsideration requests can only be submitted by the incarcerated individual whose release decision is the subject of the reconsideration request, or that incarcerated individual's representative (i.e., family member, friend, employer, clergy, or attorney). The request must be based on, and specifically refer to, relevant and significant new information that was either not available or not considered at the time of the hearing or credible information indicating that incorrect or inaccurate information considered by the Parole Board at the hearing adversely affected the individual's parole consideration. The request must be submitted within a reasonable time after the new information becomes available. A request for reconsideration may be denied based on an unreasonable delay in presenting the information to the Parole Board. The Parole Board designee shall submit to the Parole Board chair for approval any reconsideration request denied based on an unreasonable delay in presenting the information.
2. The Parole Board chair/designee shall delegate to a staff member the reconsideration request for an examination of the issues in question. Without unreasonable delay, the staff member shall examine the issues and take one of the following actions:
 - a. If the new information is found to be irrelevant, insignificant, or without merit, then a written correspondence to that effect shall be provided to the person that requested the reconsideration.
 - b. If it is determined that the request for reconsideration has merit, then the new information shall be incorporated into a Request for Reconsideration of Prior Decision (DRC3161) and submitted to the Parole Board members for a majority vote.
3. Within ten (10) business days of submission by the designated staff to the Parole Board members, the Parole Board members shall review the request for reconsideration and adopt by majority vote one of the following options:
 - a. Modification of the previous hearing decision to reflect an action commensurate with the request for reconsideration, or
 - b. Modification of the previous decision with an alternative action, or
 - c. Rescission of the previous decision and the scheduling of a rehearing, or

- d. No change to the previous decision.
4. If a majority of Parole Board members vote to modify or rescind the previous action, the designated staff member shall cause special minutes to be prepared to reflect the majority vote of the Parole Board within five (5) business days of the vote.
5. If a majority of Parole Board members vote to rescind the previous action and schedule a new hearing, the hearing shall be scheduled as soon as administratively possible. The hearing shall be scheduled on a date which allows for notices to be provided within timeframes established by ORC section 2967.12.
6. A copy of the special minutes and all other related documents shall be submitted to the Bureau of Records Management (BORM).
7. Written correspondence advising of the majority vote of the Parole Board shall be provided to the person that requested the reconsideration by the designated staff person within five (5) business days of the vote.

B. Requests for Amendments to Parole Board Actions

1. Within five (5) business days of notification of a circumstance that necessitates an amendment to a Parole Board action, the quality assurance section shall submit an Instruction Sheet (DRC3173) to the Parole Board chair for approval of the following amendments that do not require submission to the Parole Board members for a majority vote:
 - a. To stop an individual's release from incarceration to parole supervision because of a petition by the Office of Victim Services (OVS) for a full board hearing.
 - b. To rescind an action and schedule a rehearing when the OVS notifies the Parole Board that a victim who is required to receive notification of a parole hearing pursuant to Ohio law did not respond to notice until after the hearing was conducted and the recommendation was finalized, and requests to participate in the hearing process either by submitting a statement or attending a Victim Conference. The rehearing will allow for the victim to participate as requested, and for any information provided by the victim to be considered by the Parole Board in determining release suitability.
 - c. To rescind an action and schedule a rehearing in cases where the Parole Board is notified of pending criminal charges or recent institution rules infractions that were not considered at the parole hearing.
 - d. To correct a clerical or other error in the official minutes of a decision.
 - e. To modify a release date or rescind an action and schedule a rehearing upon request of APA field services when an incarcerated individual has been granted a parole, but an appropriate placement has not been secured.

- f. To add or remove a special condition of supervision upon written request submitted any time prior to an individual's release from incarceration up until the final release from supervision.
 - g. To rescind an action and rehear a case when a recalculation of an incarcerated individual's sentence significantly alters the effect of the hearing decision.
 - h. To modify a release date, or rescind an action granting parole release and schedule a rehearing when the Parole Board chair determines that the release may not further the interest of justice or be consistent with the welfare and security of society.
2. Upon review, the Parole Board chair may elect to refer the amendment for approval by a majority Parole Board member vote.
 3. The amendment shall only be authorized by signature of the Parole Board chair.
 4. Special minutes shall be prepared to reflect the authorized amendment within five (5) business days of the Parole Board chair's authorization. The central record office, APA field services superintendent/designee when applicable, and the incarcerated individual shall also be notified.
 5. A copy of the special minutes and all other related documents shall be submitted to BORM.

Referenced Forms:

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| Action for Modification of Prior Decision | DRC3161 |
| Parole Board Instruction Sheet | DRC3173 |