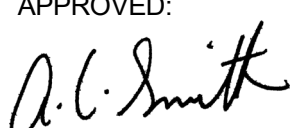




Department of
Rehabilitation & Correction

SUBJECT: Post Release Control Screening and Assessment	PAGE <u> 1 </u> OF <u> 7 </u>
	NUMBER: 105-PBD-08
RULE/CODE REFERENCE: ORC 2901.01, 2929.11, 2929.14, 2929.144, 2967.16, 2967.17, 2967.18, 2967.28, ORC 5120.01; OAC 5120:1-1-17, 5120:1-1-18, OAC 5120:1-1-41	SUPERSEDES: 105-PBD-08 dated 12/03/2018
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 3, 2022
	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 uniform guidelines and procedures for assessing offenders for post release control (PRC); imposing conditions of PRC; and reducing the duration of supervision.

III. APPLICABILITY

This policy applies to all employees of the Ohio Department of Rehabilitation and Correction (ODRC) and especially to those in the Adult Parole Authority (APA) and institutions involved with the release of offenders.

IV. DEFINITIONS

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

[Definitions Link](#)

- **Conditions of Supervision**
- **Departmental Offender Tracking System (DOTS Portal)**
- **Designated Rule Infraction**
- **Discretionary Post Release Control (PRC)**
- **Felony 3 Offense of Violence Non-Sex Offenses**
- **Felony Sex Offense**
- **Hearing (Parole)**
- **Judicial Release Violator**
- **Mandatory Post-Release Control (PRC)**
- **Monitored Time**

- **Non-Life Felony Indefinite Prison Term**
- **Parole**
- **Post Release Control**
- **Post Release Control Sanction**
- **Prison Sanction Time**
- **Pre-Senate Bill 160 Third Degree Felonies**
- **Recommissioned Offender**
- **Risk Reduction Offender**
- **Risk Reduction Sentence**
- **Senate Bill 2 Felony**
- **Senate Bill 2 Sentence**
- **Violator**

V. POLICY

It is the policy of the ODRC that Parole Board staff review the journal entries of all incarcerated individuals potentially subject to post release control (PRC) to determine if PRC following their release will be imposed pursuant to Ohio Revised Code (ORC) 2967.28. Sanctions imposed by the Parole Board shall be commensurate with the overriding purposes of felony sentencing to protect the public, to punish the offender, to promote effective rehabilitation, or to accomplish any other purpose authorized by ORC 2929.11.

VI. PROCEDURES

A. Parole Board Screening for Post Release Control: General Rules and Responsibilities

1. Designated Parole Board staff shall review the relevant sentencing court entries to determine whether a term of PRC is imposed pursuant to ORC 2967.28. Offenders admitted to an ODRC institution with 180 or more days to serve on a judicially imposed sentence shall have a PRC assessment completed between 120 and 180 days prior to the expiration of the stated term. Offenders admitted to ODRC with less than 180 days to serve shall have a PRC assessment completed within forty-five (45) days after admission. Transitional control offenders shall be screened at the time they are approved for transitional control.
2. The designated Parole Board staff shall complete the PRC assessment screen in DOTS Portal. If a term of PRC is imposed, then the length of PRC is established based on the journal entry and/or criteria listed in sections VI.B & VI.C of this policy. The Parole Board staff shall also indicate on the assessment the length of supervision that must be served before the period of PRC can be reduced.
3. If an offender is admitted to the institution for a new offense committed while on PRC, then the designated Parole Board staff shall determine whether the previous term of PRC was terminated by the court or APA, for the purpose of stacking prison sanction time and determining the term of PRC to be applied when the offender is again released. Unless the previous period of PRC was terminated, designated Parole Board staff shall determine the longer period of supervision in days by comparing the remaining period of supervision with the period of supervision required under the current sentence. The

longer period of supervision shall be imposed as the term of PRC when the offender is again released after serving the current stated prison term. The offender shall be released under the new institutional number.

4. If an offender is released to PRC and convicted of a new felony that occurred prior to release to PRC, the designated Parole Board staff shall determine which PRC term and prison sanction is the longest period. The offender shall be released to supervision and supervised for the period of supervision that expires last.
5. If the offender is admitted to the institution for a new felony that was committed while on PRC and is granted judicial release by the sentencing court pursuant to ORC 2929.20 or 2967, the Parole Board shall screen the case for PRC and APA staff shall notify the offender of any remaining days of PRC from the previous period of supervision for which the offender is still obligated and will be required to serve upon release. Upon release, the offender may be supervised under the new number for a previous period of PRC.
6. If the offender is admitted to the institution for a new felony that was committed while on parole supervision, and if the definite sentence imposed for the new felony expires before the maximum expiration of the indefinite sentence, then the designated Parole Board staff shall complete a PRC assessment on the new offense prior to the scheduled parole release consideration hearing. If the maximum term of the indefinite sentence expires before the end of the stated term on the new felony, then the designated parole board staff shall screen the offender for PRC prior to the end of the stated term for the new felony.
7. If the offender is sentenced on or after 9/30/2021 for a new felony offense, the offender may be subject to mandatory or discretionary PRC for the duration noted in VI.B.1.b and VI.B.2.b.
8. In the case of an offender who is subject to both Parole and a period of PRC or is simultaneously subject to two (2) periods of PRC, the period of supervision that expires last shall determine the length and form of supervision for all the periods and the related sentences.
9. An offender shall receive credit for PRC supervision during the period of parole and shall not be eligible for final release until the PRC period otherwise would have ended.
10. If the period of parole ends prior to the end of PRC, the requirements of parole supervision shall be satisfied during the PRC period.

B. Mandatory and Discretionary PRC: Duration of Supervision

1. Mandatory PRC

The sentencing court imposes a period of PRC pursuant to statute. ORC 2967.28 identifies those offenders who are subject to mandatory PRC and establishes the duration of that mandatory supervision.

- a. Except as otherwise provided in section VI.C of this policy, the period for which offenders who were sentenced prior to 9/30/2021 are subject to Mandatory PRC supervision is as follows:
 - i. Felonies of the first degree - five (5) years,
 - ii. Felony sex offenses of any degree or attempt, conspiracy, or complicity to commit a sex offense of any degree - five (5) years,
 - iii. Felonies of the second degree - three (3) years,
 - iv. Felonies of the third degree committed before March 22, 2013, that are not sex offenses and in the commission of which the offender caused or threatened to cause physical harm to a person - three (3) years,
 - v. Felony offenses of violence of the third degree committed on or after March 22, 2013 - three (3) years.
 - b. Offenders who are sentenced 9/30/2021 and after for a mandatory offense are subject to mandatory PRC supervision as follows:
 - i. Felony sex offenses of any degree or attempt, conspiracy, or complicity to commit a sex offense of any degree – five (5) years,
 - ii. Felonies of the first degree - two (2) to five (5) years,
 - iii. Felonies of the second degree – eighteen (18) months to three (3) years,
 - iv. Felonies of the third degree that are offenses of violence – one (1) to three (3) years
2. Discretionary PRC
- a. Each offender who is subject to PRC for a felony offense of the third, fourth, or fifth degree that does not require mandatory PRC under section VI.B.1 of this policy is potentially subject to discretionary PRC.
 - b. Generally, offenders sentenced prior to 9/30/21 may be subject to discretionary PRC for up to three (3) years. Offenders sentenced 9/30/2021 and after may be subject to discretionary PRC for up to two (2) years, if at the time of the assessment, the individual is a security level three (3) or above and meets one (1) or more of the following criteria:
 - i. The offender has three (3) or more prior ODRC commitments for offenses of violence as defined by the ORC,
 - ii. The offender has a Rule Infraction Board guilty finding in the past twelve (12) months for a Tier I rule infraction,
 - iii. The offender’s current offense is assaultive.
 - c. Every offender committed to ODRC for violating a protection order under ORC 2919.27 for a felony of the third degree that is not subject to mandatory PRC shall be placed on discretionary PRC. An offender committed to ODRC for an ORC 2919.27 violation of the fourth or fifth degree shall be assessed for PRC in accordance with sections VI.B.2.b of this policy.

- d. If a judicially released offender has a separate case for which judicial release was not granted and that is subject to discretionary PRC, the chief hearing officer may override the assessment to NO PRC.
- e. An offender who would not otherwise be subject to discretionary PRC under section VI.B.2 of this policy may be placed on discretionary PRC at the discretion of a chief hearing officer. The chief hearing officer may consider factors regarding the offender such as the nature of the offense; criminal history; institutional conduct; input received from a victim, prosecutor, defense counsel, or other law enforcement agency; or a risk assessment.
- f. Offenders participating in the community-based substance use disorder treatment program created under ORC 5120.035 shall be screened pursuant to this policy.

C. Reduction in the Duration of Supervision

Reduction eligibility shall be determined pursuant to ORC 2967.28 (D)(3) and (4), using the PRC screening instrument completed by the Parole Board and APA suitability criteria.

D. Recommissioned Offenders

1. Recommissioned offenders subject to post-release control on a new offense shall have an assessment completed to determine the longer period of supervision.
2. A recommissioned offender whose sentencing court grants a judicial release on the new offense may be subject to PRC owed on the previous number.

E. Post Release Control Terms and Reductions for Risk Reduction Sentences

1. If an offender sentenced to serve a risk reduction sentence is released prior to the expiration of the stated prison term for complying with the conditions of the risk reduction sentence, PRC shall be imposed pursuant to ORC 5120.036.
2. If a risk reduction offender's conviction does not require mandatory PRC, the offender does not meet discretionary PRC criteria, and the offender is not obligated to satisfy any remaining time toward a previously imposed period of PRC, the offender shall be placed on PRC for the period of time that would have remained to be served on the offender's stated prison term had the offender not been released pursuant to the risk reduction sentence for a period not to exceed two (2) years. These risk reduction offenders shall receive monitored time as the PRC sanction. The period of supervision shall not be subject to reduction.
3. A risk reduction offender subject to discretionary PRC under section VI.B.2 of this policy shall be placed on two (2) years of supervision subject to the potential reduction described in section VI.C of this policy and shall be subject to such conditions of supervision as the chief hearing officer considers reasonable and appropriate. Supervision time occurring prior to the maximum expiration of the offender's sentence shall not be taken into consideration when calculating the offender's eligibility for reduction.

F. Post Release Control Sanctions and Conditions

1. Prior to release, the designated Parole Board staff shall impose one (1) or more PRC sanctions to apply during an offender's designated period of PRC. In addition to imposing sanctions, the designated Parole Board staff shall include as conditions of PRC that the offender does not leave the state without permission from the APA and that the offender abide by the law.
2. The designated Parole Board staff may impose any other conditions of supervision under a PRC sanction that are determined to be appropriate. The conditions shall be reasonably related to the offender's offense, criminal history, psychological or psychiatric status, and institutional adjustment, and shall be individually applied and narrowly tailored. Additionally, the conditions shall be sufficiently specific to serve as a guide to supervision; and shall be sufficiently realistic to expect compliance. The conditions may include any community residential or nonresidential sanction, or any financial sanction that the sentencing court was authorized to impose pursuant to ORC 2929.16, 2929.17, and 2929.18.
3. When imposing PRC sanctions, the designated Parole Board staff shall review and consider the offender's criminal history, results from a single validated risk assessment tool selected by ODRC, juvenile adjudications finding the offender delinquent, the record of prison conduct, and any recommendation as to PRC sanctions received from the Office of Victim Services (OVS) to determine what PRC sanctions are reasonable and appropriate to impose.
4. In the case of a recommissioned offender, the designated Parole Board staff shall identify all conditions of supervision imposed upon the offender prior to the offender's last release from prison and ensure that those sanctions are carried forward to the offender's current PRC assessment.

G. Notification

1. Following the completion of the PRC assessment, the Parole Board staff shall forward the PRC notification to the incarcerated individual and the Bureau of Records Management (BORM).
2. Each PRC results notification shall contain the Parole Board decision regarding the imposition of PRC. If PRC is imposed, the notification shall additionally include the offender's release date at the time of the assessment, the term of PRC imposed, eligibility for reduction, and any sanctions or special conditions imposed by the Parole Board.
3. At any time while the incarcerated individual is serving the stated prison term, the designated Parole Board staff may consider any additional information that may affect the imposition of PRC.

H. Updates

The Bureau of Sentence Computation (BOSC) shall immediately notify the designated Parole Board staff whenever there are updates to an offender's information. Such information shall include, but is not limited to, added sentences and changes in the degree of a felony conviction. The requirement to update applies regardless of whether the offender has been recommended for PRC. Upon receipt of the new information, designated Parole Board staff shall review the case to determine if any changes need to be made to the PRC assessment.

- I.** Semi-annually, the chief hearing officer shall randomly conduct a quality assurance review on a minimum of five (5) PRC assessments per hearing officer.

J. Modification of Post-Release Control Sanctions

1. The APA may review the offender's behavior while under PRC supervision and determine that a more restrictive or less restrictive sanction is appropriate. The review shall be conducted during the staffing of cases between the supervising parole officer and the unit supervisor. The APA shall not increase the duration of the offender's PRC or impose a residential sanction that includes a prison term unless the Parole Board determines, at a violation hearing, that the offender violated a PRC sanction or condition of supervision.
2. The Parole Board shall terminate the PRC of those offenders whose maximum cumulative prison sanction time has been exhausted. Designated parole board staff shall notify the APA of the termination.

K. Offenders Rescreened Due to Sentencing Entry

If an offender is released to PRC and subsequently rescreened to NO PRC because the offender's most recent sentencing entry does not impose PRC, it shall be the responsibility of the chief hearing officer to update STATI in DOTS Portal to reflect the rescreening.