

ODRC Policy/Operation Manual Variance Request

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| Variance to ODRC Policy/Operation Manual #: 105-PBD-08 | | Section(s): B(2)a & b; C(2) a-f | |
| Policy/Operation Manual Name: Post Release Control Screening and Assessment | | | |
| Managing Officer or designee Submitting the Request: Cynthia Mausser | | Signature Cynthia Mausser | 5/25/2021 <i>Cynthia Mausser</i> |
| Policy Owner Signature Cynthia Mausser <i>Cynthia Mausser</i> | | | Date: 5/25/2021 |
| Date of Request: Jun 1, 2021 | Length of Request: <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days <input type="checkbox"/> 180 days <input checked="" type="checkbox"/> other | Effective Date of Variance: June 1, 2021 | Applicable to: DPCS |

Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. Explain revision necessary prior to routine revision of the policy. (Attach additional sheets if necessary):

Statutory changes to the PRC statute are being sought through the state operating budget. If enacted, they will not become effective until 90 days after the budget bill is signed by the Governor. Additional policy revisions will need to be made to incorporate statutory changes beyond revisions that have been recommended during the current routine policy review process. In lieu of moving forward with the current policy revisions then having to make further revisions based on the statutory changes expected in the budget bill, we would like to operationalize two changes to the policy now that will not be impacted by the statutory changes. These changes involve incorporating revised screening criteria for discretionary PRC cases and reconciling the terms of recommissioned cases with non-recommissioned cases. The specific changes to the policy are attached.

Comments:

Defer to C. Mausser, DPCS deputy director.

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| <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended | Central Office Policy Review Chairperson: Jondrea K Parrish <i>Jondrea Parrish</i> | Date: 5/27/2021 |
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Comments:

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| <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended | Deputy Director or Regional Director: Cynthia Mausser <i>Cynthia Mausser</i> | Date: 5/24/2021 |
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Comments:

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| <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended | Legal Signature: Ashley Parriman | Date: 5/27/2021 |
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Decision/Comments:

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| <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved | Director: Annette Chambers-Smith <i>A.C. Smith</i> | Date: 6/1/2021 |
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Expiration of Variance: 90 days 120 days 180 days Next Revision

Discretionary Criteria – B 2 a & b

Discretionary PRC

- a. ~~Each~~ Every offender who is ~~subject to not incarcerated for an offense to which mandatory PRC for a felony offense of the third, fourth, or fifth degree that is not subject to does not require mandatory PRC~~ applies under section VI.B.1 of this policy is potentially subject to discretionary PRC.
- b. Generally, an offender who is not subject to mandatory PRC will be placed on discretionary PRC if ~~three (3) 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 are met:~~

~~The offender has a commitment of sixty (60) days or more in the last three (3) years;~~

- i. The offender has three (3) or more prior ODRC ~~incarcerations;~~ **commitments for offenses of violence as defined by the ORC,**
- ii. The offender had an unsuccessful outcome with respect to the offender's last parole or PRC supervision period, including, but not limited to, a recommitment; **has a RIB guilty finding in the past twelve (12) months for a designated rule infraction,**

~~The offender's had a security level of three (3) or higher during the offender's last ODRC commitment.~~ **current offense is assaultive**

C 2 Recommissioned Offenders

- a. ~~A recommissioned offender who is on mandatory supervision for a felony of the first degree or for a felony sex offense of any degree committed prior to April 7, 2009 is not eligible for a reduction if returned to prison for a new first degree felony or felony sex offense of any degree committed prior to April 7, 2009.~~
- b. ~~A recommissioned offender who is returned to prison for a new first degree felony or felony sex offense of any degree committed on or after April 7, 2009 is eligible for a reduction at a period of time equal to the length of the stated prison term imposed for the new felony or felonies or one (1) year, whichever is greater, plus six (6) months on a first recommit or one (1) year on a second recommit, not to exceed five (5) years. If the offender committed the new offense while on mandatory PRC for a felony of the first degree or a felony sex offense of any degree committed prior to April 7, 2009, the previous mandatory five (5) year term of PRC must be completed in its entirety. The hearing officer will factor the number of days the offender was assessed to serve on supervision and subtract the amount of time the offender was supervised, and add the appropriate additional reduction eligibility time (e.g., 6 months, 1 year or no reduction).~~

- c. ~~A previously paroled recommissioned offender who has returned to serve a new first degree felony or felony sex offense of any degree committed prior to April 7, 2009, and for whom the Parole Board again recommends release on parole, and who was returned to prison to serve a sentence for a new felony of the first degree or felony sex offense of any degree committed prior to April 7, 2009 must satisfy the five (5) year term of PRC without reduction if the parole board again recommends release on the offender's underlying indefinite sentence.~~
- d. ~~a recommissioned offender who was on parole and whose controlling supervision upon release will be PRC; a recommissioned offender who was on PRC imposed at chief hearing officer discretion; or a recommissioned offender who was on PRC for a felony of the second degree; a felony of the or third degree to which mandatory PRC applies; or a Qualifying Pre-Senate Bill 160 Third Degree Felony and who is returned to prison for a new offense other than a first degree felony or a felony sex offense of any degree is eligible for a reduction after eighteen (18) months on a first recommit or two (2) years on a second recommit.~~
- e. ~~A recommissioned offender and who was on discretionary PRC that was not imposed at chief hearing officer discretion and was not imposed for a Qualifying Pre-Senate Bill 160 Third Degree Felony who is returned for a new felony to which discretionary PRC applies is eligible for a reduction after nine (9) months on a first recommit or fifteen (15) months on a second recommit~~
- f. ~~An offender who is returned to prison for the third or more time for new felonies committed while on supervision is not eligible for reduction.~~