

Frequently Asked Questions (FAQ)

Post Release Control/Parole Violation Hearing Process

5/21/2021

1. When do I have to be served with notification of a violation hearing?

Answer: Within fifteen (15) business days from the date of my availability to the Adult Parole Authority. Day 1 is counted as the first business day after the availability date. Weekends and holidays are not business days.

2. When must my violation hearing be scheduled?

Answer: Within twenty-five (25) business days from my date of availability. Day 1 is counted as the first business day after the availability date. Weekends and holidays are not business days. If a hearing date or hearing officer are not available on the 25th business day a continuance will be issued ten business days at a time.

3. Can my violation hearing be continued?

Answer: Yes, violations can be continued for up to ten (10) business days at a time for a variety of reasons that include, but are not limited to, hearing site unavailable, hearing officer unavailable, defense counsel or witness availability.

4. What is a waiver of appearance?

Answer: It is an option that every alleged PRC violator has either at the time of service of violations and/or at the violation hearing. By agreeing to a waiver, the alleged PRC violator waives his right to formal hearing that will be recorded. If a waiver is agreed upon, a Parole Board Hearing Officer will conduct a violation hearing file review on or before the scheduled hearing date. If the waiver is accepted by the hearing officer the copies of the Notice of Findings and Sanction Receipt will be forwarded to the PRC violator within five (5) business days after the scheduled hearing date.

5. Can I deny one or more of my alleged violations and still waive appearance at the violation hearing?

Answer: Yes, the alleged violations can be denied and the hearing officer will make a determination of guilt based on the information provided by the Adult Parole Authority.

6. What are the potential benefits of waiving my appearance at the violation hearing?

Answer: It may be beneficial for several reasons that include the hearing officer reviews the packet and if in agreement with the waived amount, cannot issue more prison time than the waived amount of days. IE. If you waive for 180 days prison the hearing officer cannot issue more than 180 days without rejecting the waiver. Additionally, there will be no recording of the

hearing that could be subpoenaed by a prosecutor and used for a criminal proceeding. Lastly, the waived hearing review may be completed prior to the scheduled hearing date which may expedite movement out of the pre-hearing dorm.

7. If I waive my hearing can I still give a statement of mitigation?

Answer: Yes, while being served with your notification of violations paperwork you will also be given an opportunity to make a written statement that will be provided to the hearing officer for review/consideration.

8. If I commit rule infractions while at LORCI can I face additional charges at my violation hearing?

Answer: Yes, if you commit certain rule infractions, while in county jail inmate status, the APA may bring forward additional alleged violations if the violation hearing has not yet been conducted.

9. If I request Ohio Public Defender (OPD) representation at my violation hearing am I certain it will be approved?

Answer: Your request will be reviewed by a Parole Board Hearing Officer. If it is deemed the alleged denied violations are of a complex nature you will be recommended to receive OPD representation. OPD will receive the request from the APA and ultimately the decision of whether or not to represent you will be made by the OPD office.

10. Can I ask the hearing officer questions at my violation hearing?

Answer: Yes, the hearing officer will explain the process and you can ask them questions prior to the beginning of hearing. Your conduct and behavior are expected to be respectful at all times. If you are argumentative or disruptive you will be issued a warning. If your disruptive behavior continues you will be removed from the hearing and the hearing will be held without you being present.

11. If I chose to represent myself at the hearing do I get hard copies of all violation hearing documents?

Answer: No, you will be able to review and reference the relevant documents at the hearing, but will not be able to retain any hearing documents besides the Notice of Findings and the Sanction Receipt.

12. Can I appeal the outcome of my hearing?

Answer: No, the decision of the hearing officer is final and there is no appeal process.

13. Does my prison sanction time continue to run if another agency transports me to county jail due to a pending charge?

Answer: Yes, if you remain in the State of Ohio. If you are transported out of State for a pending charge the prison sanction time would stop. If you are transported to a federal institution (in or out of State) your PST would stop as well.