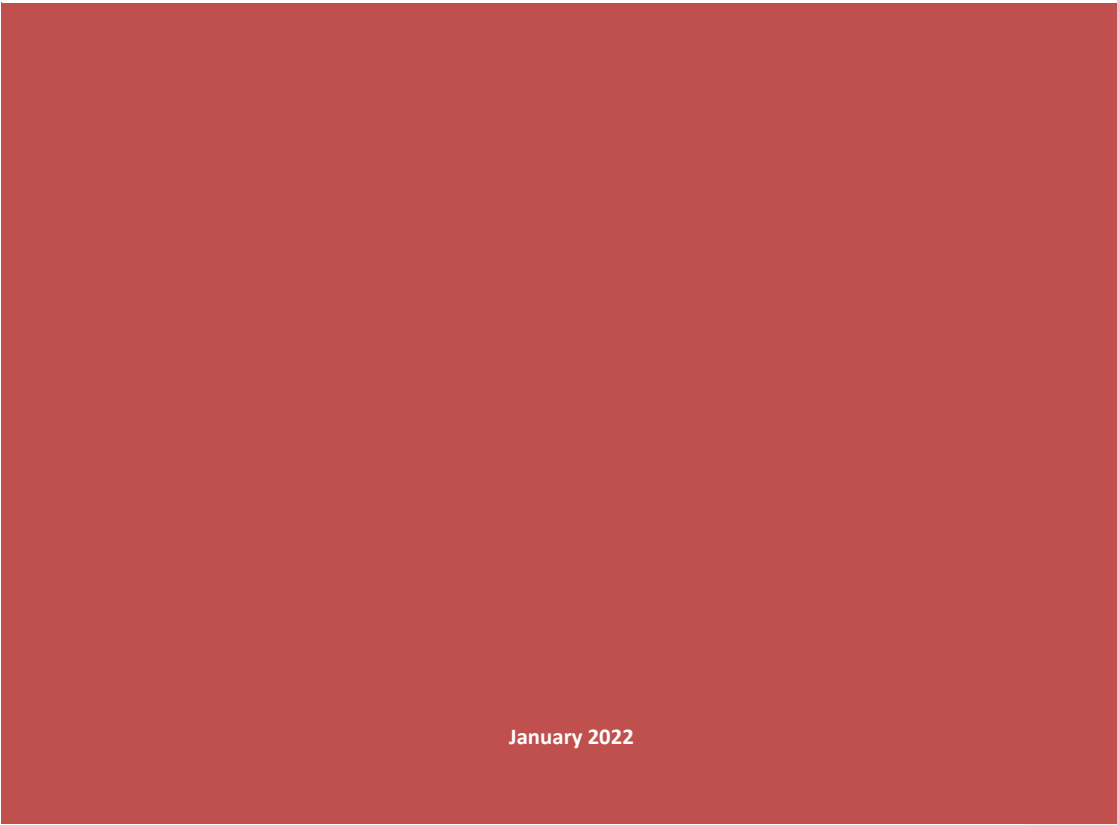




PAROLE BOARD HANDBOOK

January 2022

Greetings:

The Parole Board Handbook is intended to provide offenders, their families and friends, and other stakeholders in the parole process an overview of how that process works as well as a glimpse into the other duties carried out by the parole board and parole board staff.

The duties of the parole board are strictly proscribed in statute, administrative rule and policy, but there are always ways to improve, and we continue to strive to do so.

Whether you are reading the handbook to look for specific information regarding the parole hearing process or are simply curious about the parole board and all its many duties, I hope you find this document helpful.

**Lisa M. Hoying, Chair
Ohio Parole Board**

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INTRODUCTION

Ohio Revised Code (“R.C.”) § 5149.02 created the Adult Parole Authority (“APA”) “in the division of parole and community services of the Department of Rehabilitation and Correction” (“DRC”). The Ohio Parole Board (“Board”) is a section within the APA. Pursuant to R.C. § 5149.10, the Board consists of up to twelve (12) members, including the Chair. The members are appointed by the Director of the DRC, and must be qualified by education or experience in correctional work, including law enforcement, prosecution of offenses, advocating for the rights of victims of crime, probation or parole, in law, in social work, or in a combination of the three categories. Members, with the exception of the Chair and the Victim Representative, are subject to term limits of two (2) six (6) year terms. The Director, in consultation with the Governor, must appoint one individual to the Board who is a victim of crime, a member of a victim’s family, or who represents an organization that advocates for the rights of victims of crime.

The Board determines release suitability of eligible offenders serving indefinite sentences, or, if committed when a juvenile, certain definite sentences through decisions that promote fairness, objectivity, and public safety and are responsive to the concerns of victims, members of the community, and other persons within the criminal justice system.

The Board currently consists of nine (9) members whose primary duty entails conducting release consideration hearings on all parole-eligible inmates. These hearings are held every month via video at the institutions, and generally include a majority of Board Members who conduct a personal interview with each parole-eligible inmate. If parole is denied at the hearing because an inmate is not suitable for release, the Board establishes a subsequent hearing date. In making release decisions, the Board is mandated by Ohio Administrative Code (“O.A.C.”) § 5120:1-1-07 to consider certain factors in determining an inmate’s suitability for release.

Although the outcome of all parole hearings is public information, institutional parole release hearings and deliberations are closed to the public. However, the Board offers participation through offender conference and victim conference days each month,

providing victims and/or their representatives and offender families and/or their representatives an opportunity to exchange information with the Board prior to an inmate's release consideration hearing.

The Board recognizes the principle of structured decision making and the use of evidence-based practices in the parole decision making process. Practices are continually reviewed to enhance transparency, consistency, efficiency and accuracy, and produce quality rationales. The Board seeks to ensure that when determining parole suitability, information and factors that are empirically demonstrated to be linked to risk and to the likelihood of reoffending are considered at every hearing. In so doing, Board Members will more effectively navigate the extensive information considered while at the same time maintaining their discretion to render individual case level decisions

The Board may grant parole "if in its judgment there is reasonable ground to believe that...paroling the prisoner would further the interests of justice and be consistent with the welfare and security of society" (R.C. § 2967.03). In keeping with its statutory mission and the guidance of the courts, the Parole Board provides meaningful consideration for all inmates who are eligible for parole. Such consideration includes the factors, risks and the facts and circumstances presented in individual cases. These factors, risks, facts and circumstances may be discerned from many sources of information, and do not come solely from the entry of conviction, or even the legal record as a whole. In exercising its functions and duties relative to parole release decisions, the Board may, pursuant to R.C. § 2967.03, "investigate and examine, or cause the investigation and examination of, prisoners confined in state correctional institutions concerning their conduct in the institutions, their mental and moral qualities and characteristics, their knowledge of a trade or profession, their former means of livelihood, their family relationships, and any other matters affecting their fitness to be at liberty without being a threat to society."

This Handbook was created to provide interested parties with a reference source for the release hearing process.

PAROLE

Parole in Ohio is subject to the absolute discretion of the Board. Discretion, by its very nature, is subject to the changing norms and context in which it is exercised. The Board is vested with the responsibility to determine when an inmate is suitable for release. Under Ohio law, an inmate has neither the constitutional nor inherent right to be conditionally released on parole before the expiration of the maximum term of their sentence. Additionally, the Ohio Supreme Court has specifically held that Ohio inmates have no right to rely on a particular set of parole guidelines or have parole guidelines in effect at the time of conviction applied at subsequent parole hearings. Thus, it is clearly established that Ohio inmates do not have a constitutionally protected liberty interest in parole. Furthermore, the Board may modify conditions of parole, or modify parole release procedures, as long as the modifications are not contrary to Ohio statute.

INMATES SUBJECT TO THE DISCRETIONARY RELEASING AUTHORITY OF THE PAROLE BOARD

Those inmates whose crimes were committed prior to July 1, 1996, and on whom the court imposed an indefinite term of imprisonment pursuant to R.C. Chapter 2967 as it existed prior to July 1, 1996, are subject to the discretionary releasing authority of the Board. This population is commonly referred to as the “old law inmate” population. As indicated earlier, the parole eligible population has dramatically changed since 1996 when Ohio adopted a primarily determinate sentencing scheme. This once diverse population has significantly narrowed. Most of the remaining pre-SB2 parole eligible population is convicted of more serious and/or violent offenses.

In addition to the “old law” inmate population, SB2 maintained the discretionary releasing authority of the Parole Board as the release mechanism for any inmate serving a life sentence for an offense committed on or after July 1, 1996, which includes inmates convicted of Aggravated Murder and Murder since July 1, 1996. In addition, Ohio’s most recent criminal sentencing statute, House Bill 86 (HB 86) also maintained the Parole Board’s release discretion relative to inmates serving those life sentences.

As inmates continue to be convicted of and incarcerated for offenses that carry life sentences, the number of inmates subject to the discretionary releasing authority of the Parole Board will continue to increase, necessitating the existence of the Board, and will not decline as commonly suggested.

According to DRC's 2023 Annual Report, there are now 8,469 inmates serving sentences who are be subject to the discretionary releasing authority of the Parole Board. They are broken out as follows:

- Pre-SB2 sentences—2,294
- Post-SB2 sentences—5,271
- Parole Violators—904 (both pre and post SB2 parolees who have returned to prison with a new sentence or technical violation)

GENERAL PAROLE DECISION MAKING CONSIDERATIONS

The following general principles are supported by research and are inherent in the parole decision making process:

- Parole eligibility does not equate to parole suitability. Parole is a conditional release involving a demonstration of suitability after the offender has become eligible for release pursuant to the applicable statutes and policies. Parole suitability involves a balance between public safety and offender rehabilitation. Parole involves the determination of a change in the offender regarding rehabilitation and an understanding that release will not unduly place the community at risk.
- An analysis of individual cases should include, but is not controlled by, consideration of the statistical estimate of an offender's risk to reoffend, the offender's criminal history and parole history, the offender's ability to control their behavior (including the offender's substance abuse history), whether the offender has taken programming appropriate to their risk level and assessed needs,

the offender's behavior in prison and while on supervision in the community, the degree to which the offender demonstrates change, and the quality of the offender's release plan, all of which are empirically linked to parole success. Analysis should also include consideration of any salient case specific factors, and any discordant or incongruent information from different sources.

- Parole conditions can only somewhat mitigate risk. Increasing the number of conditions does not necessarily manage risk. At some point, there is a limit as to the number of conditions that can be required, or even meaningfully met, to manage risk.
- Criminal history factors remain important predictors of parole success. The extent to which age, time served, and program completion can offset risk is a matter for debate, at the case-level.
- Program performance, at the individual level, has yet to be strongly linked to post-program outcome. Program completers have better outcomes than dropouts (and in some cases, refusers) but little empirical evidence exists regarding change scores predicting post-program outcomes.
- Institutional misbehavior remains a moderately important predictor of post-release failure. Time served since the misbehavior is perhaps less compelling than demonstrated changes in attitudes and competencies, in terms of parole success. However, institutional good behavior is not correlated to post-release success.
- Continuity of care and community aftercare is at least as important as other factors in contributing to parole success. Frontloading of community support is important in managing risk. Protective factors are important in understanding parole success and are different from risk factors.

ELIGIBILITY DETERMINATION¹

Those offenders who are subject to the discretionary releasing authority of the Board become eligible for parole after serving the imposed minimum sentence as described in R.C. § 2967.13. O.A.C. § 5120:1-1-03 (“Minimum Eligibility for Release on Parole”) expressly prohibits the release of any inmate serving an indefinite sentence prior to the expiration of that inmate’s minimum sentence.

An inmate’s initial parole eligibility date is calculated by the DRC’s Bureau of Sentence Computation (“BOSC”) in accordance with: R.C. §§ 2967.13, 2967.191, 2967.193 and O.A.C. §§ 5120-2-03 (“Determination of Minimum, Maximum and Definite Sentences When Multiple Sentences are Imposed”); 5120-2-031 (“Determination of Stated Prison Terms and Life Sentences When Multiple Terms or Sentences are Imposed”); 5120-2-032 (“Determination of Multiple Sentences or Prison Terms with an Offense Committed Before July 1, 1996 and an Offense Committed on or After July 1, 1996”) and 5120-2-10 (“Life Sentences”).

In general, inmates serving concurrent indefinite sentences for crimes committed prior to July 1, 1996 become parole eligible after serving the imposed minimum sentence. That minimum sentence may be diminished by 30% for good behavior, also known as “good time” (OAC § 5120-2-05). If an inmate fails to maintain good behavior, time credited off of the sentence can be reinstated. The minimum sentence can also be diminished by jail time credit (O.A.C. § 5120-2-04). For example, an inmate sentenced to 10-25 years will become statutorily parole eligible after serving 7 years minus jail time credit, if he or she maintains good behavior. The minimum term can also be further diminished by earned credit (O.A.C. § 5120-2-06) or maintaining minimum security status (O.A.C. § 5120-2-07), if not precluded due to the offense of conviction.

¹ This section is meant to provide a general description of the parole eligibility determination and should not be construed as containing all applicable rules and laws that govern the calculation of parole eligibility dates. Any questions regarding the calculation of any individual inmate’s statutory parole eligibility date should be directed to the Bureau of Sentence Computation.

Inmates sentenced to life under SB2 or crimes committed on or after July 1, 1996, who are sentenced concurrently, are parole eligible after serving the minimum sentence, diminished only by jail time credit.

In addition, as described in O.A.C. § 5120-2-03, inmates serving consecutive indefinite sentences for crimes other than Aggravated Murder committed prior to July 1, 1996, have their aggregate minimum sentences capped, and thereby become statutorily parole eligible earlier than service of the aggregate minimum sentence imposed. Inmates who are serving consecutive sentences for crimes other than Murder or Aggravated Murder committed prior to July 1, 1996 have their aggregate minimum sentences capped at 15 years, diminished by 30% for good behavior, jail time credit, and earned credit when applicable. Inmates serving consecutive sentences for crimes including Murder committed prior to July 1, 1996 have the minimum portion of their consecutive sentences capped at 20 years, diminished by 30% for good behavior, jail time credit, and earned credit when applicable. This statutory cap on the minimum portion of the consecutive sentences results in inmates becoming eligible for parole sooner than the expiration of the actual aggregate minimum sentence imposed. Nonetheless, these inmates can be released onto parole supervision when they become eligible pursuant to statute, and are not required to serve the full aggregate minimum sentence imposed prior to release onto parole supervision, if found to be suitable by the Board.

There is no statutory cap on aggregate minimum sentences for crimes committed prior to July 1, 1996, if the crimes committed include Aggravated Murder except for those individuals included under Revised Code §2967.132. Likewise, inmates sentenced to life under SB2 for crimes committed after July 1, 1996, do not receive a cap on aggregate minimum sentences imposed, and become parole eligible after serving the aggregate minimum term, diminished only by jail time credit.

Under Revised Code §2967.132, enacted April 12, 2021, an inmate who committed their offense of conviction prior to turning 18 years of age is eligible for a parole hearing after serving 18 years for a non-homicide offense, 25 years for a homicide offense or 30 years

for multiple homicides where the inmate was the principal offender regardless of the minimum term of the sentence imposed.

Once an inmate becomes parole-eligible, the Board must consider the inmate for release. Each month, the Board generates a list, known as a “call sheet,” identifying all inmates who are statutorily eligible for parole that month. The inmates identified on the monthly “call sheets” are then scheduled for parole release consideration hearings.

If an inmate is released onto parole supervision and returned for either technical violations of the conditions of parole or for committing a new offense, subsequent parole eligibility is governed by O.A.C. §§ 5120:1-1-18 (“Release Revocation Hearing”), 5120:1-1-19 (“Procedures After Revocation and Release”), and 5120:1-1-21 (“Revocation of Release if Releasee Recommitted for New Offense”). Parole violators who are returned for technical violations as a result of a revocation hearing are again considered for parole suitability at a hearing date determined by a majority vote of the Board Members. Parole violators, who are returned for committing new offenses for which they receive prison sentences, are scheduled for further parole consideration after serving the new definite sentence or the minimum term of an indefinite sentence, as calculated by BOSC pursuant to O.A.C. §§ 5120-2-03 to 5120-2-08 and 5120:1-1-13.

It is often suggested that offenders serving SB2 sentences are serving significantly less time than those serving “old law” sentences for the same offense, and that a conversion to a SB2 sentence would result in a benefit to most “old law” inmates. A comparison or conversion of those remaining inmates currently serving a Pre-SB2 sentence to the potential SB2 sentence for the same offense of conviction does not result in a benefit to the inmate in the majority of cases. SB2 increased the penalties for Aggravated Murder, and eliminated the ability for an inmate to receive “good time” off the minimum sentences for both Aggravated Murder and Murder, thereby requiring those inmates convicted of these offenses under SB2 to serve *longer* minimum sentences before reaching parole eligibility than those inmates convicted of these same crimes under Pre-SB2 law. In addition, penalties for some sex offenses, primarily those involving child victims increased in SB2 and subsequent statutes (SB 260).

Given that approximately 85% of the “old law” population is serving a sentence for a crime whose penalty was increased under SB2, a conversion to a SB2 sentence is in fact not a benefit to most “old law” inmates.

SUITABILITY DETERMINATION

Once an inmate becomes parole-eligible, the Board is required to conduct a hearing, pursuant to O.A.C. § 5120:1-1-11, to determine whether the inmate is suitable for release. Parole suitability involves a balance between public safety and offender rehabilitation. Eligibility reflects statutes and policy. Parole involves the determination of a change in the offender regarding rehabilitation and an understanding that a release will not unduly place the community at risk.

The Board can only grant parole, pursuant to R. C. § 2967.03, “if in its judgment there is reasonable ground to believe that...paroling the prisoner would further the interests of justice and be consistent with the welfare and security of society.” O.A.C. § 5120:1-1-07 lists the following factors that must be considered by the Board in making parole suitability determinations:

Excluding documents related to the filing of a grievance under rule [5120-9-31](#) of the Administrative Code, in considering the release of the inmate, the parole board shall consider any relevant information concerning the inmate as may reasonably be available, including the following:

- The inmate's risk to reoffend as measured by the applicable risk assessment tool as set forth in division (A) of section [5120.114](#) of the Revised Code.
- The inmate's criminal history and community supervision history, including but not limited to, the unique factors of offenses of conviction, whether the inmate's criminal history demonstrates a pattern of increasing severity or frequency, and the inmate's success or failure while on any form of community supervision. In evaluating an inmate's criminal history and supervision history, the board shall consider:

- Any official report of the inmate's prior criminal record, including a report or record of earlier probation or parole;
 - Any presentence or postsentence report;
 - The presence of outstanding detainers against the inmate;
- The inmate's ability to control the inmate's behavior, and the degree to which the inmate demonstrates impulsivity in the prison or in the community. In evaluating an inmate's ability to control the inmate's behavior, the board will consider:
 - Any reports of physical, mental or psychiatric examination of the inmate;
 - Any reports prepared by any department of rehabilitation and correction staff member relating to the inmate's personality and social history.
 - Any reports or information related to the inmate's substance abuse history.
- The inmate's institutional programming, including but not limited to, whether the inmate has successfully completed programming consistent with the inmate's assessed needs and risk to reoffend.
- The inmate's institutional behavior, particularly any demonstrated inability to conform to institutional rules and regulations, which is predictive of an inmate's risk to reoffend in the community. In evaluating an inmate's institutional behavior, the board will consider the inmate's security level and any reports generated by institutional staff, including conduct reports, that reflect upon the inmate's institutional adjustment.
- Any recommendations regarding the inmate's release made at the time of sentencing or any time thereafter by the sentencing judge, presiding judge, prosecuting attorney, and any information received in response to statutory notice provided prior to the hearing, including comments made on current sentencing ranges.
- Any communications from a victim or victim's representative;
- The degree and substance of community support or opposition to release;
- The recommendation of the inmate's defense counsel, including comments made on current sentencing ranges;
- Written or oral statements by the inmate, other than grievances filed under rule 5120-9-31 of the Administrative Code.

- The inmate's ability, readiness, and motivation to assume obligations and undertake responsibilities, as well as the inmate's own goals and needs and the adequacy of the inmate's reentry plan or prospects on release, to include:
 - The inmate's employment history and his occupational skills;
 - The inmate's education, vocational training, and other training
 - The physical and mental health of the inmate as they reflect upon the inmate's ability to perform his plan of release and comply with the conditions of release;
- The inmate's family situation and other support systems, including:
 - The inmate's family status, including whether his relatives intend to support his or her plan for release;
 - Whether he or she has other pro-social associations in the community to which the inmate plans to be released;
 - The availability of adequate housing;
 - The availability of community resources to assist the inmate;
- The following mitigating factors will be considered by the board for inmates whose parole eligibility is determined under section [2967.132](#) of the Revised Code²:
 - The chronological age of the inmate at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences.
 - The family and home environment of the inmate at the time of the offense, the inmate's inability to control the inmate's surroundings, a history of trauma regarding the inmate, and the inmate's school and special education history.
 - The circumstances of the offense, including the extent of the inmate's participation in the conduct and the way familial and peer pressures may have impacted the inmate's conduct.
 - Whether the inmate might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth such as the inmate's inability to deal with police officers and prosecutors during the inmate's interrogation or possible plea agreement, or the inmate's inability to assist the inmate's own attorney.

² As enacted April 12, 2021

- Any other factors which the board determines to be relevant.

After considering and analyzing all of the mandatory factors, the Board may recommend parole if it finds the inmate suitable for release. The Board may also, pursuant to O.A.C. § 5120-1-1-07, determine that an inmate is not suitable for release if it finds that at least one of the following reasons is applicable:

- There is substantial reason to believe that the inmate will engage in further criminal conduct, or that the inmate will not conform to such conditions of release as may be established under rule [5120:1-1-12](#) of the Administrative Code;
- There is substantial reason to believe that as the unique factors of the offense of conviction significantly outweigh the inmate's rehabilitative efforts, the release of the inmate into society would create undue risk to public safety and/or would not further the interest of justice nor be consistent with the welfare and security of society;
- There is substantial reason to believe that due to serious infractions of rule [5120-9-06](#) of the Administrative Code, the release of the inmate would not act as a deterrent to the inmate or to other institutionalized inmates from violating institutional rules and regulations;
- There is need for additional information upon which to make a release decision.

STRUCTURED DECISION-MAKING FRAMEWORK

In September 2021, the Board, following training endorsed by the National Institute of Corrections and facilitated by the Center for Effective Public Policy, began using the Structured Decision-Making Framework (SDMF). The SDMF could also be described as a structured professional judgment tool. To best understand SDMF, it is helpful to know what it is, and is not:

SDMF is:

- A standardized reflection of statute, administrative regulation and policy
- Empirically validated

- Intended to inform and insulate paroling authorities
- Reflective of due diligence

SDMF is not:

- Prescriptive
- A numerical scale
- A substitute for a decision
- Specific to a particular type of offender
- Dependent on a particular risk scale as an anchor

The SDMF is comprised of two sets of domains—risk related domains and policy related domains.

Risk related domains:

- Criminal and supervision history
- Ability to control (negative peers; anger, jealousy, rejection and anxiety; substance use; threat perception; intelligence; impulsivity; sexual deviance; and callousness)
- Programming (responsivity and dosage)
- Institutional/community behavior
- Offender change (acceptance of responsibility; ability to explain consequences of behavior; use of cognitive skills to make decisions; and pro-social behaviors)
- Release plan (stable housing; stable employment or employability; evidence of pro-social supports; access to appropriate treatment and support services; and specific plans to manage high risk situations)
- Case specific factors (unique factors of the underlying offense; significant changes in mental or physical condition)

Policy related domains

- Victim input received for hearing

- Community considerations (judge, prosecutor, other community input)
- Statutory considerations (youthful offender, sentencing parity, other statutory factors)
- Conflicting information

The domains used in SDMF encompass the factors outlined in OAC §5120:1-1-07. They simply provide a framework for the Board to evaluate those factors in an orderly and consistent manner.

SDMF has now been implemented or is in the process of being implemented in eleven(11) states as an evidence based practice to enhance and improve paroling authorities decision making.³

STAKEHOLDER PARTICIPATION IN THE HEARING PROCESS

The decisions of the Board are best made when they include consideration of information obtained from all interested parties and stakeholders. Although it is important for the Board to understand the seriousness of the offense and the extent of victimization, it is also important for the Board to understand the extent of the inmate's institutional adjustment to include the support system the offender has developed and has available in the community if parole is granted. Statute requires notice of parole hearings to certain interested parties so that they may provide input into the parole release process. In addition, the Board encourages and welcomes input from other parties who have a substantial interest in the potential release of the inmate.

STATUTORY NOTICE REQUIREMENTS

R.C. § 2967.12 requires that at least sixty (60) days prior to conducting a parole release consideration hearing, notice of the hearing must be provided to the prosecuting attorney

³ States that have implemented SDMF or are in the process of doing so include: California, Connecticut, Kansas, Michigan, Missouri, Ohio, South Dakota, Utah, Vermont, Virginia, Washington

and the judge of the court of common pleas of the county of indictment. The notice must contain the name of the inmate, the inmate's offense of conviction, the sentence imposed by the court, and the date of conviction. For those inmates who committed their offense prior to turning eighteen (18), notification must also be provided to the Ohio Public Defender.

In addition to any victims who have requested notification, the Board must provide sixty (60) days notice of a parole hearing to any unregistered victim, if the inmate who is the subject of a parole release consideration hearing is serving a sentence for Aggravated Murder or Murder, a felony 1, 2 or 3 offense of violence or a life sentence, which includes virtually all of the parole-eligible population. The Board must make three attempts to locate and notify any unregistered victim(s) of the upcoming parole release consideration hearing, and can only cease providing notice if the victim opts out of receiving notification or if the victim fails to respond to notices with respect to two or more prior parole considerations. The Board must also provide notice to any arresting law enforcement agency if an officer of that agency was the victim of the offense.

At the time notice is provided to the prosecutor and judge, DRC must also post on the database it maintains,⁴ pursuant to R.C. § 5120.66, the inmate's name, victim type (if known) and the date of any hearing regarding the possible grant of parole, along with the right to submit a written statement regarding the proposed release consideration hearing. This gives members of the general public the opportunity to provide input into the release consideration decision. Any information or correspondence received by the Board in response to these notices must be considered in determining an inmate's suitability for release.

If it is discovered at the time of the release consideration hearing that the above-referenced statutory notice requirements were not met, the hearing will not be conducted but will be rescheduled to ensure notice is provided in accordance with law.

⁴ The website address for this database is: <https://appgateway.drc.ohio.gov/OffenderSearch>.

The Board has a Notification Unit. This unit is responsible for providing all statutory notices, and searching for unregistered victims who are required to receive notice. When a non-registered victim is located, the notice provided encourages the victim to contact OVS to speak to a victim advocate who can assist the victim in navigating through the parole hearing process. Non-registered victims are encouraged to contact the OVS at the number listed in the attached Reference List to learn more about registration and parole hearing participation options.

OFFENDER AND VICTIM CONFERENCE DAYS

Commented [A1]: Reference ORC instead of Sb160

R.C. §2930.16 grants victims and/or victim representatives the statutory right to attend a victim conference with a Board member or other designated staff person relative to an inmate's upcoming parole hearing, if the inmate is serving a sentence for Aggravated Murder or Murder, or a felony 1, 2, or 3 offense of violence or a life sentence. The statute required the Department to establish administrative rules that addressed attendance by the victim, members of the victim's immediate family, the victim's representative, and if practicable, other individuals, and allotment of one (1) hour for the Conference. The statute did not create a similar statutory right for inmate supporters to attend offender conferences. However, the Board conducts offenders conferences as a matter of Department policy.

Generally, both victim and offender conferences are scheduled monthly and are attended by those victims/representatives and inmate supporters who have an interest in an inmate who is scheduled to be heard during the following month. These conferences are held via video or telephone conference according to the attendees' preference.

CORRESPONDENCE

Interested parties may also provide input regarding the release of an offender through correspondence. Correspondence may be submitted by regular U.S. Mail, fax, or through the DRC's website at: <https://www.drc.ohio.gov/parole-board/contact>. The mailing address and fax number are listed in the attached Reference List.

Any correspondence regarding a particular inmate should include the inmate's institution number to ensure that it is included in the appropriate electronic file and available for review by the Board when considering an inmate for release.

HEARING TYPES AND OUTCOMES

O.A.C. §§ 5120:1-1-10 ("Initial and Continued Parole Board Hearing Dates; Projected Release Dates") and 5120:1-1-11 ("Procedure of Release Consideration Hearing") govern the timeframes for scheduling hearings, the possible results of hearings, and those authorized to conduct hearings. In addition, DRC policy 105-PBD-03 ("Parole Board Release Consideration Hearings"), further describes the hearing process.

HEARING TYPES:

First Hearing. This is the initial hearing at which an inmate can be considered for parole based upon the sentencing court's order and statute. The hearing is held on or about the date when the inmate has completed the imposed minimum sentence, as calculated by BOSC, and has become parole eligible. The purpose of the hearing is for the Board to determine if the inmate is suitable for release.

Continued Hearing. This is a subsequent hearing conducted if release is not granted at the first hearing. Currently, under O.A.C. § 5120:1-1-10, a continued hearing can be scheduled no further than ten (10) years from the first hearing, or a previous continued hearing, unless the inmate committed his or her offense prior to turning eighteen (18) years of age, in which case the continuance may be capped at a shorter time period.

Full Board Hearings. Although the outcome of all parole hearings is public information, institutional parole release hearings and deliberations are closed to the public. However, effective July 1, 1996, Senate Bill 2 created Full Board hearings which permitted participation by a victim and other designated interested parties in a hearing subsequent to the institutional hearing and upon acceptance of a petition.

R.C. § 5149.101 provides that when the Board initially believes an inmate may be suitable and proposes parole or re-parole, OVS may submit a petition on behalf of a victim/victim's representative, prosecutor, or any other interested party. The Board considers the petition and decides by majority vote whether to conduct the Full Board hearing, which occurs prior to the inmate's physical release. In an effort to ensure that all parties who have a right to receive statutory notice are given the opportunity to petition for and participate in a Full Board hearing when parole is proposed, the Board, in collaboration with the OVS, contacts the relevant parties to advise of the proposed parole and determines whether a petition will be submitted. The Board will not authorize the physical release of an inmate onto parole supervision until it has determined whether those parties who have a right to receive notice intend to participate in a Full Board hearing and that hearing is conducted.

If the inmate for whom parole or re-parole is proposed is convicted of Aggravated Murder or Murder, a felony 1, 2 or 3 offense of violence, or is serving a life sentence, the Board cannot deny the petition and must conduct the Full Board hearing. Full Board hearings are conducted prior to the release of an inmate, at DRC's Operation Support Center or via videoconference with at least a majority of Board Members participating. The inmate may be present via videoconference but is not permitted to speak unless the Board has questions. The inmate may also be represented by counsel or some other designated person. Generally, the Board has the discretion to determine who may appear and give testimony. However, the Board must allow the following persons to appear and give testimony or written statements: the prosecuting attorney; the sentencing judge or their successor; the victim or victim's representative of the original offense; and/or the victim of behavior that resulted in parole revocation. If the inmate for which parole or re-parole is proposed is convicted of Aggravated Murder or Murder, a felony 1, 2 or 3 offense of violence, or is serving a life sentence, the Board must also permit the appearance of the spouse, parent or parents, sibling(s), or child(ren) of the victim of that offense. A final decision regarding the inmate's suitability for parole is made and announced at the conclusion of the Full Board hearing.

HEARING PROCEDURES

Institution Hearing Panels. Hearing panels may consist of any designated number of Board Members. Moreover, the vast majority of first and continued hearings are conducted by a hearing panel that consists of a majority of Board Members utilizing videoconferencing. Hearings are conducted with a majority of Board Members participating through videoconferencing in an effort to obtain the required majority Board Member vote at the institution hearing. When the majority Board Member vote cannot be obtained and finalized at the institution hearing, the case is referred to Central Office Board Review (COBR). COBR is the mechanism by which the Board considers cases referred by Hearing Panels for a majority vote of Board Members and occurs at a time subsequent to the institution hearing.

Institution Hearing Participants. First and continued hearings are conducted at the various correctional institutions with the inmate present. The Board Members conduct the hearings through video-conferencing. Participation in a hearing is limited to Board staff, the inmate, and if required, special needs facilitators, *or, under R.C. §2967.132, if the inmate committed their offense prior to turning eighteen (18), an attorney if they choose.* Within 90 days of admission to DRC, inmates subject to the discretionary releasing authority of the Board receive verification of the date (month & year) upon which they become statutorily parole eligible. In addition, inmates receive notice of the actual date of parole hearings at least 14 days in advance.

The Board in collaboration with the Office of Behavioral Health Services permits inmates currently on the mental health caseload to request the presence of a mental health liaison during the institution hearing. While the mental health liaison does not actually participate in the hearing, their presence provides emotional support to the inmate and may help them to process the hearing results following the hearing. The Board has also been collaborating with Religious Services in a pilot project at the Marion Correctional Institution which provides Navigators to inmates for support during the institutional hearing.

Much like the mental health liaison, the Navigator will not actually participate in the hearing, but will provide emotional support and help the inmate to process the hearing results following the hearing.

Additionally, the Board allows for the prosecutor and the incarcerated adult's attorney to observe the hearing. They are not permitted to participate in the hearing.

Information considered. The hearing panel considers all information pertaining to the mandatory factors listed in O.A.C. § 5120:1-1-07 that is either produced during the inmate's incarceration or is received from an outside stakeholder or interested party. In addition, the inmate is given the opportunity to speak and respond to any factual information disclosed during the hearing and to provide any information deemed relevant to the release decision. Confidential information provided to the Board by victims and other stakeholders is not disclosed to the inmate.

Recommendation. After considering all relevant information, the hearing panel formulates a decision or recommendation regarding the inmate's suitability for release. O.A.C. § 5120:1-1-11 provides that the decision or recommendation shall be communicated to the inmate both verbally and in writing immediately or as soon as administratively possible following the hearing. If the decision or recommendation is to deny release, the written notice **must** cite the grounds under O.A.C. § 5120:1-1-07 on which the decision was based and the factors deemed significant in making the decision as referenced on page 13 of this handbook. The notice must also include the next hearing date at which the inmate will again be considered for release. If the case has been referred to COBR to obtain the majority vote of Board Members, the written notice will be provided to the inmate after that majority vote is obtained.

HEARING OUTCOMES

O.A.C. §§ 5120:1-1-08 and 5120:1-1-10 identify the possible outcomes of a parole consideration hearing. If parole is proposed following an institution hearing, the Board will then conduct a Full Board hearing when a petition is submitted pursuant to R.C. § 5149.101.

A final decision regarding the proposed parole will be made at the conclusion of the Full Board hearing. If an inmate is found suitable for release after the Full Board hearing is conducted, and the proposed parole is recommended, a release date may be established at no earlier than sixty (60) days and no later than five (5) months from the date the recommendation is finalized. This is known as the “Parole On or After Date” (POA). If parole is not recommended at either the institution hearing or a Full Board hearing, and the recommendation is not a continuance to the expiration of the maximum sentence, the Board shall set a continued hearing date, not to exceed 10 years from the current hearing date.

A third outcome described in O.A.C. is a “Projected Release Date” (PRD). A PRD permits the Board to establish a release date up to one year in the future. PRDs are very rarely granted, however, may occur in special circumstances such as the inmate’s request to complete programming they are currently attending.

When a POA or PRD is established, the Board will also determine if Special Conditions should be imposed. Special Conditions are those conditions of supervision that are required, in addition to the general set of release conditions. Special Conditions are generally tailored to an inmate’s specific offense behavior and identified needs. However, certain Special Conditions will be imposed in all parole cases, including a supervision level of very high, approval of a proposed placement by the Board, the development of a case plan, and a specified length of supervision. Examples of other Special Conditions include mandated programming, no contact orders and no change of residence without permission from the Parole Board.

DRC policy 105-PBD-03 dictates that all determinations and recommendations from a release consideration hearing shall require a majority vote of the currently appointed and active Board Members. The majority Board Member decision may occur at the institutional hearing if a sufficient number of Board Members are participating and can reach a majority vote. If the Board Members participating cannot reach a majority vote or the institutional hearing is not conducted with at least a majority of Board Members participating, the case will be referred to COBR to obtain the required majority vote.

If the vote is split, all Board members will meet monthly to resolve those votes, permitting the panel members to discuss the reasons for their recommendations, and those board members not present to ask any questions they may have to assist them in making their decision.

In addition, the written notice will cite the factors determined to be significant in finding the inmate not suitable for parole and will include the date at which the inmate will again be provided a release consideration hearing.

RESCISSION AND RECONSIDERATION

All release decisions are subject to review and approval by the Parole Board Chair and are not final until actual physical release from custody occurs. The physical release of an inmate onto parole may be stopped by the Parole Board Chair up to and including the day of release. Despite every effort by the Board to receive all relevant information regarding each inmate's case prior to or during the hearing, there are instances when relevant information is not known or available until after a release decision has been made. In addition, there are situations where the inmate's institutional conduct subsequent to a release decision has a direct bearing on the release decision.

DRC policy 105-PBD-04 ("Request for Reconsideration and Amendments to Parole Board Actions") outlines the circumstances under which rescission and reconsideration of the outcome of a parole hearing is permitted. A request for reconsideration 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.

Requests for reconsideration must be made in writing, and sent to the Parole Board at DRC's Operation Support Center. Reconsideration requests are reviewed by the Parole Board Chair or designee who can authorize a rescission of the previous decision and cause a new hearing to be scheduled, or may submit the matter to the Board Members for a majority vote.

Recission requests generally decided by the Chair include information that involves a petition by the OVS for a Full Board Hearing, pending charges or institution rules infractions which occurred after the last rehearing or hearing but prior to release or were not known to the Board at the last hearing, the lack of an appropriate, approved placement, or the addition or removal of a special condition of supervision. Most other reconsideration requests that are determined to have merit, based on a review by the Chair or designee, are submitted to the Board Members for a majority vote. After review, the Board will adopt by majority vote the option to modify the decision with an action commensurate with the reconsideration request, modify the decision with an alternative action than requested, rescind the previous decision and schedule a rehearing, or maintain the previous decision.

Parole decisions are not subject to appeal. R.C. § 5149.10 provides that “parole determinations are final and are not subject to review or change by the chief.”

EARLY RELEASE CONSIDERATION REVIEWS

In accordance with 105-PBD-03 VI. F.⁵, an incarcerated individual who was denied release at their last regular parole release hearing and was scheduled for their next parole hearing seven (7) years or more after the date of that hearing will be scheduled for a release review after half the length of the continuance if the individual has more than one (1) year remaining until their next parole hearing. The release review will determine whether a hearing should be held prior to the original continued hearing date. At that time, the Parole Board may also recommend programming for the individual to participate in prior to their next scheduled hearing based upon their assessed risk and need. The incarcerated individual does not have to request a review nor does the individual need to submit anything to the board for the review.

⁵ Effective October 1, 2021.

ADDITIONAL PAROLE BOARD DUTIES

While parole release consideration is its most recognizable function, the Parole Board performs other statutory duties in addition to the parole function. Those additional duties include: (1) assessing offenders committed to the Department of Rehabilitation and Correction for a form of post-release supervision known as post-release control and addressing violations committed by those offenders while on supervision; (2) processing applications for death penalty and non-death penalty Executive clemency and making recommendations to the Governor on those applications; (3) screening inmates for the Transitional Control Program; (4) screening inmates for submission to their sentencing courts as candidates for 80% court release; (5) reviewing sexually violent predator cases for potential termination of control over their sentence; and (6) conducting Additional Term Hearings.

POST-RELEASE CONTROL

Created in SB2, post-release control is a form of post-release, community supervision that applies to certain definite, or “flat,” sentences imposed for crimes committed on or after July 1, 1996. First and second degree felony offenses; third degree felonies identified in the Ohio Revised Code as “offenses of violence”; and all felony sex offenses carry with them a mandatory period of post-release control. All other offenses carry the possibility of post-release control at the Parole Board’s discretion. Those cases for which post-release control is not mandatory are sometimes referred to collectively as “discretionary” cases. Post-release control is generally assessed depending upon the journal entry and depending upon the type of offense and the felony level.⁶

⁶ Parole and post-release control are, generally speaking, distinct forms of post-release supervision that apply to distinct offender populations, with parole applying to offenders subject to the Parole Board’s discretionary release authority and post-release control applying to offenders who are not under the Board’s discretionary release jurisdiction. However, it is possible for an offender to potentially be subject to both parole and post-release control supervision. These so-called “hybrid” cases typically result from a paroled offender committing, while under parole supervision, a new offense to which post-release control attaches. If an offender’s case is “hybrid,” one or the other form of supervision will control once the offender is released to the community. The controlling supervision will be whichever form of supervision is of the longest duration.

In certain cases, offenders are eligible for a reduction in the assessed term of post-release control if applicable eligibility and suitability criteria are satisfied.

The Parole Board evaluates every offender committed to the Department's custody for post-release control at some point during the offender's incarceration. The Board's responsibilities in this area include not only deciding who among those offenders subject to discretionary post-release control receive it, but also reviewing sentencing documents to ensure that post-release control was imposed at the time of sentencing consistent with statutory and judicial mandates.

Offenders who receive post-release control are supervised in the community by the APA. Every offender under post-release control supervision is subject to general conditions of supervision that apply to each offender under APA's supervision as well as special conditions of supervision established by the Parole Board for the specific offender. Special conditions are intended to target an individual offender's unique criminogenic needs as well as any unique public safety considerations associated with that offender. Offenders who repeatedly violate their conditions of supervision or who commit violations of a serious nature will be brought before Parole Board Hearing Officers, who determine guilt on the alleged violations and assess sanctions when violations are proven. Under DRC policy 105-PBD-09 ("Violation Hearing Process"), Parole Board Hearing Officers have a range of sanctions available to them to address proven violations of post-release control conditions, including a return to prison, which is known as "prison sanction time."

CLEMENCY

Clemency is the Governor's constitutional power to grant pardons, commutations, and reprieves, which are known collectively as "clemency," to individuals convicted of crimes under Ohio law. That power inures to the Governor by virtue of the Governor's position as the State's Chief Executive.

In Ohio, rather than being submitted directly to the Governor, every application for clemency must first be submitted to the Parole Board, which reviews the application, assesses its merit, and makes a recommendation to the Governor either that the Governor grant the particular clemency sought or that the Governor deny the request. The Board receives, evaluates, and makes recommendations upon hundreds of clemency applications submitted each year. While the Board makes a recommendation on every clemency request, the ultimate decision whether to grant or deny any request for clemency lies exclusively within the sound discretion of the Governor.

Death penalty and non-death penalty clemency requests follow similar but somewhat different procedural paths. In the case of non-death penalty clemency requests, every application is examined by members of the Parole Board, who review the application and supporting materials as well as official records of the underlying offense or offenses; reports prepared by Parole Board staff; and community input. After reviewing those materials, an initial assessment of the application's merit is made.

Those applications that the Board deems meritorious are scheduled for a hearing before the Board, which interviews the applicant regarding the applicant's clemency request. As part of this process, notice is provided to community stakeholders, including victims, the prosecuting attorney who prosecuted the case, and the sentencing judge. Any input received from those stakeholders is considered by the Board in deciding whether to make a favorable or unfavorable recommendation.

Following the hearing, the Board, by majority vote, decides whether to make a favorable or unfavorable recommendation to the Governor. That recommendation is included in a written report sent by the Parole Board to the Governor in the period immediately following the hearing.

Capital cases involve a similar process; however, due to the serious and irreversible nature of the penalty imposed, every capital case involves an interview with the inmate as well as an in-person clemency hearing before the Parole Board at its office in Columbus.

The interview and hearing are conducted in months immediately preceding the scheduled execution. At the hearing, arguments for and against clemency are made by the interested parties, including the inmate's attorneys, the victim's survivors, and other stakeholders. At the conclusion of the hearing, by majority vote, the Board makes a favorable or unfavorable recommendation to the Governor, which is included in a written report delivered to the Governor in the week following the hearing.

TRANSITIONAL CONTROL

R.C. § 2967.26 authorizes the transfer of eligible inmates to transitional control status for the purpose of closely monitoring their adjustment to community supervision during the final 180 days of a sentence. While inmates are on transitional control, they are housed in a halfway house licensed by the Department or placed under electronic monitoring at an approved residence.

Parole Board Parole Officers screen inmates for eligibility and suitability for the Transitional Control Program pursuant to criteria set forth in O.A.C. § 5120-12-01 ("Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility") and DRC policy 108-ABC-05 ("Transitional Control Screening"). The Department's Bureau of Community Sanctions is responsible for securing a suitable placement for those inmates who are eligible and deemed suitable for participation in the program. If an inmate is serving a sentence less than a year, the sentencing judge may disapprove (or "veto") an inmate's participation in the program.

While in the Transitional Control Program, participants remain in inmate status and are expected to follow all applicable rules and regulations of the Program and the facilities at which they are placed. Rule violations may result in sanctions or a return to prison pursuant to O.A.C. § 5120-12-08 ("Return to Institution for Administrative Reasons").

Sexually Violent Predator Reviews

R.C. §2971.04 establishes the Board's authority to terminate or transfer control of an inmate convicted under a sexually violent predator specification.

Once the inmate has served his or her minimum term as determined by the Bureau of Sentence Computation, the Board will review a Sexually Violent Predator Risk Assessment completed in accordance with §5120.61 of the Ohio Administrative Code and any other relevant materials. If a majority of the Board votes to decline to terminate control over the sentence, the next review will be scheduled in two years. If a majority of the Board votes to hold a hearing to terminate control over the inmate, that hearing will be conducted as soon as administratively possible allowing for all statutory notifications to be made. Those present at the hearing may include the prosecutor from the sentencing county; the inmate, via videoconference; the inmate's counsel; and the victim or victim's representative. A majority vote is required to terminate control. If the decision is made not to terminate control, the Board will return to biennial reviews of the case. If the Board votes to terminate control, the case returns to the sentencing court to make a final determination. Inmates convicted under provisions of Senate Bill 260 are reviewed by the Board as if they were convicted under a sexually violent predator specification.

Additional Term Hearings

Senate Bill 201 or "The Reagan Tokes Law," significantly altered the sentencing structure for many of Ohio's most serious felonies. It implemented an indefinite sentencing system for non-life felonies of the first and second degree. Release is presumed to occur at the expiration of the "minimum term," however the Department of Rehabilitation and Corrections may, under certain circumstances rebut that release presumption and impose additional prison time up to the "maximum term. Those circumstances include the offender committing institutional rule infractions that compromise the security of a prison or the safety of a prison's staff or its inmates or involving physical harm or the threat of physical harm to a prison's staff or its inmates, or the offender committing a violation of law that was not prosecuted, and the infractions or violations demonstrate that the offender has not been rehabilitated. Parole Board staff will provide the appropriate notifications and will conduct the hearing to impose additional prison time as warranted. The offender will be present at the hearing to present mitigation if appropriate. SB 201 went into effect March 22, 2019 and applies to all non-life felonies of the first and second degree that occur on or after the effective date

CONCLUSION

The Board exercises its discretion in determining release suitability of eligible offenders serving indefinite sentences. The Board strives to ensure fairness and systemic participation in all levels of decision making, and to promote individual case consideration when determining release suitability. It serves offenders, victims, community members and other interested parties within the criminal justice system by promoting balanced and objective decision making to help achieve understanding of and participation in its statutory duties. By doing this, the Ohio Parole Board helps the Department of Rehabilitation and Correction achieve transparency in decision making by promoting public confidence in its processes.

REFERENCE LIST

STATUTES

2967.01	Pardon - Parole - Probation Definitions
2967.03	Duties and Powers as to Pardon, Commutation, Reprieve or Parole
2967.07	Written Applications for Pardon, Commutation of Sentence, or Reprieve
2967.12	Notice of Pendency of Pardon, Commutation, or Parole Sent to Prosecutor and Court
2967.13	Eligibility for Parole
2967.132	Parole Eligibility When the Offense is Committed by a Minor
2967.15	Violating Condition of Conditional Pardon, Parole, Other Forms of Authorized Release, Transitional Control, or Post-Release Control
2967.19	Petition for Early Release
2967.191	Reduction of Prison Term or Parole Eligibility Date for Related Days of Confinement
2967.193	Earning Days of Credit
2967.26	Transitional Control Program
2967.271	Presumptions Related to Sentence to Non-Life Felony Indefinite Prison Term
2967.28	Post-Release Controls
2971.04	Termination or Transfer of Control of Sentence of Sexually Violent Predator
5149.01	Adult Parole Authority Definitions
5149.02	Adult Parole Authority
5149.10	Parole Board
5149.101	Full Board Hearings

- 5120.61 Risk Assessment Reports for Sexually Violent Offenders
- 5120.66 Internet Database of Inmate Offense, Sentence, and Release Information

ADMINISTRATIVE RULES

- 5120:1-1-03 Minimum Eligibility for Release on Parole
- 5120:1-1-06 Shock Parole
- 5120:1-1-07 Procedure for Release on Parole and Shock Parole; Factors that Shall be Considered in a Release Hearing
- 5120:1-1-08 Full Board hearings
- 5120:1-1-10 Initial and Continued Parole Board Hearing Dates; Projected Release Dates
- 5120:1-1-11 Procedure of Release Consideration Hearing
- 5120:1-1-15 Pardon, Reprieve, and Commutation of Sentence
- 5120:1-1-18 Release Revocation Hearing
- 5120:1-1-41 Standards for Imposing, Modifying and Reducing Post-Release Control
- 5120-2-03 Determination of Minimum, Maximum and Definite Sentences when Multiple Sentences are Imposed
- 5120-2-031 Determination of Stated Prison Terms and Life Sentences When Multiple Terms or Sentences are Imposed
- 5120-2-032 Determination of Multiple Sentences or Prison Terms with an Offense Committed Before July 1, 1996 and an Offense Committed On Or After July 1, 1996
- 5120-2-04 Reduction of Minimum and Maximum or Definite Sentence or stated prison term for Jail Time Credit
- 5120-2-05 Time Off for Good Behavior
- 5120-2-06 Earned Credit for Productive Program Participation
- 5120-2-07 Days of Credit for Maintaining Minimum Security
- 5120-2-10 Life Sentences
- 5120-2-15 Request for Eighty Percent Court Release
- 5120-12-01 Establishment of a Transitional Control Program and Minimum Criteria Defining Eligibility
- 5120-12-02 Screening, Selection, and Notice of Transfer (transitional control)
- 5120-12-08 Return to Institution for Administrative Reasons (transitional control)

DRC POLICIES

- 105-PBD-01 Clemency Procedure: Death Penalty Cases
- 105-PBD-05 Clemency Procedure: Non-Death Penalty Cases
- 105-PBD-03 Parole Board Release Processes
- 105-PBD-04 Request for Reconsideration and Amendments to Parole Board Actions
- 105-PBD-06 Full Board Hearing
- 105-PBD-08 Post-Release Control Screening and Assessment
- 105-PBD-09 Violation Hearing Process

105-PBD-11 Sexually Violent Predator
105-PBD-13 Statutory Notice
105-PBD-14 80% Court Release
105-PBD-15 Additional Term Hearing
108-ABC-05 Transitional Control Screening

CONTACT INFORMATION

Ohio Parole Board, 4545 Fisher Road Suite D, Columbus, Ohio 43228 (Phone 614-752-1200 or toll-free 888-344-1441) (Fax 614-752-0600)

Bureau of Sentence Computation (BOSC) P.O. Box 2650, Columbus, Ohio 43216 (Phone 614-466-3749)

Office of Victim Services (OVS), 4545 Fisher Road Suite D, Columbus, Ohio 43228 (Phone 614-728-1976 or toll-free 888-842-8464)