

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT:	PAGE <u> 1 </u> OF <u> 7 </u>
Full Board Hearing	SECTION: 105-PBD-06
RULE/CODE REFERENCE: ORC 5149.10, 101; ORC 2967.02, 03, 04, 12	SUPERCEDES: 105-PBD-06 dated 12/23/2005
RELATED ACA STANDARDS: 2-1074, 2-1074-1, 2-1075 2-1082, 2-1085, 2-1091, 2-1093	EFFECTIVE DATE: June 29, 2007
RELATED AUDIT STANDARDS:	APPROVED: <i>Taney J. Collins</i>

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code §5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to standardize a procedure for conducting Full Board Hearings that provide for participation by other segments of the criminal justice system and the public and to promote a better understanding of the hearing process.

**III. APPLICABILITY**

This policy applies to all Department of Rehabilitation and Correction (DRC) employees who participate in preparing and conducting the Parole Board hearings and to the inmates under DRC supervision who are incarcerated serving indefinite sentences for offenses committed before July 1, 1996 or, to those inmates receiving life sentences with the possibility of parole for offenses committed on or after July 1, 1996.

**IV. DEFINITIONS**

**CENTRAL OFFICE BOARD REVIEW (COBR):** A release consideration by at least a majority of the members of the Parole Board. A release consideration may be referred to Central Office Board Review by any parole board member or members. Central Office Board Review does not require that the members be sitting together to consider such a case.

**EXECUTIVE SESSION:** A closed conference held by at least a majority of the Parole Board to consider confidential matters and information.

**FULL BOARD HEARING:** A hearing conducted or a parole release case considered before at least a majority of the members of the Parole Board sitting together when the case meets the criteria for a full board hearing as prescribed in this policy or when the case is submitted to a full board hearing, pursuant to Ohio Revised Code (ORC) §5149.101.

**HEARING OFFICER INTERVIEW:** A part of the release consideration hearing process wherein an inmate personally appears before one or more hearing officers who review and evaluate available

information concerning the inmate's case and formulate a recommendation that is provided to a designated Parole Board member.

INMATE REPRESENTATIVE: A person selected by the inmate to represent him or her at a full board hearing or on office conference day, provided that he or she is not under the jurisdiction of DRC or any other State, Federal or County jurisdiction.

NEWS MEDIA: Any agency that gathers and reports for a general circulation newspaper, news magazine, national or international news service, or radio or television news program holding a Federal Communications Commission License.

OFFICE CONFERENCE DAY: A day scheduled and set aside for the sole purpose of allowing inmate representatives or other interested members of the general public to have a conference with a representative of the Parole Board as approved by the Parole Board Chair or his/her designee.

PANEL HEARING: A hearing wherein an inmate personally appears before a Parole Board hearing panel for the purpose of reviewing and evaluating available information and determining whether to release the inmate to community supervision.

PAROLE BOARD HEARING PANEL: The body of the Parole Board, designated by the Parole Board Chair, to conduct release consideration hearings. A panel may consist of two or more Parole Board members, or one or more Parole Board members and one or more hearing officers.

PAROLE BOARD MINUTES: The official public record of the decisions of the Parole Board.

PETITION PROCESS: A process by which a Parole Board member, hearing officer, or the Office of Victim Services may request that a full board hearing be conducted on a particular case being considered for parole or re-parole.

PREPAROLE CLINICAL RISK ASSESSMENT (CRA): An assessment of an inmate's likelihood of violent and/or sexual re-offending based on a review of specific risk indicators associated with recidivism. The CRA is a clinical summary of specific risk factors, interactions between factors and patterns of high-risk behaviors. The CRA is not a comprehensive psychological evaluation, nor is it to be used for the purpose of planning institutional mental health services.

QUORUM: A majority of the members of the Parole Board.

TESTIMONY: Written, video, audio, or verbal information provided to the Parole Board at a full board hearing.

VICTIM: A person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution of an offender.

VICTIM CONFERENCE DAY: A day scheduled and set aside for the sole purpose of allowing victims or victim representatives to have a conference with a representative of the Parole Board.

VICTIM REPRESENTATIVE: A member of the victim's family or another person who, pursuant to the authority of ORC §2930.02, exercises the rights of a victim.

## V. POLICY

It is the policy of the Department of Rehabilitation and Correction to fulfill its duties relating to Full Parole Board hearings in a manner that is expeditious and fair to all parties involved and in a manner that conforms to the requirements of Ohio Revised Code §5149.10 and §5149.101.

## VI. PROCEDURE

### A. MANDATORY FULL BOARD HEARINGS:

1. Pursuant to the authority of ORC §2967.12 if the inmate being considered for parole or re-parole is serving a commitment for a violation of ORC §2903.01 for aggravated murder or §2903.02 for murder, then a victim, a member of the victim's immediate family or the victim's representative may request IN WRITING that a Full Board Hearing be conducted on the inmate's proposed parole or re-parole.
2. If a victim, a member of the victim's immediate family or the victim's representative requests IN WRITING a Full Board Hearing pursuant to Administrative Rule 5149.101(A)(2), then the board shall schedule and hold such a hearing.

### B. PETITION PROCESS:

All other cases must be referred by the petition process established in ORC §5149.101 to be considered and reviewed for a Full Board Hearing.

1. Whenever an inmate is recommended for parole or re-parole, any Parole Board member, any hearing officer, or the Office of Victim Services, may petition the Parole Board for a full board hearing.
2. Petitions should be submitted to the Parole Board Chair or his/her designee within 30 days of the panel or Central Office Board Review (COBR) hearing which resulted in a recommendation for parole but in all cases, before the inmate has been released.
3. Petitions must be submitted on the form entitled Ohio Parole Board Petition for Full Board Hearing (DRC Form #3233).
4. If multiple petitions for a full board hearing are received for a particular case, then the Parole Board Chair or his/her designee shall incorporate them into one hearing petition.
5. The petition shall be placed on the agenda of any meeting of the Parole Board where at least a majority of the members are present. At such a meeting, by majority vote of those present, there shall be a determination as to whether to grant or deny the petition.
6. In considering a petition for a full board hearing, the Parole Board may vote to either grant the petition or deny the petition. Generally, the Parole Board will grant a petition

unless the petition information does not relate to an offense for which the offender was convicted or whenever the expected testimony does not relate to events substantiated by a conviction.

7. The decision of the board to grant or deny a full board hearing petition is final and not subject to appeal and will be provided to the petitioner in writing.
8. If the Parole Board decision is to grant a full board hearing, then, a stop letter shall be sent to the correctional institution to stop the inmate's release on parole.

C. HEARING NOTIFICATION:

1. Whenever a full board hearing is to be held, the following persons or offices shall be notified of the date, time, and place of the full board hearing:
  - a. The Judge of the Court of Common Pleas who imposed the sentence of incarceration upon the inmate, or the presiding Judge.
  - b. The Prosecuting Attorney of the county in which the indictment against the inmate was issued.
  - c. The Office of the Clerk of Courts of the county from which the inmate was sentenced.
  - d. The Office of Victim Services.
  - e. The victim or victim representative of the offense for which the inmate is serving a sentence, provided that a request to be notified has been received pursuant to ORC §2967.12, and/or
  - f. The victim of any behavior that resulted in parole being revoked provided that a request to be notified has been received pursuant to ORC §2967.12.
  - g. The inmate or inmate representative.
  - h. The Office of Public Information.
2. The above notification shall conform to the statutory requirements of §2967.12 of the Ohio Revised Code and, to the extent administratively possible, will allow at least 45 calendar days from the date of the notification to the date of the hearing. The notification shall also indicate that the recommended action to be considered at the full board hearing is a release and shall specify any recommended special conditions of that release.
3. Included in the notice to any potential attendees at the hearing will be information regarding the dress code and age restrictions.

**D. ATTENDANCE:**

The following persons may attend a full board hearing and may, at their discretion, provide oral and/or written testimony and information to the Parole Board at the hearing, or they may, at their discretion, submit a written statement instead of attending the full board hearing. If opting to submit a written statement instead of attending, these persons may also designate that their written statement be read during the applicable testimony portion of the hearing or be identified as a confidential statement to be considered by the Parole Board in executive session:

1. The prosecuting attorney of the county of indictment;
2. Any law enforcement agency(s) that assisted in the prosecution of the case;
3. The sentencing judge or the judge's successor;
4. The victim (or victim's representative) of an offense for which the inmate is serving a sentence;
5. The victim of any behavior that resulted in parole being revoked; and
6. An inmate representative (family member, personal friend, employer, clergy, or attorney).
7. The Parole Board Chair or his/her designee, at his or her discretion, may permit other persons to attend if space is available.
8. Unless the attendee is the victim of an offense for which the inmate is serving a sentence or the victim of any behavior that resulted in parole revocation, no person shall be permitted to attend or observe the hearing who is less than 16 years of age.

**E. MEDIA:**

Members of the news media who are members of a generally recognized professional media organization may attend a full board hearing. All media organizations must submit notice of their attendance in writing to the Parole Board Chair or his/her designee a minimum of five business days prior to the hearing. Notices will be considered by the Parole Board Chair or his/her designee and the DRC Public Information Officer. Permission to attend the hearing will be made on a first come, first served basis, and will be based upon the availability of space. News media attendees will be required to comply with the standards and procedures as set forth in DRC Media Policy 01-COM-09. The media must be escorted at all times by a designated staff person. Live broadcasts of the hearing by television, radio or other telecommunication technology are prohibited. Interviews are allowed and may be recorded by video, audio, handwritten notes or other methods, with prior approval.

**F. INMATE REPRESENTATION:**

1. The inmate does not have a right to attend a full board hearing, however, an inmate representative may attend to speak on behalf of the inmate. Any additional

speakers on behalf of the inmate may be approved at the discretion of the Parole Board Chair or his/her designee.

2. Inmate representatives must not be under the jurisdiction of the Department of Rehabilitation and Correction or any other State, Federal or County jurisdiction for having committed a felony. Inmate representatives, for the purpose of attending full board hearings, shall be limited to family members, personal friends as designated on the institution mail and visiting list, employers, clergy, or attorneys. Special interest groups, reform groups or other interested persons will not be permitted to serve as an inmate representative.

G. HEARING DECORUM:

All participants and observers must be seated in the hearing room prior to the beginning of the hearing. Persons arriving after the hearing has begun may be excluded from the hearing. Any person, whose behavior or decorum causes any disruption in the hearing, will be asked to leave the hearing room.

H. PRE-HEARING PREPARATION:

1. Files for full board hearings shall be prepared by a designated Parole Board staff member and shall be provided to each Parole Board member prior to the hearing. All relevant information including, but not limited to, information from the sources described in Administrative Rules 5120:1-1-08 and 5120:1-1-09, whenever reasonably obtainable, is to be provided.
2. The names of all attendees for both the inmate and the victim shall be submitted to the Parole Board Chair or his/her designee no later than five (5) business days prior to the scheduled hearing date. This submission shall also include the designation of which attendees will be providing testimony at the hearing. Thereafter, changes to attendees and those presenting testimony will only be permitted for very extenuating circumstances and only by approval of the Parole Board Chair.

I. TESTIMONY:

The order in which testimony is presented shall be determined by the Parole Board Chair, or his/her designee, but most generally will be in the following order:

1. The inmate representative;
2. Law enforcement;
3. The prosecutor of the County of indictment;
4. The sentencing judge or the judge's successor;
5. The victim of an offense for which the inmate is serving a sentence, or the victim's representative; and/or

6. The victim or victim's representative of any behavior that resulted in parole being revoked.

All testimony shall be given from the designated table or podium and shall be limited to five minutes in length. Testimony in the form of video, audio or in written form presented at the time of the hearing may be excluded if it duplicates live testimony or is irrelevant.

J. CONFIDENTIALITY:

ORC §5149.101 provides that the victim or victim's representatives may request that news media be excluded while the victim or the victim's representative is giving testimony at the hearing. Such a request may be made in advance of the hearing. If the victim has not made a request in advance, the Parole Board Chair or his/her designee, in coordination with the Office of Victim Services, will ask the victim prior to the hearing if the news media should be excluded. If so excluded, following the victim's testimony, the media representatives will be readmitted to the hearing room.

K. VOTE:

After hearing all of the testimony of those present at the hearing, the Parole Board shall move into executive session for purposes of deliberation. By a majority vote, the board shall make one of the following decisions:

1. To approve the recommendation to parole, to delayed parole, or for a future projected release date; or
2. To disapprove the recommendation to parole, to delayed parole, or for a projected release date and establish the next date for release consideration; or
3. To disapprove the recommendation for a projected release date and establish a different projected release date; or
4. To defer its decision to a subsequent Full Board Hearing. In the case of a tie vote the Chief of the Adult Parole Authority or his/her designee will cast the deciding vote.

L. NOTIFICATION OF THE DECISION:

1. Prior to the announcement of the decision, designated Parole Board staff shall notify correctional institution staff, who shall inform the inmate of the decision of the full board.
2. The decision of the full board will be announced at the conclusion of the executive session or, at the discretion of the Parole Board Chair or his/her designee, the decision may be announced at a subsequent meeting of the full board.

**FORMS:**

**DRC 3233**

DRC 1362