



Ohio Administrative Code

Rule 5120:1-1-07 Procedure for release on parole and shock parole; factors that shall be considered in a release hearing.

Effective: July 29, 2021

(A) An inmate may be released on or about the date of his eligibility for release, unless the parole board, acting pursuant to rule 5120:1-1-10 of the Administrative Code, determines that he should not be released on such date for one or more of the following reasons:

(1) 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;

(2) 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;

(3) 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;

(4) There is need for additional information upon which to make a release decision.

(B) 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:

(1)

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.



(2) 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:

(a) Any official report of the inmate's prior criminal record, including a report or record of earlier probation or parole;

(b) Any presentence or postsentence report;

(c) The presence of outstanding detainers against the inmate;

(3) 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:

(a) Any reports of physical, mental or psychiatric examination of the inmate;

(b) Any reports prepared by any department of rehabilitation and correction staff member relating to the inmate's personality and social history.

(c) Any reports or information related to the inmate's substance abuse history.

(4) 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.

(5) 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.



- (6) 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.
- (7) Any communications from a victim or victim's representative;
- (8) The degree and substance of community support or opposition to release;
- (9) The recommendation of the inmate's defense counsel, including comments made on current sentencing ranges;
- (10) Written or oral statements by the inmate, other than grievances filed under rule 5120-9-31 of the Administrative Code.
- (11) 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:
 - (a) The inmate's employment history and his occupational skills;
 - (b) The inmate's education, vocational training, and other training
 - (c) 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;
 - (d) The inmate's family situation and other support system, including:
 - (i) The inmate's family status, including whether his relatives intend to support his or her plan for release;
 - (ii) Whether he or she has other pro-social associations in the community to which the inmate plans



to be released;

(iii) The availability of adequate housing;

(iv) The availability of community resources to assist the inmate;

(12) The age of the inmate at the time of the offense and the diminished culpability of youth, to include: immaturity and failure to appreciate risks and consequences, where applicable.

(13) The family and home environment of the inmate at the time of the offense.

(14) The degree to which the inmate demonstrates that the inmate has changed during the term of incarceration, which includes, but is not limited to, consideration of the inmate's level of motivation to successfully reenter society and whether the inmate demonstrates an understanding of the inmate's risk factors and crime cycle, and any subsequent growth or increase in maturity during imprisonment.

(15) The following mitigating factors will be considered by the board for inmates whose parole eligibility is determined under 2967.132:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(16) Any other factors which the board determines to be relevant.

(C) The consideration of any single factor, or any group of factors, shall not create a presumption of release on parole, or the presumption of continued incarceration. The parole decision need not expressly address any of the foregoing factors.