



## Ohio Administrative Code Rule 5120:1-1-08 Full board hearings.

Effective: January 15, 2022

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(A) A full board hearing shall be conducted by the parole board regarding the proposed parole or re-parole of an offender under the following circumstances:

(1) A board hearing officer, board member, or the office of victims' services petitions the board for a full board hearing and the board members determine by a majority vote that a full board hearing shall be held.

(2) The proposed parole or re-parole involves a prisoner serving a sentence for a violation of section 2903.01 of the Revised Code; a violation of section 2903.02 of the Revised Code; the commission of an offense of violence as defined in section 2901.01 of the Revised Code if the offense of violence is a felony of the first, second, or third degree; or the commission of an offense punished by a sentence of life imprisonment and a written petition for a full board hearing is filed by one or more of the following:

- (a) The victim's representative;
- (b) The spouse of the victim of the original offense;
- (c) The parent or parents of the victim of the original offense;
- (d) The sibling of the victim of the original offense; or
- (e) The child or children of the victim of the original offense.

(B) Petitions for a full board hearing under paragraph (A)(1) or (A)(2) of this rule shall be filed in such manner that the parole board prescribes.

(C) In determining whether to grant or deny a petition filed under paragraph (A)(1) of this rule, the



board shall consider whether the information provided in the petition is relevant to the issue of whether the inmate is fit to be at liberty without being a threat to society, whether paroling the inmate would further the interests of justice, and whether paroling the inmate would be consistent with the welfare and security of society. The decision to grant or deny a full board hearing petition filed under paragraph (A)(1) of this rule is final and shall not be subject to any appeal.

(D) If a petition filed pursuant to paragraph (A)(1) of this rule is granted by the parole board or a petition is filed pursuant to paragraph (A)(2) of this rule, the parole board shall not make a final decision regarding the proposed parole or re-parole until after the full board hearing is held.

(E) At least thirty days before a full board hearing, the department of rehabilitation and correction shall give notice of the date, time, and place of the hearing to a victim regardless of whether the victim has requested the notification, unless the victim has requested that notice not be provided to the victim.

(1) If the notice pertains to an offense committed before March 22, 2013 and if the department has not previously successfully provided notice to the victim with respect to that offense and the inmate who committed it, the notice also shall inform the victim that the victim may request that the victim not receive any further notices with respect to that offense or the inmate who committed it and shall provide the procedure for making that request.

(2) At least thirty days before a full board hearing and regardless of whether the victim has requested the notification, the department shall provide notice to the prosecuting attorney in the case; the law enforcement agency that arrested the inmate if any officer of that agency was a victim of the offense; and, if different than the victim, the person who requested the full board hearing.

(3) Upon the request of the prosecuting attorney or a law enforcement agency that has not previously been provided an institutional summary report pertaining to the inmate who is the subject of the full board hearing, the department shall provide to the requesting prosecuting attorney or agency an institutional summary report that summarizes the inmate's training, work, and other rehabilitative activities during the inmate's confinement. The report also shall summarize any disciplinary action taken against the inmate during the inmate's confinement.



(4) The notices required under this paragraph may be provided by ordinary mail, telephone, or electronic means.

(F) Full board hearings may be held virtually at the chair's discretion. The following persons shall be permitted to appear at a full board hearing held pursuant to this rule and offer an oral statement. Such persons may submit a written statement in addition to, or in lieu of, appearing at the hearing:

(1) The prosecuting attorney of the county of indictment;

(2) Members of any law enforcement agency or agencies that assisted in the prosecution of the original offense;

(3) The sentencing judge or the judge's successor;

(4) The victim of the original offense for which the inmate is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;

(5) The victim of any behavior that resulted in the offender's parole being revoked;

(6) In the case of a full board hearing being held pursuant to paragraph (A)(2) of this rule, the spouse; parent or parents; sibling; child or children of the victim of the original offense; and

(7) A family member, personal friend, employer, clergy, or attorney acting as the inmate's representative, provided that the following individuals and groups may not act as an inmate representative at a full board hearing held pursuant to this rule:

(a) A person in the custody or under supervision by the department of rehabilitation and correction or any other local, state, or federal jurisdiction for having committed a felony.

(b) Special interest groups, reform groups, or other advocacy groups.

(G) Subject to paragraphs (F)(7)(a) and (F)(7)(b) of this rule, the chair of the parole board or the chair's designee may authorize interested persons in addition to those identified in that division to



attend a full board hearing and to present oral and/or written statements in connection with the hearing. No person who is less than sixteen years of age on the date of the hearing shall be permitted to attend the hearing unless that person is the victim of the original offense for which the inmate is serving the sentence or is the victim of any behavior that resulted in parole revocation.

(H) The offender whose parole or re-parole is the subject of the full board hearing has no right to be present at the hearing.

(I) Members of the news media may attend a full board hearing held pursuant to this rule, provided that:

(1) Media shall be excluded when the victim or the victim's representative has requested that news media be excluded while the victim or the victim's representative presents to the board; and

(2) The chair of the parole board or the chair's designee may limit the number of media representatives present at a full board hearing when space considerations make it impossible to accommodate every media representative who wishes to attend.

(J) At the conclusion of the hearing, the parole board shall move into executive session for purposes of deliberation. By a majority vote, the board shall take one of the following actions:

(1) Issue a parole or a delayed parole on or after date;

(2) Establish a future hearing date for release consideration; or

(3) Defer its decision to a subsequent full board hearing.

(K) If the proposed parole or re-parole involves an offense of a type described in paragraph (A)(2) of this rule that resulted in the death of the victim, the individual who petitioned for the full board hearing may show at the hearing a video not exceeding five minutes in length that memorializes the victim.

(L) The chief of the adult parole authority may participate in a full board hearing in the place of an



absent parole board member and shall be present during the deliberations described in paragraph (J) of this rule. The chief shall participate at the hearing and during the executive session to establish the number of parole board members required to be present at a full board hearing when appointed members are not otherwise available. The chief of the adult parole authority shall also cast the deciding vote in the event that there is a tie vote among the members of the board present at the hearing. The chief of the adult parole authority shall not otherwise participate in full board hearings or deliberations.