



## Ohio Administrative Code

### Rule 5120:1-1-11 Procedure of release consideration hearing.

Effective: January 15, 2022

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- (A) A hearing shall be held by the parole board prior to the release of an inmate in a state correctional institution pursuant to rule 5120:1-1-07 of the Administrative Code.
- (B) The decisions of the parole board which result from the hearings shall be recorded and published in its official minutes.
- (C) As determined by the parole board chair or designee, a release consideration hearing may be conducted by a hearing panel that may consist of one or more parole board members. Hearing officers may assist parole board members on hearing panels if administratively necessary for the purpose of making a recommendation for or against release to a parole board member.
- (D) Except for full board hearings and death penalty clemency hearings, each hearing or interview shall be conducted with the inmate personally present or present via telecommunications, unless the parole board chair or designee determines for good cause shown that attendance by the inmate is inappropriate or unwarranted.
- (E) A hearing officer interview with the inmate may be conducted by a parole board hearing officer as designated by the parole board chair for the purpose of making a recommendation for or against release to a parole board member.
- (F) The inmate's attorney is permitted to appear at the institution panel hearing of an inmate whose parole consideration is determined under section 2967.132 of the Revised Code
- (G) Following a hearing, the decision or recommendation shall be communicated to the inmate in writing as soon as administratively possible thereafter unless, in the judgment of the hearing body, an undue risk to the security of the institution or to a person or persons would thereby be created.
- (H) In the event the decision of the parole board is to deny release of an inmate, the inmate and



warden shall be furnished within fourteen working days after the decision is finalized:

(1) A written notice stating the grounds under rule 5120:1-1-07 of the Administrative Code upon which such determination was based, indicating which of the factors specified in rule 5120:1-1-07 of the Administrative Code were considered as significant to its decision;

(2) A written notice of the date on or about which the inmate shall be entitled under rule 5120:1-1-10 of the Administrative Code to another release hearing.

(I) Prior to any release consideration hearing, notice of the hearing shall be provided to the judge, the prosecutor, any victim or victim's representative who is required to be given notice under section 2930.16 of the Revised Code; the law enforcement agency that arrested the inmate if any officer of that agency was a victim of the offense and is required to be given notice under that section; and any member of the victim's immediate family as defined in section 2967.12 of the Revised Code when the family member has requested notification and is required to be given notice under section 2930.16 of the Revised Code. Notice shall be provided within the time frames specified in that section. In the case of a notice that pertains to an aggravated murder; murder; an offense of violence as defined in section 2901.01 of the Revised Code of the first, second, or third degree; or an offense for which a sentence of life imprisonment was imposed, if the offense was committed before March 22, 2013 and the department of rehabilitation and correction has not previously successfully provided notice to the victim with respect to that offense and the inmate who committed it, the notice 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. Such notice shall describe the procedure for requesting that further notices not be provided. A notice provided under this paragraph to a victim, victim's representative, or a member of the victim's immediate family that relates to an aggravated murder; murder; an offense of violence as defined in section 2901.01 of the Revised Code of the first, second, or third degree; or an offense for which a sentence of life imprisonment was imposed also shall inform the recipient of the recipient's right to request a victim conference under rule 5120:1-1-14 of the Administrative Code, shall describe victim conferences, and shall describe the procedure for requesting a victim conference. If the recipient of a notice provided under this paragraph has the right to petition for a full board hearing under paragraph (A)(2) of rule 5120:1-1-08 of the Administrative Code, the notice shall inform the recipient of the right to give testimony at a full board hearing and that the recipient may contact the adult parole authority for additional



information. The department of rehabilitation and correction may utilize ordinary mail, telephone, or electronic means to provide the notices required under this paragraph.

(J) In the event a hearing is continued, notice of such continuance and the date of next hearing shall be provided to the parties identified in paragraph (H) of this rule at least sixty days prior to the date of the continued hearing in the manner prescribed in that paragraph.

(K) Upon the request of a prosecuting attorney or of any law enforcement agency, the department shall provide to the requesting prosecuting attorney or agency an institutional summary report that summarizes the offender's training, work, and other rehabilitative activities during the offender's confinement. The report also shall summarize any disciplinary action taken against the offender during the offender's confinement. In the event a hearing is continued, any prosecuting attorney or law enforcement agency that was previously provided an institutional summary report shall be provided any new information that relates to the activities and actions covered by the report.