



Ohio Administrative Code

Rule 5120:1-1-17 Responding to release violations.

Effective: January 15, 2022

(A) Pursuant to rules 5120:1-1-12 and 5120:1-1-41 of the Administrative Code, the parole board has significant discretion to impose conditions of release and post-release control sanctions designed to protect the public and promote the offender's successful reintegration into the community. This rule does not limit any discretion to impose special conditions or post-release control sanctions that exist under those rules.

(B) Whenever an offender under the supervision of the adult parole authority commits a violation of the conditions of release or post-release control sanction, the authority will take appropriate steps in response to the violation behavior. These steps may range from warning the releasee to refrain from future violation behavior to revocation of release or the imposition of a prison sanction. Parole officers, supervisors, and hearing officers have discretion to reasonably impose various sanctions in response to violation behavior. The division of parole and community services may adopt specific procedures to carry out the purpose of this rule.

(C) When considering the imposition of further sanctions, the parole officer or the parole board shall consider the degree of seriousness of the violation and the risk and needs assessment of the offender. If a post-release control sanction is violated, the factors in paragraph (E) of rule 5120:1-1-41 of the Administrative Code that were considered when the violated sanction was originally imposed shall again be considered. In general, the most restrictive sanction imposed for most violations of the conditions of release that do not constitute new criminal offense behavior will be a nonresidential community sanction. Sanctions that may be imposed by the adult parole authority without a hearing include, but are not limited to, the following:

- (1) Community service;
- (2) Office reporting;
- (3) Upgrades in supervision levels;



- (4) Mandatory employment;
- (5) Structured supervision activities;
- (6) Summons before a unit supervisor;
- (7) Substance abuse monitoring/treatment;
- (8) Residential curfew;
- (9) More frequent reporting requirements;
- (10) Formal written reprimand;
- (11) Program placement;
- (12) Summons to appear before the parole board for review of the offender's performance on release.
- (13) Electronic monitoring.

(D) The following sanctions may be imposed for violations of post-release control sanctions or a condition of supervision only by a parole board member or hearing officer at a hearing:

- (1) Increase in the duration of the period of post-release control.
- (2) A prison term sanction not to exceed nine months when post-release control is the only form of supervision for which the offender is being supervised. The maximum cumulative prison term sanction for all violations shall not exceed one-half of the original stated prison term, or, with respect to a stated non-life felony indefinite prison term, one-half of the minimum prison term that was imposed as part of that stated prison term. The maximum cumulative prison sanction includes any time served prior to the hearing. A parole board member or hearing officer imposing a sanction of confinement under this paragraph may require that the sanction be served in a state correctional



institution, local jail, community-based correctional facility, or other locked facility approved by the division of parole and community services.

(3) Revocation of release if the offender is being supervised on parole or the parole term is the controlling sentence.

(E) If the adult parole authority reports the violation of a condition of supervision or a post-release control sanction to the parole board for a hearing, then the hearing shall be conducted in accordance with rule 5120:1-1-18 of the Administrative Code.

(F) In determining whether paragraph (B)(1) of rule 5120:1-1-12 of the Administrative Code has been violated, the fact that there has been no criminal conviction or prosecution shall not prevent the adult parole authority from responding to the violation behavior. Such response may include, but is not limited to, the commencement of revocation proceedings pursuant to rules 5120:1-1-18 and 5120:1-1-19 of the Administrative Code. Both of the following apply with regard to revocation:

(1) A judicial determination that the violation of law or ordinance has not been proven beyond a reasonable doubt or a dismissal of the criminal charges by the prosecutor shall not, for purposes of revocation of release, preclude the parole board from finding a violation of law or ordinance. For purposes of revocation of release, the commission of a violation of release may, under paragraph (A)(3) of rule 5120:1-1-18 of the Administrative Code, be established on the basis of the preponderance of the evidence, taking the record as a whole.

(2) A finding of "no probable cause" by a magistrate with regard to pending criminal charges shall not affect the finding of a violation of paragraph (B)(1) of rule 5120:1-1-12 of the Administrative Code when additional evidence not considered by the magistrate is considered at the revocation hearing held pursuant to rules 5120:1-1-18 and 5120:1-1-19 of the Administrative Code. If no additional evidence is considered at the revocation hearing, the judicial determination of "no probable cause" shall conclusively establish that the offender has not violated paragraph (B)(1) of rule 5120:1-1-12 of the Administrative Code.