


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Victim Notification	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 03-OVS-04
RULE/CODE REFERENCE: ORC 2967.26; 5149.01; 2930.16; 2967.12	SUPERSEDES: 03-OVS-04 dated 02/07/2001
RELATED ACA STANDARDS: 2-CO-4G-02	EFFECTIVE DATE: April 19, 2008
RELATED AUDIT STANDARDS:	APPROVED: 

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 establish a policy and procedures governing the process of victim notification in regard to the Parole Board hearing process and other events regarding offenders under the custody or supervision of the Department.

III. APPLICABILITY

This policy applies to all Department staff engaged in the processing of information provided by victims and information related to the notification of victims of crime.

IV. DEFINITIONS

Bureau of Community Sanctions (BCS): That bureau in the Division of Parole and Community Services that oversees community-based correctional facilities, community corrections act programs, independent housing, transitional control and electronic monitoring.

Conditions of Supervision: Those general and special rules and regulations with which offenders are expected to comply as a part of the criminal sentencing sanction of basic supervision or intensive supervision, as requirements of probation or parole supervision under former law or as a requirement of other forms of community supervision. Conditions of supervision include the requirements that an offender obey the law, maintain appropriate contact with the parole officer, and obtain permission from the supervising officer before changing residence.

Courtesy Victim Representative: A person who is not the victim of the instant offense, but who has been adversely affected because of an act committed by the offender or local justice professional who was involved in the case.

Intensive Prison Program (IPP): A 90-day program during which eligible inmates participate in intense programming.

Office of Victim Services (OVS): Established by Ohio Revised Code 5120.60 to provide information, support and educational services to crime victims, staff of the Department and the community.

Release Consideration Hearing: A hearing conducted by a Parole Board panel or Full Board to determine if release is appropriate for an inmate.

Transitional Control (TC): When an offender is released from prison pursuant to Ohio Revised Code (ORC) 2967.26, under the jurisdiction of the Bureau of Community Sanctions and the Adult Parole Authority.

Victim: A person who has been directly or indirectly affected or has suffered from an act committed by an offender.

Victim Information and Notification Everyday (VINE): An automated telephone notification system that is administered by the Appriss, Inc, that crime victims may register through for additional notification separate and apart from OVS's internal notification process.

Victim Representative: The designated family member of a victim or an official representative of the victim. For this policy, references to victims will also apply to the representative/designated family member.

Violation Hearing: An administrative hearing conducted by a representative(s) of the Parole Board or designee of the Chief of the Adult Parole Authority to determine whether an offender has violated one or more of the conditions of release and, if so, the specific sanction that should be imposed upon the offender.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction, upon the request of victims or victims' representatives, to notify them of the inmate's scheduled appearances before the Parole Board for release consideration. These individuals will also be given the opportunity to submit information for consideration at the upcoming hearing and be advised of the subsequent Parole Board decision. The OVS will also notify registered victims of an inmate's expiration of stated term and such events as funeral visits, escapes, inmate deaths, and some court appearances. All information received from victims or victims' representatives is considered confidential and will never be placed in institutional records or files.

VI. PROCEDURES

A. Registration For Victim Notification

1. The Office of Victim Services (OVS) shall maintain a Victim Notification Section to process and respond to requests by crime victims for notification. OVS staff are encouraged to inform individuals requesting notice that parole board hearing information can be obtained by viewing the department website.
2. To receive notification from the OVS, victims shall:

- a. Request that the OVS notify them by completing a Victim Notification Form (DRC3193), submitting a letter requesting notification, requesting notification by phone, or registering for OVS notification through the Victim Information and Notification Everyday system (VINE);
 - b. Inform the OVS in writing of all changes of address and/or telephone numbers.
3. The OVS will acknowledge receipt of victims' request for notification and provide any hearing or expiration of sentence data, if known. The acknowledgement letter will contain the telephone number and address of the OVS.
 4. A file containing the victim's name, current address and telephone number will be created within the computerized database for each victim requesting notification. It is the victim's responsibility to provide any changes in this information so that the OVS can maintain current contact information as it changes while they are registered with OVS.
 5. Other individuals with special interest in a particular inmate (e.g. law enforcement, former spouses, etc.) may register for "courtesy notification". While those registered as a courtesy do not have the same standing as a crime victim registered, OVS shall still provide notification to them.

B. Victim Input Into Decision-Making

1. Interstate Compact: In accordance with Interstate Commission for Adult Offender Supervision Rule 3.108, OVS will notify registered victims of Interstate Compact issues.
2. Transitional Control: At least three weeks prior to an offender being transferred to Transitional Control, OVS shall notify registered victims and inform them of their right to provide input to the Adult Parole Authority regarding the impact of this transfer.
3. Hearing Notification: At least three weeks prior to the adult parole authority recommending a pardon, commutation of sentence or prior to a release consideration hearing, OVS shall notify registered victims of the event and inform them of their right to submit a statement for consideration.
4. Submission of Materials to the Parole Board: Victims may submit any information regarding an inmate, including photographs, video/audio tapes/cds/dvds and written correspondence during a victim conference day appointment or at any other time throughout the offender's incarceration. These materials shall be kept on file in the OVS or Central Office records and forwarded and/or accessed by the Parole Board staff for use during its deliberations regarding the case.
5. Notification of Release: OVS shall notify registered victims of an offender's release from prison and the terms and conditions of the release.
6. Full Board Hearing: When the Parole Board has made a recommendation for the release of an inmate, OVS may petition the Parole Board to conduct a Full Board Hearing. If the petition is accepted, the victim or his/her representative, a victim of violation behavior, the

prosecutor from the county in which the indictment against the offender was found, members of any law enforcement agency that assisted in the prosecution of the offense, and the judge and his/her successor from the Common Pleas Court who imposed the sentence are permitted to make a presentation regarding the case and/or the impact of the crime. While the offender is not present at a Full Board Hearing, he/she does have representation.

7. Violation Hearings: When an offender appears at a hearing regarding the violation of parole or post release control, the victim is encouraged to be present and give testimony. OVS staff or volunteers may provide support to victims throughout the violation hearing process.

C. Victim Conference Day

1. The Parole Board Chairperson shall make staff available each month for victims to meet with a Parole Board representative to discuss upcoming cases.
2. The OVS shall coordinate Victim Conference Day for the Parole Board, which includes scheduling of appointments, preparing for the day and coordinating all activities through the Parole Board related to the Victim Conference Day.
3. Victims may submit any information regarding an inmate, including photographs, video/audio tapes/CDs/DVDs and written correspondence during this appointment or at any other time throughout the offender's incarceration.
4. Victims may arrange to speak with a Board representative in person or by telephone. If an in-person conference is requested, a maximum of three people may attend, unless prior approval is secured through the OVS staff person coordinating that Victim Conference Day appointment.
5. In the event a victim requests to meet with the same Parole Board representative they met with during a previous Victim Conference Day, if operationally feasible, the Parole Board shall attempt to fulfill this request.
6. The Parole Board Representative shall summarize each victim conference on form Victim Conference Notes/Parole Board/Hearing Officer (DRC8013). This form shall be placed in the Parole Board's file which contains inmate information for review at the release consideration hearing.

D. Coordination Between OVS And Institution Staff

1. OVS shall forward a copy of the acknowledgement letter sent to victims at the time of registration to the appropriate institution record office. To preserve victim confidentiality, this copy of the letter shall have the name and address of the victim deleted.
2. The Warden's Office staff or Record Office staff shall notify OVS if an inmate with a registered victim is:
 - a. Being sent out to court for any hearings
 - b. Set for a new hearing date contrary to the previous correspondence

- c. Any significant change in the inmate's release date
 - d. Approved funeral/death bed visit
 - e. Escapes from custody or erroneous release, in all instances involving an inmate escape or erroneous release, OVS is given prompt notification of the incident and notice of the capture of the offender after escape or erroneous release. The institution shall make sure the 24-hour phone numbers for OVS are posted in the Control Center to help insure OVS is notified in the event of escape or erroneous release.
 - f. Other change in status at the institution level that would warrant victim notification
3. Record Office staff reviewing cases for possible advancement of hearing dates (due to earned credit etc.) shall include notice to OVS 90 days in advance, for any case with a victim notification request.

E. Coordination Between OVS And Parole Board Staff

1. When a case before the Parole Board for release consideration includes a victim notification request, one of the Parole Board Parole Officers shall check the date of the victim notification letter to verify that it was sent at least 21 days prior to the hearing. If not, the case shall be rescheduled to permit OVS to provide proper notification.
2. If the hearing panel decides for any reason to reschedule a hearing that requires victim notification, the panel shall, in most instances, allow at least 60 days before the next hearing date to ensure adequate time for OVS to notify the victim of the rescheduled date.
3. At Parole Violator Re-commissioned Hearings, the Parole Board panel member shall verify that notice was sent to all registered victim(s) including those registered under a previous offender number. If it appears that notice was not sent to the victim(s) at least 21 days prior to the hearing, the case shall be rescheduled.
4. Within 30-45 days following a Parole Board Hearing, OVS shall notify the victim of the Parole Board's recommendation.
 - a. If release is denied, the notification shall include the inmate's next hearing date or the date the inmate's sentence will expire.
 - b. If release is granted, the notification shall state the type of release, any special conditions placed on the inmate, and if known, the name of the Parole Officer who will be responsible for supervising this inmate upon release.
5. Victims requesting special conditions be placed on an offender upon release or that an offender be placed on post release control should submit this request in writing to OVS. OVS shall make this request known to the Parole Board for consideration.
6. In the event that OVS receives a request for victim notification after a release consideration hearing has been conducted and the recommendation is to release the offender, OVS will notify the victim of the results of the hearing. Should a victim in such a circumstance contact OVS with new information regarding the case, OVS will so advise the Parole Board Chair, or

if more appropriate, petition the Board for a Full Board Hearing at the victim's request. It is the Chair's discretion to determine whether to reschedule the hearing or modify the release action to include special conditions.

7. If request for notification is received after the actual release of an offender, OVS shall immediately notify the victim of the offender's status.

F. Coordination Between OVS And The VINE System

1. Victims may register for notification through VINE for the following:
 - a. Pending release of an inmate – VINE will notify registered victims approximately 30 days prior and 2 days prior to an inmate's actual release from an institution
 - b. Actual release of an inmate – VINE will notify registered victims after an inmate has been released from an institution
2. While the Ohio Attorney General's Office – Crime Victim Services Section is considered the central coordinator for Ohio's VINE system, OVS facilitates the Statewide VINE Coalition Advisory Board meetings. This group includes representatives from DRC, Department of Youth Services (DYS), Buckeye Sheriff's Association, Appriss, Inc. (parent company of the VINE system), Community Victim Representatives, as well as any other member deemed necessary to effectively coordinate the VINE system statewide.

Related Department Forms:

Victim Notification Form	DRC3193
Victim Conference Notes/Parole Board/Hearing Officer	DRC8013