


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 04/19/08
RELATED ACA STANDARDS: 4-4447; 4-APPFS-1A-04; 2-1074-1; 2-1128-1	EFFECTIVE DATE: April 17, 2010
	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

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.

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

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 Office of Victim Services 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 by letter. Consistent with the law of the jurisdiction, registered victims will receive notifications that include, but are not limited to:
 - a. Notice of any type of hearing regarding offender's sentence;
 - b. Notice of offender's release from confinement or supervision;
 - c. Notice immediately after the offender's escape and subsequent apprehension.
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 the 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 the Bureau of Records Management 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, the 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 Parole 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 a Victim Conference Notes/Parole Board/Hearing Officer form (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 Managing Officer'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 and/or parole hearing 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 ensure 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.

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 calendar 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 calendar days before the next hearing date to ensure adequate time for OVS to notify the victim of the rescheduled date.
3. Within 30 to 45 calendar 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 that it was the decision of the Ohio Parole Board to propose a parole release for the above offender. A final decision will be deferred until it is determined whether a petition for a Full Board Hearing will be submitted. Qualifying victims will be provided with the information on how to request a Full Board Hearing within the required time frame.
4. 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.
 5. 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.
 6. 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
 - c. Transfer of an offender – VINE will notify registered victims after an offender has been transferred to another institution and provide them with the name and location of the current institution.
 - d. Eligibility of Intensive Program Prison (IPP) – VINE will notify registered victims when an offender becomes eligible to be placed into an IPP.
 - e. Approved to be placed into the Transition Control (TC) Program – VINE will notify registered victims when the Parole Board approves an offender to be placed into the TC program.
 - f. Final release from supervision – VINE will notify registered victims when the offender completes that supervision period and is granted a final release.
 - g. Parole hearing notices – VINE will notify registered victims when the offender has an upcoming hearing in front of the Parole Board.
 - h. Death of offender – VINE will notify registered victims and request that they contact OVS when an offender has died. OVS will provide the notification.
 - i. Escape of an offender – VINE will notify registered victims and request that they contact OVS when an offender escapes. OVS will provide the notification.

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