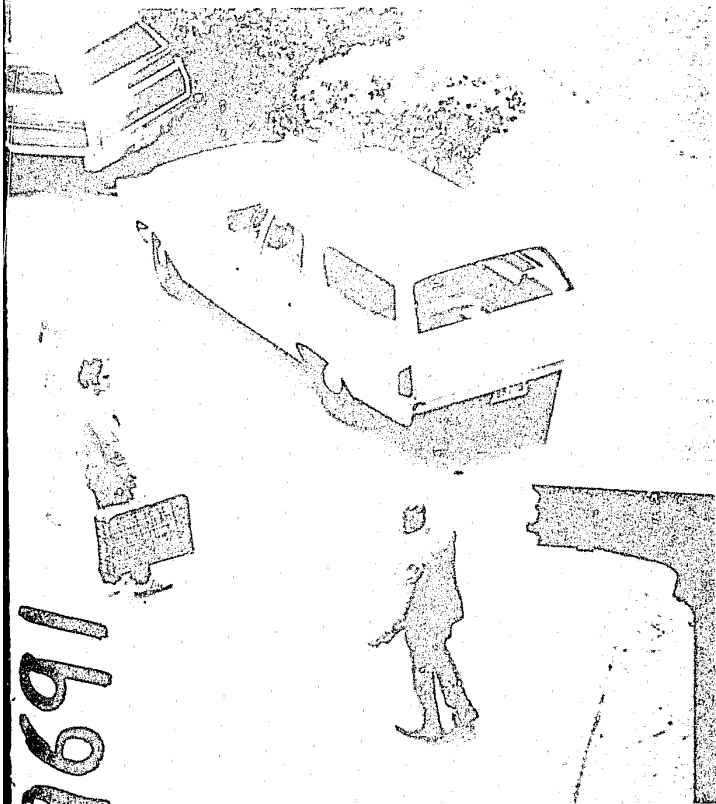


PRISON RELEASE IN OHIO



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STATE OF OHIO

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THIS BOOKLET is to inform the public about Ohio's prison release laws and procedures. Since all releases from prison are determined by law, the booklet will cover such topics as shock probation, shock parole, furlough, and expiration of sentence. These release procedures — while they require Adult Parole Authority action — have all been authorized by the State Legislature.

The word parole comes from the French and means promise or word of honor. In return for a promise of good behavior, the state legally releases an offender into society under supervision. The hope is that he has profited by imprisonment and is now ready to return to the community as a law-abiding citizen. Human behavior being what it is, promises, though made with good intentions, are sometimes broken. The parole system gives safeguards to protect society and the offender from himself when he fails to keep his promise.

There are 9,000 prisoners in Ohio's eight penal institutions. Each year, at least 6,000 become legally eligible for parole. Typically, during the year, some 4,000 prisoners are released from state prisons. At the same time, an additional 4,000 or more are brought into prison from courts throughout the state.



Ohio law provides for a seven-member Parole Board. These seven are uniquely qualified by experience and education. Aiding the Parole Board are five hearing officers augmenting the Board's capacity to handle an increased volume of cases.

The Parole Board's first responsibility is to parole non-dangerous people. Since by law, only the Board is empowered to release, it takes every measure to screen out dangerous, high-risk offenders. This screening process includes an interview of each prisoner and a thorough analysis of each man's record.

When the Board members hear a parole case, they must decide whether to parole or to "continue." To continue a case is to deny parole. These denials are for a variety of reasons listed by the Parole Board as a lettered code:

PAROLE HEARING CONTINUANCE CODE

Code:

- A Nature of Criminal Act
- B Pattern of Criminal or Delinquent Behavior
- C Inside Record

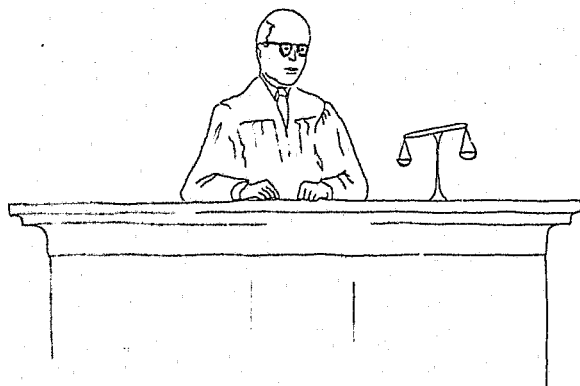
- 1) Conduct Record (Court)
- 2) Work Performance
- 3) Self-Improvement Program Participation
- 4) Instability (Job and Lock)

- D-1 Psychological Factors
- D-2 Psychological Evaluations
- D-3 Psychiatric Evaluation
- E Inadequate Parole Plan
- F Additional Information Requested

A prisoner denied parole is told so immediately after a hearing, along with reasons. For example, if he were continued because of poor conduct, his parole denial slip would read C-1.

The Parole Board also seeks information about a prisoner and his crimes from judges, prosecutors, victims, and the police. As a policy, specially trained Parole Board investigators go into the community to gather all the information they can about any case assigned to them. This procedure is similar to a judge's request for a pre-sentence investigation. This policy insures informed, objective, professional-type decisions.

SENTENCING UNDER THE NEW CRIMINAL CODE



In January of 1974, House Bill 511 enacted a new criminal code. This code sets minimum and maximum sentences to be served by convicted felons. The schedule is as follows:

Offense	Minimum Term	Maximum Term	Maximum Fine
Aggravated Murder	Life	Death	\$25,000
Murder	15 yrs.	Life	\$15,000
Felony 1	4,5,6, or 7 yrs.	25 yrs.	\$10,000
Felony 2	2,3,4, or 5 yrs.	15 yrs.	\$ 7,500
Felony 3	1,1½,2 or 3 yrs.	10 yrs.	\$ 5,000
Felony 4	½,1,1½ or 2 yrs.	5 yrs.	\$ 2,500
Misdemeanor 1	None	6 mo.	\$ 1,000
Misdemeanor 2	None	90 da.	\$ 750
Misdemeanor 3	None	60 da.	\$ 500
Misdemeanor 4	None	30 da.	\$ 250
Minor Misdemeanor	None	None	\$ 100

MINIMUM TIME BEFORE REGULAR FIRST PAROLE BOARD HEARING

Minimum sentences served in prison can be diminished by law (2967.19, Ohio Revised Code) through good behavior. For example, for a one-year minimum sentence, the law allows five days off per month. This means that with a minimum sentence of one year a man could be eligible for parole in ten months. Minimum time to be served before a

first Parole Board hearing is specified in the following chart:

If the minimum sentence is:	The prisoner must serve:
6 months	5 months
1 year	10 months
2 years	1 year, 7 months, 6 days
3 years	2 years, 2 months, 12 days
4 years	2 years, 9 months, 18 days
5 years	3 years, 4 months
6 years	3 years, 9 months, 18 days
7 years	4 years, 5 months, 6 days
8 years	5 years, 0 months, 24 days
9 years	5 years, 8 months, 12 days
10 years	6 years, 4 months
11 years	6 years, 11 months, 18 days
12 years	7 years, 7 months, 6 days
13 years	8 years, 2 months, 24 days
14 years	8 years, 10 months, 12 days
15 years	9 years, 6 months
Life Sentence	10 full years*
Life-Aggravated Murder	15 full years

* (2967.13c, Ohio Revised Code)

REFORMATORY SENTENCES

Normally about 35 percent of our felons are first offenders between 16 and 30 years of age. Penologists have long believed these younger offenders are more likely to be reformed if they serve shorter sentences while getting intensive vocational and educational training.

In keeping with the reformatory concept, the Ohio Parole Board specifies the following parole eligibility schedule for reformatory inmates:

MINIMUM SENTENCE	PAROLE HEARING
1 year	10 months
2 years	13 months
3 years	16 months
4 years	19 months
5 years	22 months
6 years	26 months
7 years	29 months
8 years	32 months
9 years	35 months
10 years or over	38 months
Life	38 months

"SHOCK PROBATION"

(Ohio Revised Code 2947.061)

In 1965, the Ohio Legislature passed a shock probation law. This law permits courts to release a felon from prison after he has served between 30 and 130 days. The idea is to give the offender a short dose of prison life in the hope that he comes to realize what the loss of liberty means to himself and his family. So far, more than 5,000 offenders have been granted "shock treatment" by judges throughout the state, and with very good results.

Shock probation, however, is not an Adult Parole Authority function. It can be granted only by the sentencing judge. Prisoners seeking shock probation must apply to this judge after they have served 30 days. An attorney may apply in behalf of an applicant. Before 120 days have passed, the judge must hold a hearing on an application and within 10 days make a decision. The judge may also institute shock probation without an application by the convicted offender.

"SHOCK PAROLE"

(Ohio Revised Code 2967.31)

Based on the success of shock probation, shock parole was enacted effective in January of 1974. Under this law, any Ohio prisoner is eligible for shock parole after he has served six months, provided that:

- 1) He is confined in a penal institution in Ohio under the jurisdiction of the Department of Rehabilitation and Correction.
- 2) His offense was other than murder or aggravated murder.
- 3) He is a first offender and has not been previously convicted of any felony for which he was confined for 30 days or more.

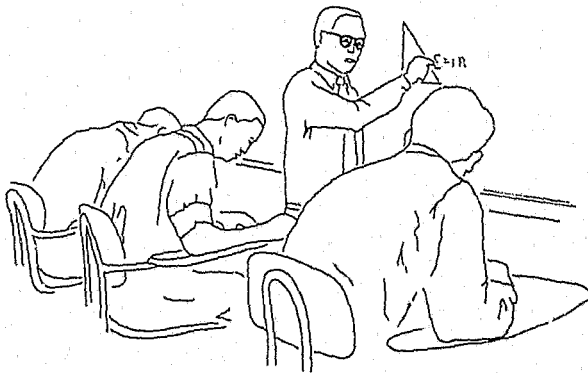
- 4) He is not a dangerous offender. His history and character show he is not a danger to others. Offenders whose conduct shows repetitive, compulsive, or aggravated behavior will not be considered.
- 5) He is not a psychopathic offender as defined in Section 2947.24, Ohio Revised Code.
- 6) There is no apparent need for further institutional confinement for correctional or rehabilitative purposes.
- 7) There is evidence that the offender's background and attitude indicate he is likely to respond favorably to early release and unlikely to commit another offense.

EDUCATIONAL AND VOCATIONAL FURLOUGH

(Ohio Revised Code 2967.26)

Prisoners who complete one-third of their minimum sentences before their first parole hearings may be eligible for educational and vocational furlough. No application is necessary and screening is automatic. Persons selected for furlough can start their training programs in the institution and continue in the community while on furlough.

The Ohio Constitution prohibits furlougees from working for wages in the



business world. They may, however, be employed by nonprofit agencies such as state and municipal government.

Furlougees average six months on furlough, after which they are considered for parole. During this time, each furlougee is supervised by a counselor, and violation of rules and regulations may result in a furlough revocation and return to the institution.

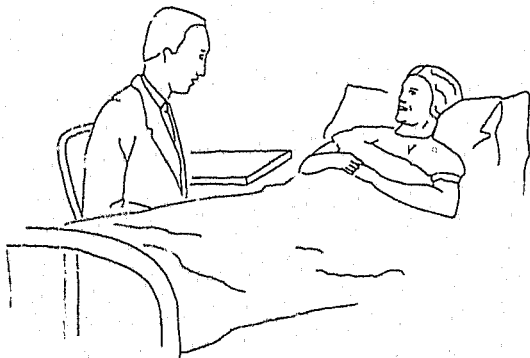
HOME FURLOUGH

(Ohio Revised Code 2967.27)

The Department of Rehabilitation and Correction may grant furloughs to trustworthy prisoners for the purpose of:

- 1) Visiting a dying relative;
- 2) Attending the funeral of a relative;
- 3) Arranging for a suitable parole plan, or an educational or vocational furlough plan;
- 4) Arranging for employment;
- 5) Arranging for suitable residence;
- 6) Visiting with family;
- 7) Otherwise aiding in the rehabilitation of the inmate.

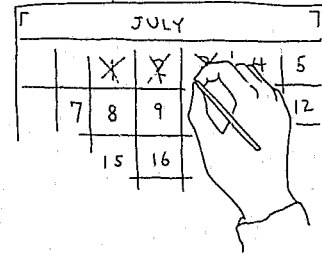
To be eligible for home furlough, a prisoner must have served at least six months of his sentence (except for attending the funeral of a member of the immediate family



or to visit an ill and bedridden family member).

Home furlough cannot be longer than seven days nor can the total furlough time exceed 14 days in a given year. Prisoners likely to pose a threat to the public safety are excluded from consideration.

EXPIRATION OF SENTENCE

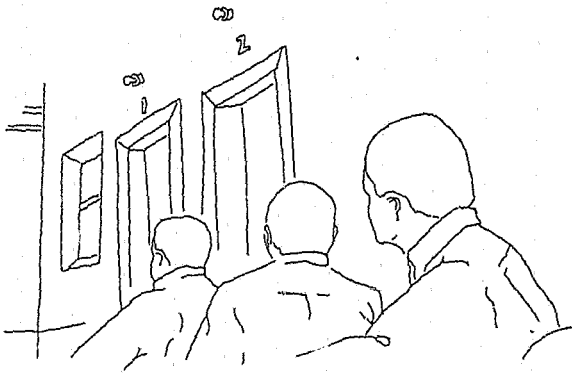


Each year several hundred felons are released from prison when their sentences expire. In effect, they have served every day of the sentence prescribed and legal jurisdiction over them ceases. If, for example, the maximum sentence of a prisoner is five years, jurisdiction over him expires if he has experienced five years of imprisonment or parole or a combination of prison and parole.

REGULAR PAROLE

For those prisoners unable to qualify under shock probation, shock parole, or furlough, the regular parole process is used. When such persons have served their minimum sentences (see chart on page 7), a parole hearing date is set. The hearings are automatic and no formal application is necessary.

At least three weeks before a scheduled parole hearing, the prosecuting attorney and the judge of the court in which conviction occurred receive notice of the hearing. This notice gives the name of the convicted, the date of conviction, the crime, and the term of



sentence. Thus, prosecutors and judges have an opportunity to go on record as approving or disapproving an impending parole release.

A prisoner appearing before the Parole Board on regular hearings is also interviewed in depth to determine accomplishments, attitudes, parole plans, etc. On the day of the hearing, the prison resident is told whether a parole has been granted. If it has, he is released after placement plans are completed. If the parole is denied, the Parole Board fixes a future date when it will again consider his case, i.e., he is "continued."

THE REVIEW PROGRAM

When an inmate has a hearing and is denied a parole, he is said to be continued or in prison jargon "flopped." His case can be reviewed, however, if the continuance or "flop" is 18 months or more. Under the review program, a new hearing may be conducted when one-half of the continuance or one year of time (whichever is greater) has been served.

The review process also provides opportunities for other categories of offenders. These are:

- 1) Technical parole violators. These are offenders who have been granted a

parole and have had to be returned to prison because of misconduct or further criminal activity. If, upon return to the institution, a parole violator is continued 18 months or more, he too is eligible for review when he has served one-half of this time or one year, whichever is greater.

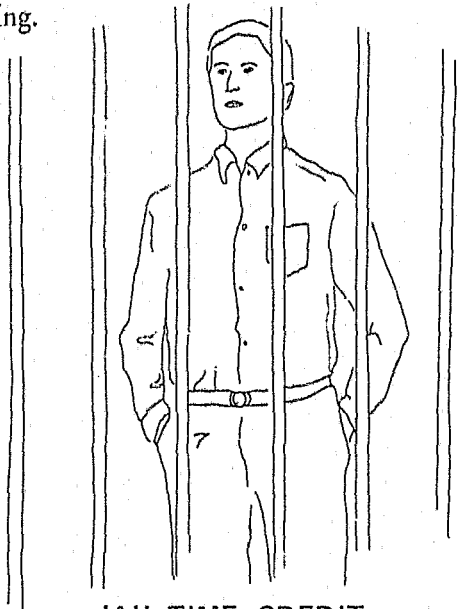
- 2) Where minimum sentences are more than two years but less than life, a review will take place when one-half of the statutory minimum sentence has been served. For example, for a sentence of 6-25 years, three years must be served.
- 3) When the minimum term is 15 years, a review hearing date can be scheduled after seven years have been served.
- 4) For aggravated murder the sentence is life imprisonment; however, under the review process persons convicted of this charge may be reviewed in 12 years.

A review does not mean getting a parole. The review process merely clears the way for a Parole Board hearing at which time a parole may or may not be granted.

In some cases of review, a commutation hearing before the Parole Board becomes necessary. In such instances, if the Board decides favorably, a report is sent to the



Governor with a recommendation for commutation. If the Governor commutes the sentence, the inmate may then receive a parole hearing.



JAIL-TIME CREDIT
(Ohio Revised Code 2967.191)

Many times, when a man is arrested, he spends days or months in a county jail awaiting trial. He may also spend time in a jail after conviction awaiting transportation to a state prison.

The law now reads that any time spent awaiting trial, sentencing, transportation to prison, or for any other reason arising out of a sentence can be applied to minimum and maximum sentences. This is called jail-time credit.

As an example, if someone has a one-year minimum this would normally make him eligible for parole in ten months, given time off for good behavior. If he also has one month's jail-time credit, he would be eligible in nine months. His maximum sentence would also be reduced by one month. Jail-time credit is now automatic and no application is necessary.

FOR FURTHER INFORMATION

This booklet tells about some of the laws permitting the release of convicted felons in Ohio. In a work of this nature, it is impossible to cover all the exceptions that may arise. Where there is some question or where further information is required, readers are urged to write to the appropriate agency or correctional institution at one of the addresses listed.

Department of Rehabilitation and Correction
1944 Morse Road
Columbus, OH 43229

Adult Parole Authority
1050 Freeway Drive, N.
Columbus, OH 43229

Chillicothe Correctional Institute
P.O. Box 5500
Chillicothe, OH 45036

Correctional Medical Center
P.O. Box 511
Columbus, OH 43216

Lebanon Correctional Institution
P.O. Box 56
Lebanon, OH 45036

London Correctional Institution
P.O. Box 69
London, OH 43140

Marion Correctional Institution
P.O. Box 57
Marion, OH 43302

Ohio Reformatory for Women
P.O. Box 2
Marysville, OH 43040

Ohio State Reformatory
P.O. Box 788
Mansfield, OH 44901

Southern Ohio Correctional Facility
P.O. Box 787
Lucasville, OH 45648

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