



Ohio Administrative Code Rule 5139-68-04 Regular release reviews.

Effective: December 12, 2019

The purpose of this rule is to provide consistent guidelines and criteria on the release authority regular release review process.

(A) All youth shall receive a release review at least thirty days prior to their MSED, unless a youth has a significant amount of confinement credit, a commitment change or a revocation which prohibits conducting the review within that time frame (section 5139.56 of the Revised Code). When a youths review cannot be held in the thirty day time requirement, it shall be held upon completion of the assessment process and/or victim notification process.

(B) The release review shall be conducted by a panel of at least two members of the release authority with at least one of the members being a board member. The panel shall be conducted in person or through the use of technology.

(C) The youth shall be present for the panel and shall have the opportunity to present information on his/her release readiness except in cases of absentia. The youth may have an institutional staff representative at the panel to provide support and assistance with the process.

(D) In cases where the release review panel was done in absentia, the institution shall schedule a special release review panel upon the youths return to the institution. The special release review panel shall occur at the next regularly scheduled panel site visit.

(E) The release review panels shall be restricted to persons necessary for the orderly and fair conduct of the panels and shall be conducted in a manner to respect the youths privacy.

(F) The youths custodial parent or guardian may participate in the release review panel at the institution, via videoconference, webcam, videophone or telephone, as well as provide written input prior to the panel.



(G) The panel shall consider all input provided by the victim, the office of victim services, the court, the prosecutor, the youth, the youth's family, the youth's attorney, institutional staff, including the superintendent and the IDT and regional staff that was received prior to the completion of the panel review.

(H) A youth shall be approved for release unless one of the following occurs:

(1) There is a serious incident barrier to release. The release authority designee shall have carefully reviewed the submitted documentation to ensure that the superintendent has approved intervention time as a sanction, the youth received notification and has indicated whether or not he will appeal.

(2) There is a public safety barrier to release as the youth has been determined to pose a significant public safety risk for recidivism for violent and/or hurtful behavior. This shall be determined by:

(a) A SAVRY or HCR-20 which documents the youths risk for violence as determined by the research-based risk assessment tool with independent clinical judgment from qualified staff members; or,

(b) If the youths risk for certain hurtful conduct cannot be measured by the SAVRY or HCR-20, the likelihood of the youths recidivism is documented by other research-based assessment tool(s) in conjunction with independent clinical judgment from qualified staff members.

(c) The OYAS may be used to inform the independent clinical judgment. However, the OYAS alone shall not be sufficient to demonstrate a risk of recidivism for violent and/or harmful conduct.

(3) There is a treatment barrier to release. This shall be documented by a request for continuance time:

(a) A written IDT report that states:

(i) The youth is in need of continued treatment or rehabilitation as determined by a research-based assessment tool or other instrument accepted as best practice, administered and interpreted by trained institutional staff; and



- (ii) Provides a detailed description of the additional treatment or rehabilitative services the IDT proposes, including measurable goals for the youth; and,
 - (iii) Provides an estimated length of time the IDT believes is reasonably necessary for the youth to complete the additional treatment or rehabilitative services.
- (b) A conclusion that ODYS has acted expeditiously to make the treatment or service available; and
- (c) A conclusion that the treatment available in ODYS is effective; and
- (d) A conclusion that the treatment or service cannot be provided safely in the community.
- (e) If the committing court has ordered that a youth complete a sex offender treatment program while in an ODYS facility, the panel may rely on the court order as sufficient documentation for the treatment barrier.
- (f) If the committing court does not order completion of a sex offender treatment program prior to release and there is no community registration requirement and effective treatment can be safely provided in the community; then the treatment barrier cannot be used.
- (4) The panel may deny release when none of the prescribed barriers are present. An administrative override will be used as the barrier to release. An administrative override requires a full board and a written justification to the board chair of the release authority or designee. A notification of the use of the administrative override shall be provided to the director. An administrative override cannot exceed a continuance of ninety days per review.
- (5) The presence of a detainer shall not automatically prevent a youth from being approved for release.
- (I) If the panel does not agree on the release decision, then the chair or designee shall make a tie-breaking decision or convene a meeting of the full board to make a decision.



(J) Youth approved for release shall receive notification of the approval and be advised of any modifications to the community/parole plan and have a parole on or after date (POA) and a period of parole supervision established.

(K) Youth approved for release on a revised POA, not to exceed sixty days shall be advised of the decision and the rationale for the extension and any expectations associated with it and have a period of parole supervision established.

(L) Youth denied release shall be advised of the decision, the length of the continuance, not to exceed one hundred eighty days, the specific rationale for the decision and the expectations that will be considered at the next panel review and have a parole eligibility date (PED) established. The expectations and release conditions shall be incorporated into the youths individualized treatment plan (ITP).

(M) The youth, institutional staff, regional staff, the office of victim services, the registered victim, the youths family, the prosecutor, the court and law enforcement, as required by the Ohio Revised Code, shall be advised of the decision in writing within ten days of the panel review.