



Ohio Administrative Code

Rule 5120:1-14-09 General operating standards for community-based correctional facilities.

Effective: March 21, 2021

(A) The Ohio department of rehabilitation and correction ("ODRC") shall establish performance-based general program operating standards for community-based correctional facilities receiving funding by the department of rehabilitation through the bureau of community sanctions. In accordance with applicable ODRC policy, community-based correctional facility ("CBCF") compliance shall be determined by the bureau through an annual or bi-annual program review with site visits in the intervening years intended to monitor program progress toward compliance with program review recommendations. Unannounced site visits may be conducted to review specific standards at any time when there is a reason to believe that programs may be non-compliant with established standards.

(B) In addition to establishing minimum operating expectations, bureau of community sanctions performance-based standards shall serve as a guide to the programs to implement effective evidence-based community corrections practices.

(C) Subject to paragraphs (D) and (E) of this rule, in addition to satisfying the general standards of operation described in paragraph (A) of this rule, a community-based correctional facility that is receiving funding from the department of rehabilitation and correction shall be used to confine only those felony offenders who satisfy one or more of the following admission criteria:

- (1) The offender's risk level, as assessed using the Ohio risk assessment system, is high or moderate;
- (2) The most serious offense for which the offender is being sentenced to the community-based correctional facility is a felony of the first degree or a felony of the second degree;
- (3) The offender is being placed in the facility for violating a condition of supervision; or
- (4) The offender has one or more community control revocations in the preceding five years.



(D) The grant agreement entered into between the department of rehabilitation and correction and the facility governing board may identify an acceptable percentage of felony offenders committed to the community-based correctional facility during each quarter of the grant period that do not satisfy any of the admission criteria specified in paragraphs (C)(1) to (C)(4) of this rule. This percentage shall be hereinafter referred to as the "CBCF deviation cap." The CBCF deviation cap identified in the grant agreement shall not exceed ten per cent of the total number of offenders committed to the community-based correctional facility during each quarter of the grant period. In establishing the CBCF deviation cap, the department shall consider the availability of outpatient criminogenic programming in the jurisdiction or jurisdictions served by the community-based correctional facility. The grant agreement shall specify the amount by which the grant amount will be reduced in accordance with paragraph (E) of this rule if the grant recipient exceeds the CBCF deviation cap as described in that paragraph.

The commitment of the following types of offenders to a community-based correctional facility shall not count against the CBCF deviation cap:

(1) Offenders receiving non-residential services provided by the facility, which are funded in whole or in part by the department. Each grant agreement shall identify the specific non-residential services that do not count against the CBCF deviation cap under this paragraph.

(2) Offenders committed to a facility as a condition of judicial release under section 2929.20 or 2967.19 of the Revised Code.

(3) Offenders whose initial or overridden risk level is low-moderate, as assessed using the Ohio risk assessment system, and who are committed to the facility for programming that is directed at specific, targeted populations. Such low-moderate offenders include, but are not limited to, those convicted of domestic violence, sexually oriented offenses, failure to pay child support, or those who have a substance-related addictive disorder diagnosis from a licensed clinical professional within the past twelve months, or a current criminal conviction or probation violation involving the use or possession of opiates, alcohol, or other drugs.

(E) At the conclusion of every third month in the grant period, the department shall measure a grant recipient's compliance with any CBCF deviation cap established in the grant agreement. In



measuring that compliance, the department shall determine the percentage of the total number of offenders committed to the community-based correctional facility during the preceding three months who do not satisfy any of the admission criteria specified in paragraph (C) of this rule nor fall within one of the categories of offender excluded from the CBCF deviation cap under paragraphs (D)(1) to (D)(3) of this rule. If that percentage exceeds the CBCF deviation cap, the department shall promptly inform the grant recipient that two more consecutive quarters of exceeding the CBCF deviation cap will result in a reduction in the grant amount. In the event that the grant recipient thereafter exceeds the CBCF deviation cap for two more consecutive quarters, the grant amount shall be reduced as prescribed in the grant agreement.

(F) As used in this rule, "Ohio risk assessment system" means the single validated risk assessment tool identified in rule 5120-13-01 of the Administrative Code.

"Community control revocation" means an entry journalized by a juvenile court, municipal court, county court, county municipal court, or court of common pleas in response to an offender's violation of a condition of community control and through which the court imposes a longer time under the same sanction, imposes a more restrictive sanction, or imposes a period of incarceration in response to the violation.