



Ohio Administrative Code

Rule 5120:1-5-06 Subsidy awards to municipal corporations and counties.

Effective: April 8, 2022

(A) A grant application submitted by a county, group of contiguous counties, or a municipality shall be approved pursuant to rule 5120:1-5-03 of the Administrative Code and funded according to the following priorities:

(1) First priority shall be given to the continued funding of existing community control sanctions that satisfy the standards of this chapter of the Administrative Code and that are designed to reduce the number of persons committed to state penal institutions and/or detained in and/or committed to local corrections agencies.

(2) Second priority shall be given to new community control sanctions that are designed to divert offenders committed to state penal institutions or the number of persons detained in and/or committed to local corrections agencies.

After a county's or municipality's grant agreement has been approved by the director of the department or designee, pursuant to paragraph (E) of rule 5120:1-5-03 of the Administrative Code, a county, group of counties, or municipality shall not shift funding between a state penal institution diversion program and a local corrections agency population reduction program unless approved by the department's bureau of community sanctions.

(B) Subject to paragraphs (C) and (D) of this rule, an intensive supervision probation program for felony offenders that is funded in whole or in part by the department of rehabilitation and correction shall be used to serve only those felony offenders who satisfy one or more of the following criteria:

(1) The offender's risk level, as assessed using the Ohio risk assessment system, is high;

(2) The most serious offense for which the offender is being sentenced is a felony of the first degree, a felony of the second degree, or a felony of the third degree; or



(3) The most serious offense for which the offender is being sentenced is a felony of the fourth degree or a felony of the fifth degree and the offender's risk level, as assessed using the Ohio risk assessment system, is not lower than moderate.

(C) The grant agreement entered into between the department of rehabilitation and correction and a county for the funding of an intensive supervision probation program for felony offenders may identify an acceptable percentage of offenders referred to intensive supervision probation during each quarter of the grant period that do not satisfy any of the criteria specified in paragraphs (B)(1) to (B)(3) of this rule. This percentage shall be hereinafter referred to as the "ISP deviation cap." The ISP deviation cap identified in the grant agreement shall not exceed ten per cent of the total number of offenders referred to intensive supervision probation during each quarter of the grant period. The grant agreement shall specify the amount by which the grant amount will be reduced in accordance with paragraph (D) of this rule if the grant recipient exceeds the ISP deviation cap as described in that paragraph.

Referral of the following types of offenders to intensive supervision probation shall not count against the ISP deviation cap:

(1) Offenders who are referred to intensive supervision probation as a condition of judicial release under section 2929.20 or 2967.19 of the Revised Code.

(2) Offenders referred to intensive supervision probation for programming that is directed at specific, targeted populations. Such offenders include, but are not limited to, offenders convicted of domestic violence, operating a motor vehicle while intoxicated, sexually oriented offenses, and failure to pay child support.

(D) At the conclusion of every third month in the grant period, the department shall measure a grant recipient's compliance with any ISP deviation cap established in the grant agreement. In measuring that compliance, the department shall determine the percentage of the total number of offenders referred to intensive supervision probation during the preceding three months who do not satisfy any of the criteria specified in paragraph (B) of this rule nor fall within one of the categories of offender excluded from the ISP deviation cap under paragraphs (C)(1) and (C)(2) of this rule. If that percentage exceeds the ISP deviation cap in two consecutive quarters, the department shall promptly



inform the grant recipient that two more consecutive quarters of exceeding the ISP deviation cap will result in a reduction in the grant amount. In the event that the grant recipient thereafter exceeds the ISP deviation cap for two more consecutive quarters, the grant amount shall be reduced as prescribed in the grant agreement.

(E) 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.