

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

- (A) Community-based correctional facilities receiving funding by the department of rehabilitation and correction will meet the following general standards of operation:
- (1) The program director(s) shall have a minimum of a bachelor's degree in a criminal justice or social science field or a minimum of five years full-time experience working with offenders.
 - (2) At least seventy-five per cent of staff providing case management or programming to offenders shall have an associates degree or higher.
 - (3) All service provided must be administered by staff with board certification or licensure when required.
 - (4) All full-time staff having direct contact with offenders shall receive a minimum of twenty-four hours of training annually relevant to changing offender behavior. Training hours for part-time staff shall be on a prorated basis. The program director or training administrator shall approve appropriate staff training and shall ensure training hours are completed.
 - (5) Job performance for program directors and all staff shall be reviewed annually. In addition to formal written annual evaluation(s), supervisors shall monitor, guide and assist staff to ensure effective delivery of services.
 - (6) Programs shall have a written code of ethics, which is communicated to staff. Violations of the code of ethics shall be addressed according to agency policy.
 - (7) Programs shall develop and implement written agency policies and procedures. Policies shall be reviewed annually by the executive director or designee and changes approved by the governing entity.
 - (8) The program director shall have input in the development and review of program policies and procedures.
 - (9) Programs shall submit written reports of serious incidents to the bureau of community sanctions within two business days of the time the incident occurred or was reported. Serious incidents could include: escapes, fires, assaults, inappropriate sexual behavior, serious agency staff misconduct, theft, building emergencies, use of force/deadly force, property loss or damage and violations of the Revised Code that could include law

enforcement involvement.

- (10) Programs shall develop written policies and procedures requiring the retention and disposal of all grant purchased equipment and corresponding inventory list according to grant guidelines
- (11) Programs shall correct all fiscal findings and provide documentation of the corrective action to the bureau of community sanctions.
- (12) Programs shall enter intake, termination and reassessment data into the DRC management information system within fourteen calendar days unless the bureau of community sanctions grants a written waiver.
- (13) DRC management information system data will be accurate when compared to case file information.
- (14) Programs shall conduct case record audits to ensure that records are current, complete and accurate.
- (15) Programs shall retain all offender records for a minimum of five years from the date of offender termination from the program.
- (16) Residential programs shall have an annual fire inspection and a valid food service license.
- (17) Residential programs shall achieve and maintain ACA accreditation. ACA reports and compliance letters shall be submitted to the bureau of community sanctions annually.
- (18) Program or supervision design shall be evidence-based.
- (19) The program director shall be involved in the development, enhancement and implementation of the internal program curriculum or program operations.
- (20) Program staff shall have the opportunity to provide input into modification of the program.
- (21) Offenders shall have the opportunity to provide input into the overall program.
- (22) Agencies shall monitor program implementation and program integrity.

- (23) The program director or designee shall monitor contractual program services provided by external entities. All funded service contracts are to be performance-based. A quality assurance process shall be in place to ensure contractual services meet the program and offender needs.
 - (24) The program director shall monitor the utilization of external referrals. A quality assurance process shall be in place to ensure services meet the program and offender needs.
 - (25) Programs shall make positive contributions to the community.
 - (26) Programs are supported and valued by the criminal justice system.
 - (27) Programs shall define the process for referrals, and acceptance, rejection and termination criteria.
 - (28) All programs designed to reduce offender risk and needs shall administer a validated and reliable risk and needs instrument upon intake.
 - (29) All programs designed to reduce offender risk and needs shall ensure services are individualized and address criminogenic targets, based on the results of a validated and reliable risk and needs instrument. Offenders shall have input into the development of their program.
 - (30) Prior to the offender's successful program termination an aftercare plan shall be developed with and provided to the offender, containing recommendations for appropriate linkages.
 - (31) The program director shall have input in the hiring of program staff.
 - (32) The program director shall be engaged and involved in the delivery of direct services to offenders.
- (B) Subject to paragraphs (C) and (D) 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;

- (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 most serious offense for which the offender is being sentenced to the community-based correctional facility is a felony of the third degree and the offender's risk level, as assessed using the Ohio risk assessment system, is not lower than moderate; or
 - (4) The most serious offense for which the offender is being sentenced to the community-based correctional facility is a felony of the fourth degree or a felony of the fifth degree; the offender's risk level is not lower than moderate, as assessed using the Ohio risk assessment system; and either or both of the following applies:
 - (a) The offender is being placed in the facility for violating a condition of supervision; or
 - (b) The offender has one or more community control revocations in the preceding five years.
- (C) 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 (B)(1) to (B)(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 (D) 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 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 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, or alcohol and other drug related offenses that meet the following criteria:-~~
 - (a) The offender has a diagnosis of opioid dependence or substance-related addictive disorder from a licensed clinical professional within the past twelve months; or
 - (b) The details of the offender's current criminal conviction or probation violation involve the use or possession of opiates, alcohol or other drugs.
- (D) 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 (B) of this rule nor fall within one of the categories of offender excluded from the CBCF deviation cap under paragraphs (C)(1) to (C)(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.
- (E) As used in this rule:
- (1) "Ohio risk assessment system" means the single validated risk assessment tool identified in rule 5120-13-01 of the Administrative Code.
 - (2) "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.

Effective:

Five Year Review (FYR) Dates: 11/21/2014

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5120.01, 5120.111
Rule Amplifies: 2301.51 , 2301.52 , 2301.55 , 2301.56, 2301.57,
2301.571, 2301.58, 5120.112
Prior Effective Dates: 12/15/06, 06/04/12