

5120:1-3-08

Halfway house community control admission standards.(A) As used in this rule:

(1) "Community control offender" means an offender sentenced directly to a halfway house under a community control sanction or placed in a halfway house as an additional sanction imposed by the court upon the offender after the offender violates a condition of community control.

(2) "Ohio risk assessment system" means the single validated risk assessment tool identified in rule 5120-13-01 of the Administrative Code.

(B) This rule, including, but not limited to, the admission criteria identified in paragraphs (C)(1) to (C)(4) of this rule, applies only with respect to community control offenders. This rule does not apply to offenders in halfway houses as part of the department of rehabilitation and correction's transitional control program or as a condition of supervision imposed by the department as part of an offender's parole or post-release control.

(C) Subject to paragraphs (D) and (E) of this rule, a halfway house that receives funding from the department of rehabilitation and correction shall be used as a residential community sanction only for those community control 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 was sentenced is a felony of the first degree or a felony of the second degree;

(3) The most serious offense for which the offender was sentenced 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 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 the offender is being placed in the facility for violating a condition of supervision.

(D) The contract entered into between the department of rehabilitation and correction and the halfway house may identify an acceptable percentage of community control offenders placed in the halfway house during each quarter of the contract 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 "halfway house deviation cap." The halfway house deviation cap identified in any contract shall not exceed thirty-five per cent of the total number of community control offenders admitted to the halfway house during each quarter of the contract period.

In establishing the halfway house deviation cap, the department shall consider the availability of outpatient criminogenic programming in the jurisdiction or jurisdictions served by the facility. The contract shall specify the amount by which the funding provided by the department to the halfway house will be reduced in accordance with paragraph (E) of this rule if the halfway house deviation cap is exceeded as described in that paragraph.

The commitment of the following community control offenders to a halfway house shall not count against the halfway house deviation cap:

- (1) Offenders receiving non-residential services provided by the halfway house, which are funded in whole or in part by the department. Each contract shall identify the specific non-residential services that do not count against the halfway house deviation cap under this paragraph.
- (2) Offenders committed to a halfway house as a condition of judicial release under section 2929.20 or 2967.19 of the Revised Code.
- (3) Offenders whose 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, or failure to pay child support.

(E) At the conclusion of every third month in the contract period, the department shall measure compliance with any halfway house deviation cap established in the contract. In measuring that compliance, the department shall determine the percentage of the total number of offenders committed to the halfway house 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 halfway house deviation cap under paragraphs (D)(1) to (3) of this rule. If that percentage exceeds the halfway house deviation cap in two consecutive quarters, the department shall promptly inform the facility that two more consecutive quarters of exceeding the halfway house deviation cap will result in a reduction in the funding provided to the halfway house. In the event that the halfway house thereafter exceeds the halfway house deviation cap for two more consecutive quarters, funding shall be reduced as prescribed in the contract.

Effective:

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Certification

Date

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