

**MEMORANDUM**

TO: Christopher D. Baker, Sr., Ohio Department of Youth Services

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: October 9, 2012

RE: **CSI Review – Community Correctional Facilities – Administration (OAC 5139-61-03, 04, 07, 09 and 10; 5139-63 -03, 04, 05, 07, 08, and 09)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of eleven amended rules, pertaining to the administration of Community Corrections Facilities (CCF) which serve juvenile offenders and are regulated by the Ohio Department of Youth Services (DYS). These rules are being reviewed under the five-year review requirement of ORC 119.032. This rule package and a companion package of one rule were submitted by DYS to CSI on August 24, 2012, and public comments were accepted through September 7. After follow-up from the CSI Office, the Department submitted a revised BIA on October 1 with a more fully-developed explanation of and justification for the potential adverse impact to businesses.

According to the Department's revised BIA, there are 12 CCFs in Ohio that receive grant funds from DYS. In reviewing the rule package, the Department reached out to the Directors of the CCFs, and the Directors indicated support for the rules.

The rule package outlines elements of the grant application and renewal process, as well as

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budgetary requirements with which the CCFs must comply. The Department notes that CCFs receive all of their funding from DYS. DYS is also responsible for monitoring, annual inspections, and fiscal audits of each facility to ensure compliance with Ohio law and American Correctional Association standards. As such, the requirements of the rule package create the framework of the grant process, help ensure accountability of public funds, and allow DYS to fulfill its mission with regard to regulating these programs. This public purpose is a sufficient justification for the impacts from the proposed rule.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that DYS should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.