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# HANDBOOK

## Ohio County Commissioners

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# CHAPTER 102

## COMMUNITY CORRECTIONS

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### 102.01 INTRODUCTION AND HISTORY

The concept of community corrections began to take form in Ohio with the passage of HB 1000, best known as the Community Corrections Act (CCA).

The original goal of the legislation was to divert lower level felons into community-based programs instead of incarcerating them in overcrowded, expensive state penal institutions. Successful efforts were made to expand the goals of the CCA to include reduction, through diversion into community programs, of jail overcrowding.

In Ohio, community corrections is provided through state run services and/or through subsidized programs to counties or nonprofit organizations such as halfway houses. The various programs available, (or intermediate sanctions as they are commonly referred to) serve different offender populations, have varying funding sources and goals, and serve criminal justice systems at either the state or local level, or both. Intermediate sanctions are often defined as punishments on a continuum that fall between traditional probation and prison.

### 102.02 OHIO COMMUNITY CORRECTIONS ADVISORY BOARD

Formed by executive order of the Director of the Ohio Department of Rehabilitation and Correction, the Ohio Community Corrections Advisory Board comprises local elected officials responsible for criminal justice systems including county commissioners, sheriffs, judges and prosecutors, as well as other criminal justice professionals such as jail administrators, chief probation officers, program directors, etc. The mission of this advisory board is threefold:

1. To represent local community corrections concerns.
2. To aid in education about community corrections.
3. To assist the Department of Rehabilitation and Correction in improving community corrections in Ohio in a fiscally responsible manner.

### **102.03 THREE AREAS OF PROGRAMS**

Subsidized programs, whether they are state-run services or programs administered by counties or non-profit organizations, can be divided into three areas. Within each category, several types of programs can be found:

1. **COMMUNITY CORRECTION ACT PROGRAM** - examples include pre-trial diversion programs, work release programs, community service programs, or "offender specific" programs for drug addicted offenders, sex offenders, etc.
2. **COMMUNITY RESIDENTIAL PROGRAM** - monies in this area support halfway houses and services to offenders on furlough from a state prison, parole as well as probation services to courts of common pleas upon request.
3. **PILOT PROBATION PROGRAM** - the name is a bit misleading because this area includes both residential and non-residential programs. The residential component is commonly called CBCF's or community-based correctional facilities. The non-residential component contains monies for probation officers, intensive supervision programs and training for "offender specific" programs.

Overall, subsidy awards are prioritized in Section 5149.36(A) of the Revised Code in the following order:

1. Continued funding of existing programs to reduce state penal institution commitments.
2. Funding of new programs or expansion of existing programs to reduce local jail commitments in counties which have established a program(s) to reduce state penal institution commitments. Twenty percent of the total requested subsidy must go to the jail program.
3. Funding of new programs to reduce state penal institution commitments, with a provision that 20 percent of the subsidy must go to the jail program (if one exists) operating in the county.

### **102.05 ELIGIBILITY FOR CCA SUBSIDIES**

Sections 5149.32 and 5149.33 of the Revised Code stipulate that counties must demonstrate that a comprehensive plan has been developed which incorporates the subsidized program in some logical manner to reduce crowding and improve overall quality of corrections programs. Generally, counties must demonstrate a coordinated effort to develop local corrections policies that work and make sense.

Counties may not use a subsidy to supplant existing funds for operation of the county jail or county probation department. Further, subsidy monies may not be used for capital improvements (ORC 5149.33(A)).

## **102.06 LOCAL CORRECTIONS PLANNING BOARDS**

If a county wants to receive subsidies for two or more community-based corrections programs then county commissioners must establish by resolution, a local corrections planning board (ORC 5149.34(a)(1)(a)). Composition of this board is as follows:

1. Administrator of a county, multi-county, municipal, municipal-county or multi-county-municipal jail in the county.
2. A county commissioner of that county.
3. A judge of the court of common pleas of that county.
4. A criminal defense attorney.
5. The chief law enforcement officer of the largest municipal corporation in the county.
6. The county sheriff.
7. One or more prosecutors.
8. One or more representatives of the public.
9. One or more additional law enforcement representatives.
10. One or more additional representatives of the judiciary.
11. One or more additional representatives of the field of corrections.
12. Officials from the largest municipal corporation in the county.

The law further stipulates that the majority of the board shall be directors of probation departments, corrections personnel who supervise adult offenders, and that the board should have minority and female members (ORC 5149.34(A)(1)(a)).

Once established the board must adopt, within six months, a comprehensive plan for the development, implementation and operation of corrections services in the county (ORC 5149.34(B)). The plan, which must take into account effects on state and county institution crowding, is then submitted to the county commissioners for approval (ORC 5149.34(B)).

In the event a county only wants one subsidy from the subsidy program or has not previously received a subsidy under the program, then the establishment of a local corrections planning board and/or adoption of a comprehensive plan by that board is optional. The county must instead "obtain the approval of the relevant parties in the criminal justice system that will be affected by the community-based corrections program" (ORC 5149.34(C)).

#### **102.07 JOINT COUNTY CORRECTIONS PLANNING BOARD**

If two or more contiguous counties want to collectively apply for and operate two or more community-based programs under the CCA subsidy program, then they must form a joint county corrections planning board and adopt a joint plan. The membership consists of an equal number of members of each county's corrections planning board (ORC 5149.35(A)). If the counties are only applying for one subsidy, or have not received any previous subsidies under the CCA program, then the establishment of a joint board and/or adoption of a joint plan is optional. Any application must be backed by the approval of relevant local criminal justice system members (ORC 5149.35(B)).

#### **102.08 COMMUNITY RESIDENTIAL PROGRAM/HALFWAY HOUSE**

The Adult Parole Authority is a body created within the Division of Parole and Community Services of the Department of Rehabilitation and Correction (ORC 5149.02). The Adult Parole Authority is connected in some manner with the programs in this area which include halfway houses. An offender may be sentenced to a halfway house as a diversion from prison, as a transition from prison to the community or for offenders (felons) who have violated their probation. Pursuant to Section 2967.14 of the Revised Code, the Adult Parole Authority licenses these facilities and uses them for selected offenders in their care.

#### **102.09 PROBATION SERVICES**

The most important program in the community residential program area, from a county's perspective, is the probation services program. The Adult Parole Authority is given general supervision over the work of all probation and parole officers in the state, including officers in county probation departments and officers appointed by municipal court judges (ORC 5149.12). This supervision takes the form of statistical reports, recommendations to the General Assembly, enforcement of laws governing probation/parole and information relative to new laws impacting the probation/parole system.

The Adult Parole Authority can also provide, at the request of courts of common pleas, partial or full probation services to counties. These services are provided free of charge

to counties. Currently, 43 counties receive full probation services from the Adult Parole Authority and seven counties receive partial/supplemental services.

#### **102.10 PILOT PROBATION PROGRAM**

As described earlier, this subsidy contains both residential and non-residential programs.

#### **102.11 RESIDENTIAL/COMMUNITY-BASED CORRECTIONAL FACILITIES**

Community-based residential facilities (CBCF's), authorized under Sections 2301.51 - .56 and 2929.221(D) of the Revised Code are state and local cooperative ventures, with full state funding of CBCF construction and operational cost. Counties operate the facilities through judicial corrections boards. CBCF's are programs to divert prison-bound felons into residential treatment who are screened for placement prior to transport to prison. Offenders are on probation and confined to a CBCF for 120 days. After completing the program at a CBCF, an offender generally continues on supervised non-residential probation for a time.

#### **102.12 APPLICATION FOR A CBCF BY COUNTIES**

Application for a CBCF is submitted to the Probation Development and Supervision Section of the Adult Parole Authority by a judicial corrections board. This board may be formed for the purpose of obtaining and administering a CBCF in one of two ways:

1. Court of common pleas in a county with a population of 200,000 or more forms a board comprised of common pleas court judges (not to exceed 11) with the presiding judge as chairman (ORC 2301.51(A)(1)).
2. Courts of common pleas of two or more adjoining/neighborhood counties which have a total population of 200,000 or more form a board comprised of common pleas court judges of member counties (not to exceed 11), with each participating county represented by at least one judge; the most populous county will have its presiding judge serve as chairman (ORC 2301.51(A)(2)).

#### **102.13 POWERS OF JUDICIAL CORRECTION BOARDS**

The judicial corrections board (JOB) has the following powers and duties:

1. To appoint and fix the compensation of the CBCF director and all other employees necessary to operate the facility (ORC 2301.55(A)).
2. To sell, lease, convey or transfer any real or personal property it accepts for a CBCF.

3. To enter into contracts with the county commissioners of the county in which facility is located or county commissioners in the CBCF district to provide buildings, goods, and services to the CBCF.

#### **102.14 CITIZENS ADVISORY BOARDS**

Once a proposal for a CBCF is submitted and the application made by the JCB is accepted by the state, the JCB must appoint a citizens advisory board pursuant to Section 2301.53(A) of the Revised Code. This advisory board is comprised of not less than five nor more than 15 members, in an uneven number. The county commissioners appoints one-third of the members, with the remaining members appointed by the JCB. In a district CBCF program, collectively, all boards of county commissioners appoint one-third of the members with populations of each reflected (as much as possible) in number of appointments from each. If county commissioners fail to appoint its members within 30 days after the application is approved, the JCB makes the appointments (ORC 2301.53(A)).

#### **102.15 COUNTY FUNDING OPTIONAL**

The judicial corrections board, if they choose, may request an appropriation from the county commissioners to fund the CBCF facility and program. The Revised Code is very explicit in providing that the county commissioners are in no way obligated to provide any funding to the CBCF. In addition, the mandamus powers of the courts of common pleas do not apply to these requests for funding (ORC 2301.51(C)).

#### **102.16 NON-RESIDENTIAL PROGRAMS/INTENSIVE SUPERVISION PROBATION**

Subsidies given to counties in this part of the pilot probation program area are for what is termed Intensive Supervision Probation Programs (ISP). Of the 17 ISP programs currently operating, the subsidy monies have gone to providing additional probation officers who maintain small caseloads with increased supervision of offenders, training these officers to deal with "special needs" offenders such as sex offenders and giving special services to offenders such as mental health services.

Statutory authority for ISP programs is found in the broad language of Sections 2929.02 and 2929.51 of the Revised Code which governs probation in general.