



**County
Commissioners
Association of Ohio**

Serving Ohio Counties Since 1880

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To: Members of the House State Government Committee

From: John Leutz, Legislative Counsel, CCAO

Re: Support for House Bill 82 – Option to contract for the operation and maintenance of a county correctional facility

Current law authorizes a municipality or county, or any combination thereof, to enter into a contract for the private operation and management of a correctional facility, but only if that facility houses “misdemeanant inmates.” HB 82 would remove this limiting restriction for a facility in which a county government is involved. The restriction remains for a municipal correctional facility.

The current law requirement is significant because the mission of a county correctional facility is to house individuals that are awaiting trial or a court appearance whose status, in essence, is pretrial and unsentenced. Generally, 60 percent of the average daily jail population of most county jail facilities fits into this category. Consequently, the current restriction effectively prohibits the ability of a county to contract for the operation or management of its “jail” because that facility primarily holds individuals who are not “misdemeanant inmates.”

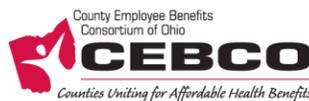
This legislation is entirely permissive. However, if a county would chose to pursue this option the current law (ORC Sec 9.06) imposes significant regulation of the contract provisions that must be met by the private contractor including:

- The contractor “convincingly demonstrating” to the county that it can operate the facility and realize at least a five per cent savings over the projected operating cost for the county.
- No out of state prisoners may be housed in the facility.
- The contractor must obtain and maintain American Correctional Association (ACA) accreditation throughout the duration of the contract.
- Full compliance with all DRC rules regarding the operation and management of correctional facilities including the Ohio Minimum Standards for Jails.
- The preparation and submission to the county of an annual budget, income and expenditures and funding sources.



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- Proper control and accountability for inmates' personal funds.
- Immediate reporting of any crime committed in the facility which is to be investigated by the local authorities.
- Maintaining compliance with the staffing pattern approved by the county.
- Authority for the county to impose a fine on the contractor, based upon a schedule of fines included in the contract, for the contractor's failure to perform its contractual obligations.
- A mandatory clause whereby the contractor specifically agrees to indemnify and hold harmless the county and reimburse the county for its costs in defending the county for any claim or loss arising from the contractor's performance or any alleged civil rights claim brought in relation to the operation of the facility.

Other states such as Texas and Pennsylvania already give their counties the flexibility to enter into contracts with a private company to manage county jails. HB82 is simply one more option for counties to work with at the local level. County budgets continue to become more and more challenging as the resources necessary to provide county services are not keeping pace with the cost of those services. Counties continue to seek non-traditional and unique ways in which to allocate resources in the most cost effective manner. This option may prove to benefit county government and CCAO asks for your support of HB 82.