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## **DEPARTMENT OF REHABILITATION AND CORRECTION**

### **Probation and parole services**

#### **Adult Parole Authority supervision**

- Specifies that persons paroled, conditionally pardoned, or released from prison on post-release control (instead of those paroled, conditionally pardoned, or released to *community* control) are under the Adult Parole Authority's (APA) jurisdiction and supervised by its Field Services Section.
- Expands a provision requiring the Field Services Section to formulate and use an offender supervision program, to require that the program must establish supervision standards so that higher risk probationers receive the most supervision and specify caseloads for parole officers.
- Specifies that the program described in the preceding dot point must allow the APA to limit probation services provided to a court to meet effective caseload sizes.
- Defines "caseload" as the number of persons who are under the supervision of any individual parole officer or field officer of the Field Services Section of the APA.

#### **Field Services Section**

- Specifies that the primary duty of the Field Services Section is to supervise persons released from prison who are paroled, conditionally pardoned, or released under post-release control supervision.
- Limits the Section's existing authority to supervise probationers from local courts to situations in which the APA and the court have entered into an agreement for such supervision, and requires the APA to limit the provision of those services in order to meet supervision and caseload standards it develops for its officers.

#### **Agreement for joint supervision of parolees**

- Changes the entity with whom a court of common pleas may enter into an agreement for joint supervision of released offenders from the Department of Rehabilitation and Correction (DRC) to the APA.
- Replaces the Parole Board with the APA as the entity involved in the supervision of offenders under a joint supervision agreement.
- Specifies that a county probation department is required to receive into its legal custody or supervision persons paroled, released under a post-release control sanction, or conditionally pardoned if the court has entered into a joint supervision agreement with the APA.
- Clarifies that a county probation department must furnish a written statement of the conditions of supervision to each person under its supervision or in its custody for a community control sanction or, pursuant to a joint supervision agreement, under a post-release control sanction or on parole.

- Clarifies that when a county lacks a probation department, a sentencing court may place offenders subject to community control sanctions under the APA's supervision if the court has entered an agreement with the APA for its services.
- Specifies that an offender's violation of a community control sanction, condition of release, or law, or departure from the state without permission, must be reported to the APA if the court has entered into an agreement with the APA for its services.
- Permits the APA to limit its provision of supplemental investigation and supervisory services and community control supervisory services to counties in order to meet its caseload and supervision standards for officers.
- Allows the APA to choose not to enter into an agreement with a county for its investigation and supervisory services or community control supervisory services if there is no existing agreement with the county.
- Authorizes the APA to terminate or choose not to renew an agreement with a county for its services if the county is instead offered funding from the DRC's Division of Parole and Community Services, provided the General Assembly has appropriated sufficient funds.

### **County authority to contract for services**

- Allows a county or counties without a probation department to contract with other agencies, associations, or organizations for the provision of probation and supervisory services regardless of whether or not the county or counties have an agreement with the APA for similar services.

### **Supervision and custody of releasees**

- Clarifies that the APA will supervise releasees and that DRC will have custody of releasees until the authority grants a termination.

### **Targeted community alternatives to prison**

- Removes references in the targeted community alternatives to prison program to "target counties," continuing the program only for counties that elect to participate.

### **F4 and F5 presumption against a prison sentence**

- In the Felony Sentencing Law mechanism establishing a presumption in favor of a community control sanction, instead of a prison term, for most F4s and F5s, repeals a criterion for the presumption to apply that pertains to the DRC providing the court with a list of available community control sanctions.

### **Minimum standards for jails**

- Modifies an action by the Director of DRC to enjoin compliance with the minimum standards and minimum renovation, modification, and construction criteria for minimum security jails by expanding the applicable standards and criteria to those for jails instead of only for minimum security jails.

## **Authority regarding medical release**

- Assigns to the Director of the DRC, rather than the Governor, responsibilities relating to the medical release of an inmate.

## **DRC authority to provide laboratory services**

- Repeals DRC's authority to provide laboratory services.

## **Community-based correctional facility award agreements**

- Modifies the effectivity of financial award agreements between DRC and the governing board of a community-based correctional facility from a period of one year from the date of the agreement to not longer than the state fiscal biennium in which the assistance is to be awarded.

## **Ohio Penal Industries**

- Requires the Office of Enterprise Development Advisory Board to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for Ohio Penal Industries.

## **Probation and parole services**

### **Adult Parole Authority supervision**

(R.C. 5149.04)

The bill modifies an existing provision that specifies the offenders who are under the Adult Parole Authority's (APA) jurisdiction and supervised by its Field Services Section. Under the bill, the provision applies with respect to persons paroled, conditionally pardoned, or released from prison on post-release control. Currently, the provision applies with respect to persons paroled, conditionally pardoned, or released to community control.

The bill expands an existing provision that requires the Field Services Section's Superintendent to formulate and use an effective program of offender supervision, to provide details regarding the program. The bill requires that the program must:

1. Establish supervision standards for parole and field officers of persons under its jurisdiction, based on results of the single validated risk assessment tool selected under current law, so that higher risk probationers receive the most supervision;
2. Specify caseloads (defined in the bill; see below) for parole officers, taking into consideration available personnel and funds, and prioritize the supervision of persons paroled, conditionally pardoned, or released to post-release control under the APA's jurisdiction; and
3. Allow for limiting probation services provided to a court pursuant to an agreement entered into with the court, to the extent that doing so will allow the APA to meet effective caseload sizes for persons described in paragraph (2), above.

## **Definition of “caseload”**

(R.C. 5149.01)

The bill defines “caseload” as the number of persons who are under the supervision of any individual parole officer or field officer of the Field Services Section of the APA, including persons placed on probation, community control, judicial release, or another form of supervision imposed by a court and persons paroled, conditionally pardoned, or released to post-release control supervision.

## **Field Services Section**

(R.C. 5149.06)

The bill modifies provisions regarding the duties of the APA’s Field Services Section in two ways:

1. It enacts language specifying that the Section’s primary duty is to supervise persons released from prison who are paroled, conditionally pardoned, or released under post-release control supervision. Current law (repealed by the bill) specifies that one of the Section’s duties is to assist counties in developing their own probation services on either a single county or multiple county basis.
2. It limits the Section’s existing authority, subject to available personnel and funds, to supervise selected probationers from local courts to situations in which the APA has entered into an agreement with the court for such supervision. And the bill further requires the APA to limit the provision of those services in order to meet supervision and caseload (defined in the bill; see above) standards the APA develops for its officers (see “**Adult Parole Authority supervision,**” above).

## **Agreement for joint supervision of parolees**

(R.C. 2301.28, 2301.30, and 2967.29)

The bill changes the entity with whom a court of common pleas may enter into an agreement for joint supervision of offenders released from prison from the Department of Rehabilitation and Correction (DRC) to the APA. It also replaces the Parole Board with the APA as the supervising entity under those agreements.

The bill requires a county probation department to receive into its legal custody or supervision persons paroled, released under a post-release control sanction, or conditionally pardoned if the court of common pleas has entered into an agreement with the APA for the joint supervision of offenders. Current law requires the county to accept those persons into its custody or supervision when requested by the APA or any other authority having power to parole or release from a state correctional institution.

The bill also modifies a requirement in existing law that a county probation department must furnish a written statement of the conditions of supervision to each person under its supervision or in its custody for a community control or post-release control sanction or on parole. The bill clarifies that the department must furnish the written statement to each person under its supervision or in its custody for a community control sanction or, pursuant to an agreement for joint supervision with the APA, under a post-release control sanction or on parole.

## **Supervision of offenders serving community control sanctions**

(R.C. 2929.15)

The bill clarifies when a sentencing court may place offenders subject to community control sanctions under the APA's supervision. If a county lacks a probation department, offenders serving a community control sanction may be supervised by the APA if the court has entered into an agreement with the APA for its services.

Similarly, the bill clarifies that if an offender violates a community control sanction, condition of release, or law, or leaves the state without permission, the violation or departure must be reported to the APA if the court has entered into an agreement with the APA for its supervisory services.

## **Authority to limit probation services on county level**

(R.C. 2301.32)

The bill allows the APA to limit its provision of supplemental investigation and supervisory services and community control supervisory services to counties in order to meet its caseload and supervision standards. Under current law, preserved by the bill, the APA may provide supplemental investigation and supervisory services to a county probation department if the APA enters an agreement with the county's court of common pleas. If a county has not established a probation department, the court of common pleas and the APA may agree to placing offenders subject to a community control sanction under the APA's supervision.

The bill permits the APA to choose not to enter an agreement to provide investigation and supervisory services or community control supervisory services if there is no existing agreement with a county. The APA may terminate or choose not to renew an agreement with a county for its services, but the county must instead be offered funding from the DRC's Division of Parole and Community Services, provided the General Assembly has appropriated sufficient funds for that purpose.

## **County authority to contract for services**

(R.C. 2301.27)

Existing law allows each common pleas court to establish a county probation department as well as two or more counties to jointly establish a county probation department for those counties. Existing law also provides that instead of establishing a county probation department and instead of entering into an agreement with the APA, the common pleas court or the common pleas court of two or more adjoining counties, may request the board of county commissioners (or jointly request the boards of county commissioners of those counties) to contract with, and upon that request the board may contract with, any nonprofit, public or private agency, association, or organization for the provision of probation services for persons placed under community control sanctions. The bill provides that the county or counties may contract with the above-described entities regardless of whether or not they have entered into an agreement with the APA.

## **Supervision and custody of releasees**

(R.C. 2967.02)

The bill clarifies that the APA will supervise releasees and that DRC will have custody of releasees until the authority grants a termination.

Additionally, under current law, DRC has custody of releasees until the APA grants a “final release.” S.B. 66 of the 132<sup>nd</sup> General Assembly amended the phrase “final release” to “termination.”<sup>68</sup> The bill reflects this change in language.

## **Targeted community alternatives to prison**

(R.C. 2929.34 and 5149.38)

The bill removes a requirement that certain prison terms imposed for a fifth degree felony be served in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, in a community alternative sentencing center or district community alternative sentencing center, or in a community-based correction facility if the court that imposed the fifth degree felony term was a common pleas court of a “target county.” The “target counties” are: Franklin, Cuyahoga, Hamilton, Summit, Montgomery, Lucas, Butler, Stark, Loran, and Mahoning.

Under continuing law, in any county, the board of county commissioners and the administrative judge of the general division of the common pleas court may agree to have the county participate in these local confinement provisions. These counties are referred to in continuing law as “voluntary counties.”

## **F4 and F5 presumption against a prison sentence**

(R.C. 2929.13)

A Felony Sentencing Law mechanism establishes a presumption in favor of a community control sanction, instead of a prison term, for an offender convicted of an F4 or F5 that is not exempt from the mechanism. The presumption applies if four specified criteria are satisfied. The sentencing court may impose a prison term, notwithstanding the presumption, if any of 11 specified circumstances apply. Offenses of violence and a few assault offenses are exempt from the mechanism.

The bill repeals one of the criteria that must be satisfied for the presumption to apply, and a related circumstance that authorizes a court to impose a prison term if that criterion is not satisfied. The repealed criterion and circumstance pertain to DRC providing the court, upon its request, with a list of available community control sanctions. Specifically, the bill repeals the provisions that: (1) require the sentencing court to request from DRC a detailed list of community control sanctions available for offenders it sentences, if it believes that no appropriate community control sanction is available, (2) require DRC to provide such a list to the requesting court within a specified period of time after the request, (3) specify that if DRC timely provides the requesting court with such a list, the presumption applies, and (4) specify

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<sup>68</sup> R.C. 2967.16, not in the bill.

that if DRC does not timely provide the requesting court with such a list, the court has discretion to impose a prison term.

## **Minimum standards for jails**

(R.C. 5120.10 with conforming changes in R.C. 341.34 and 753.21)

The bill modifies the DRC Director's authority to initiate an action in the court of common pleas to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for jails by eliminating the specific reference to *minimum security* in regard to those minimum standards and minimum renovation, modification, and construction criteria, thus expanding those standards and criteria to apply for all jails. It makes conforming changes in the laws establishing minimum security jails in municipal corporations and counties to references to minimum standards and minimum renovation, modification, and construction criteria for jails instead of for *minimum security* jails.

## **Authority regarding medical release**

(R.C. 2967.05)

The bill assigns to the Director of DRC responsibilities relating to the medical release of an inmate. Under current law, these responsibilities are assigned to the Governor.

The bill provides that the Director may order the release of an inmate who is terminally ill, medically incapacitated, or in imminent danger of death.

Subsequent to an inmate's release, the Director may order the return of the inmate to an institution if either of the following occur:

1. The inmate's health so improves that the inmate is no longer terminally ill, medically incapacitated, or in imminent danger of death;
2. The inmate violates any rules or conditions that apply to the inmate.

Under current law, if an inmate's health improves as in paragraph (1) above, the inmate must be returned to an institution.

Under the bill, the Director must direct the APA to investigate the inmate and make a recommendation. The released inmate will be supervised by the APA in accordance with this recommendation if it is approved by the Director. Under current law, the Director is not required to direct the APA to investigate and make a recommendation.

## **DRC authority to provide laboratory services**

(R.C. 5120.135, repealed, with conforming changes in R.C. 5119.44)

The bill repeals DRC's authority to provide laboratory services to certain state departments, federal, state, county, or local agencies, public or private entities, and private persons. Under current law, these "laboratory services" include the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy services.

## **Community-based correctional facility award agreements**

(R.C. 5120.112)

The bill modifies the effectivity of state financial agreements between the Director of DRC and the Deputy Director of the Division of Parole and Community Services on the part of the state, and the facility governing board of a community-based correctional facility and program or a district community-based correctional facility and program that outline the agreement's terms and conditions, from an annual basis or a period of one year from the date of the agreement under current law to not longer than the state fiscal biennium in which the financial assistance is to be awarded.

## **Ohio Penal Industries**

(R.C. 5145.162)

The Office of Enterprise Development Advisory Board advises and assists DRC with the creation of training programs and jobs for inmates and releasees through partnerships with private sector businesses. Among the duties of the Board is to solicit business proposals offering job training, apprenticeship, education programs, and employment opportunities for inmates and releasees. The bill requires the Board to also solicit these business proposals for Ohio Penal Industries.