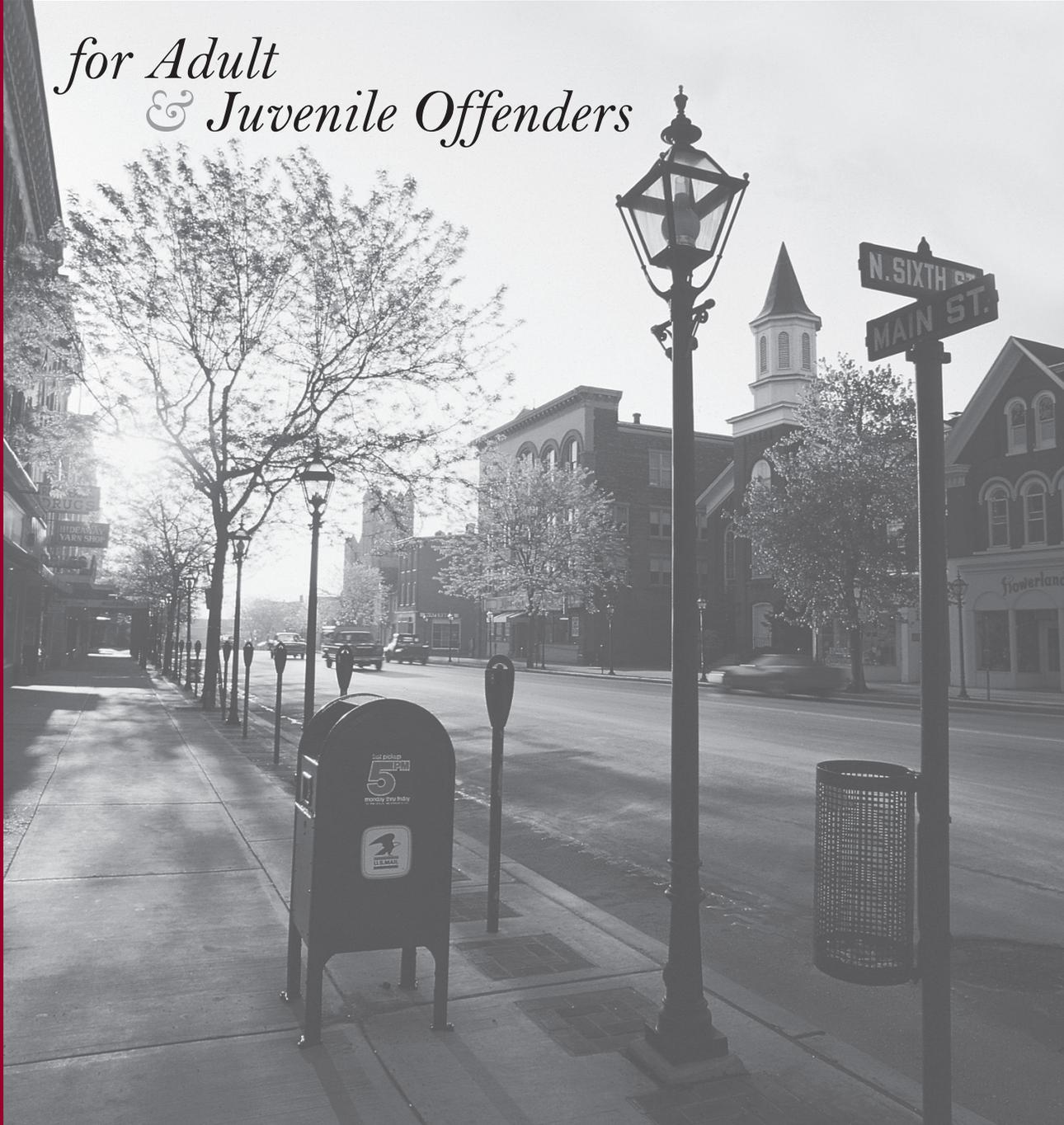


JUSTICE ALTERNATIVES

Ohio Statutory Community Sanctions

*for Adult
& Juvenile Offenders*



**Ohio Statutory
Community Sanctions**
For Adult and Juvenile Offenders

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Introduction

The Ohio Office of Criminal Justice Services in conjunction with the Ohio Community Corrections Organization published in 1993 the Community Corrections Bench Book for elected officials and practitioners. The purpose of the bench book was to document existing and proposed sanctions for adult and juvenile offenders in Ohio. Since 1993, the adult felony, misdemeanor, traffic, and juvenile sentencing codes have been revised and the purposes of sanctions have changed. This new statutory sanctions manual is designed to replace the original document and provide information on current statutory sanctions.

Community sanctions in Ohio are based on a continuum of services¹ from the least restrictive to the most restrictive. Using a mix of prevention, intervention, education, treatment, and traditional incarceration, community corrections works to prevent, treat, and rehabilitate criminals in addition to handing down punishment for a crime. Current research has shown that what works in corrections are programs that are designed based on the offenders risk to public safety, assessment of criminogenic needs and include a cognitive behavioral element in the treatment services. Intensive services need to be designed to serve moderate to high-risk offenders. Providing low risk offenders with intensive services increases the likelihood the offender will commit new crimes. The continuum is designed to provide a range of correctional services that become more obtrusive the higher up the continuum you move. This document is not designed to be the final definitive listing of all community corrections sanctions and programs, but rather, a living document that can be added to and updated.



Sanctions in Ohio are statutorily divided into financial, non-residential, and residential. The first three sections of the manual provide information on specific sanctions mentioned in the law. One of the major changes in the code is to provide sentencing judges with the ability to sentence offenders to one or more of these of sanctions directly without first placing the offender on probation. The fourth section is a brief examination of the specialty dockets. Finally, the appendices are designed to provide resource information.

The development of this document was through the effort of several organizations. The Ohio Community Corrections Organization, the Ohio Department of Rehabilitation and Correction, and the Ohio Department of Youth Services provided assistance in reviewing and updating the current statutory sanctions. The Ohio Office of Criminal Justice Services thanks these organizations for their invaluable assistance.

¹ Community Corrections in Ohio is the provision of services to alleged and adjudicated offenders in Ohio. Services prior to conviction in Ohio are usually provided by corrections professionals and are considered part of the continuum of sanctions available for treatment.

Financial Sanctions

Fines

Description: A fine is a possible sanction for violating any criminal law in Ohio and the amount is set by state law. Fines for adult felony offenders are as follows:

- Felony 1 up to \$20,000,
- Felony 2 up to \$15,000,
- Felony 3 up to \$10,000,
- Felony 4 up to \$5,000, and
- Felony 5 up to \$2,500.

If the offense is a first-, second- or third-degree felony drug offense, the judge must impose a fine of at least one half of, but not more than the full amount of the felony fine unless the offender can prove indigence. The judge also has an option to add an additional fine that is not more than the total value of any personal or real property of the offender. The sum of both fines may not exceed the statutory amount of the felony level fine.

A fine may also be used as a sanction for adult misdemeanor offenders as follows:

- Misdemeanor 1 up to \$1,000,
- Misdemeanor 2 up to \$750,
- Misdemeanor 3 up to \$500,
- Misdemeanor 4 up to \$250, and
- Minor Misdemeanor up to \$150.

Fines for juveniles are set at lower amounts as follows:

- Minor misdemeanor up to \$50,
- Misdemeanor 4 up to \$100,
- Misdemeanor 3 up to \$150,
- Misdemeanor 2 up to \$200,
- Misdemeanor 1 up to \$250,
- Felony 5 up to \$300,
- Felony 4 up to \$400,
- Felony 3 up to \$750,
- Felony 2 up to \$1,000,
- Felony 1 up to \$1,500, and
- Aggravated murder or murder up to \$2,000.

The court may determine if the offender is indigent. Upon an indigent filing, the court may impose community service in lieu of fines.

If the offender has been found to be able to pay and refuses, the court may jail the adult offender. Each day in jail reduces the offender's fine debt by \$50. Juvenile offenders may be sentenced to a term of community service if they are able to pay but do not pay the fine.

The Clerk of Court is responsible for collecting any financial sanctions and may contract with another public or private agency to collect the fees. Fines

once imposed are considered a civil liability and courts may use the civil recovery procedures to collect the fines.

The fine sanction may be used in combination with any other sanction. If an offender completes all other sanctions imposed and has paid any court-ordered restitution, the court may cancel the balance of any fees owed.

Legal Authority: ORC Section §2929.18 sets forth fines for felonies. ORC §2929.28 sets forth fines for misdemeanors. ORC § 2152.20 sets forth fines for delinquent or juvenile traffic offenders. ORC §2947.14 gives the authority to the court for jail time in satisfaction of fines.

Eligibility: Fines are available as a sanction for any criminal, delinquent or traffic offense in Ohio. In practice, fines are not imposed since many offenders do not have the resources to pay the fines.

Who decides? The sentencing judge makes the decision.

Fees

Description: State law allows judges to assess fees the offender must pay as part of the sentencing process. Fees may not exceed the actual cost of the services being provided. The fee reimbursement may be for the following:

- Confinement in a jail or juvenile detention facility,
- Confinement in a prison or juvenile institution,
- Confinement in a residential facility,
- Costs of arrest and prosecution in the case of arson,
- Any part of a community control sanction, including supervision,
- The administrative cost of implementing a community control program,
- Costs of services provided by a private agency, or
- Any other sanction established by the court.

The clerk of court is responsible for collecting any financial sanctions and may contract with another public or private agency to collect the fees. The fee sanction may be used in combination with any other sanction. Fees may be assigned to both felony and misdemeanor offenders. If an offender completes all sanctions imposed and has paid any court-ordered restitution, the court may cancel the balance of any fees owed.

Legal Authority: ORC §2929.18 sets forth the authority for adult felony offenders. ORC §2929.28 sets forth the authority for adult misdemeanor offenders. ORC § 2152.20 sets forth the authority for juvenile delinquent or traffic offenders.

Eligibility: Fees are available as a sanction for any criminal offense in Ohio.

Who decides? The sentencing judge makes the decision.

Day Fines

Description:

In the United States, typical fines are tariffs scaled to the severity of the crime. One European technique for addressing equity and collection issues is the “day fine.” With day fines, the judge first decides the number of “day fine units” warranted, based on the nature or severity of the crime (the more serious the crime, the higher the number of units). The monetary value of each day fine unit is then determined based on the offender’s income. In short, the number of units times the percentage of income tithed equals the fine amount. Day fines have been piloted in several jurisdictions in the United States. Research has shown that if carefully implemented, they can increase revenue and decrease more expensive residential placements.

Day fines are adjusted to reflect individual circumstances. For example, in Sweden, a day fine unit is 1/1000th of the offender’s annual salary, with deductions for taxes, dependents, and major debts, but with increase based on net worth. In Germany, a day fine unit is the offender’s net income for one day. The fine is the amount of income the offender would have lost if incarcerated.

Legal Authority:

ORC §2929.18(A)(2) allows for the judge to set the amount of the fine based on a standard percentage of daily income for a set number of days. Day fines are not an available sanction for delinquent or juvenile traffic offenders.

Eligibility:

Felony offenders are eligible for a day fine program; however, the total day fine may not exceed the maximum of the standard fines.

Who Decides?

The sentencing judge determines the standard percentage and number of days based on the seriousness of the offense.

Super Fines

Description: A super fine is a financial sanction that allows the court to impose a fine of up to one million dollars on an offender who is convicted of or plead guilty to an offense if:

- There are three or more victims,
- The offender has previous convictions with the current offense involve three victims,
- The offense of conviction is an aggravated murder, murder or felony 1 that prior to July 1, 1996 would be an aggravated felony, or
- The offense is a felony 1, 2, or 3 involving drugs or controlled substances.

Super fines collected under this provision are deposited into the Crime Victims Recovery Fund for distribution.

Legal Authority: ORC Section §2929.32 authorizes super fines for adult offenders. Super fines are not available for juvenile offenders

Eligibility: Adult offenders convicted of serious felonies.

Who decides? The sentencing judge makes the decision.

Restitution

Description: Restitution is a way to provide for the victims of adult criminal offenses. A judge may impose restitution by itself or as part of other sanctions. Restitution to the victim or survivor of the offender's crime is directly tied to their economic loss.

The judge makes a decision on the amount of the restitution to be paid. The amount may be based on recommendations of the victim, offender, the probation department, or actual receipts. If there is a dispute, a hearing is held to review the amount.

The court is allowed to provide for restitution for juvenile offenders in the following ways:

- Cash reimbursement paid in a lump sum or in installments,
- Repair work to restore any damaged property to its original condition
- Reasonable amount of labor for the victim or survivor of the victim
- Community service work
- Any other form the court deems appropriate

At the judges discretion a hearing may be held to determine if the offender can or could in the future pay the restitution.

Restitution is to be paid to a government agency for distribution to the victim, survivor, or a third party who paid for the expenses of the victim. Courts may add a surcharge of 5 percent to cover the administration and collection of restitution.

Restitution once imposed is considered a civil liability and the courts may now use civil procedures to recover any uncollected amounts.

Legal Authority: ORC Section §2929.18 authorizes restitution for felonies and ORC §2929.28 for misdemeanors. ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly juvenile offenders.

Eligibility: All felons and misdemeanor offenders may be sentenced to make restitution.

Who Decides? The sentencing judge makes the decision.

Non-Residential Sanctions

Pretrial Release

Description: Individuals arrested for a criminal offense who do not pose a threat to the community, have ties to the community, and the circumstances of the crime charged does not require incarceration, may be released before trial. Pretrial Release programs were developed to ensure the defendant appeared for trial and to provide services to the defendant. Elements of a pretrial program may include:

- ♦ Assessment of risk and needs of the client,
- ♦ Supervision of the client by a trained Pretrial Services Officer,
- ♦ Electronic monitoring,
- ♦ Urinalysis monitoring,
- ♦ Emergency housing,
- ♦ Welfare assistance,
- ♦ Pre-natal care,
- ♦ Treatment for chemical dependency,
- ♦ Treatment for mental health,
- ♦ Counseling services,
- ♦ Other treatment services as determined through assessment, and
- ♦ Review and eligibility determination for alternative disposition programs such as Drug Court, Mental Health Dockets, and Diversion Programs.

While in a pretrial release program preliminary information about the defendant's ability to adapt to the rigors of monitoring within the community similar to that of probation supervision can be tested for consideration by the court. Also during this time, information can be collected regarding the defendant's residence, employment, social status, and other pertinent information that is used in sentencing. This information can then be used to support the sentencing option later.

Legal Authority: ORC § 2937.22 through ORC § 2937.33 provides authority for the bail process. ORC § 2152.13 provides juveniles with the same rights to bail as adult offenders. Generally, ORC § 2152.26 provides juveniles the right to bail if held in jail. The Ohio Codes and Rules derive from Amendment VIII of the U.S. Constitution – “Excessive Bail shall not be required...” and subsequent Supreme Court rulings such as *Stack v. Boyle*, 342 U.S. 1 (1951), the passage of the Federal Speedy Trial Act of 1973 and the Federal Bail Reform Act of 1984.

Criminal Procedure Rule 46 establishes the conditions the judge may impose on bail which include placing the person in a pre-trial release program, restricting travel, associations or place of abode. The judge may also impose several community control sanctions including house arrest, work release, and substance abuse treatment if the offense is alcohol or drug related. Juvenile Rule 7 outlines the options available to court when a complaint is made against a juvenile. Courts can release the juvenile to a parent or guardian, or may admit him/her to a detention facility. In addition, the American Bar Association adopted the new Criminal Justice Black Letter Standards for Pretrial Release in February 2002.

Eligibility:

Generally all persons who have appeared before the court upon receipt of a summons are entitled to release on their own recognizance or upon execution of an unsecured appearance bond. Exceptions include defendants in capital cases and other cases where the proof is evident, or the presumption great that the defendant may not appear at all stages of the criminal proceedings or is a threat to the community. If the person has a history of failure to appear when required in judicial proceedings, or the person's physical, mental, or emotional condition appears to be such that the person may pose a danger to self or others if released immediately, that person need not be released on his/her own recognizance or upon the execution of an unsecured appearance bond. The ABA's *Standards for Pretrial Release* provides guidance in the method, factors and process for making eligibility determinations.

Who Decides?

The judge decides in felony cases. The Clerk of Court or, if the clerk is not available, the officer in charge of the facility to which the person is brought decides in misdemeanor cases.

Pretrial Diversion

Description: Diversion Programs are an alternative to traditional criminal prosecution or juvenile justice proceedings for first time, non-violent offenders. They offer non-punitive case processing to selected individuals charged with a certain category of crime, most usually property crimes. The goal of pretrial diversion programs is to divert defendants from the criminal justice system and the stigma that conviction carries, while still holding them responsible for their actions.

Tenets of these programs are that:

- ♦ The defendant's participation must be voluntary, and done with the advice of counsel,
- ♦ Each participant in the program has a service plan established that meets their needs and is structured to assist the participant in avoiding future illegal behavior, and
- ♦ Successful completion of the service plan and program results in the dismissal of pending charges.

Diversion programs may provide services to the participants in house, or by arrangement with other community agencies. Services may include:

- ♦ Mental Health Services,
- ♦ Employment,
- ♦ Counseling,
- ♦ Education,
- ♦ Urine Drug Screens, and
- ♦ Collection of restitution payments.

Diversion does not guarantee a non-criminal disposition of a suspect's case because the suspect is required to meet specific conditions before the prosecutor forgoes the right to bring the case to trial. The prosecutor usually insists on a waiver of the suspect's constitutional right to a speedy trial and statutory right to invoke the statute of limitations. Some prosecutors require a guilty plea or an admission of guilt before diversion. The victim and arresting officer may file objections with the prosecutor before release (ORC §2935.36 (C)).

Legal Authority: ORC §2935.36 authorizes county prosecutors to establish pretrial diversion programs. The presiding common pleas judge must sign-off on the program's written standards. ORC § 2151.331 authorizes the court to place an alleged or adjudicated unruly child in a diversion program established by the court.

Eligibility:

Unruly juvenile offenders are eligible for diversion. In addition, adult offenders (except drug dependant) accused of committing a criminal offense that the prosecutor believes probably will not offend again. Generally, violent, repeat, and dangerous offenders are ineligible. However, the same section allows pretrial diversion for persons accused of a violent offense if any of the following are true:

- ♦ The accused did not cause, threaten, or intend serious physical harm;
- ♦ The circumstances of the offense are not likely to recur;
- ♦ The accused has no history of prior delinquency or criminal activity;
- ♦ The accused has led a law-abiding life; and
- ♦ Substantial grounds tend to excuse or justify the offense.

Who Decides?

The prosecutor makes the final decision on who will be eligible to participate in a diversion program. However, several counties use a citizen advisory board to review and comment on cases being considered.

Intervention in Lieu of Conviction

Description: Drug Treatment in Lieu of Conviction is a pretrial diversion for substance abusing defendants available in common pleas, county or municipal courts. The program is designed to give defendants an opportunity to receive treatment and avoid further criminal proceedings. The defendant must request consideration for treatment in lieu of conviction. Prior to consideration, the defendant must be assessed by a licensed or certified substance abuse program. The court then conducts a hearing to determine applicability of placement. The defense attorney and the prosecutor may present evidence on eligibility or ineligibility to the court. If granted, the defendant must admit guilt and all further criminal proceedings are held in abeyance unless the court's conditions are violated. The judge then places the defendant on probation with an intervention plan.

On successful completion of a program including one year of abstinence, the admission of guilt in a criminal conviction will be removed and the court may seal the records related to the case. If the offender's treatment is unsuccessful, the court must find the offender guilty and impose an appropriate sanction.

Legal Authority: ORC §2951.041 authorizes programs for adult substance abusing offenders. There is no similar provision in the juvenile code.

Eligibility: Substance abusing persons accused of any fourth or fifth degree felony eligible for community sanctions except if:

- The offender has previously been convicted or pled guilty to a felony;
- The offense is an offense of violence;
- The offense is not vehicular assault, driving while intoxicated, corrupting another with drugs, or fourth degree drug possession;
- The person's drug or alcohol use was a factor leading to the criminal activity; or
- The alleged victim of the offense was not 65 years or older, permanently or totally disabled, under thirteen years of age, or a peace officer.

Who decides? The sentencing judge makes the decision based on the request of the offender. The prosecutor may comment on the request.

Community Control Sanctions and Probation

Description:

Community control sanctions are the generic name for a series of nonresidential and residential sentences provided for offenders who do not receive a prison sentence. An offender who receives a community control sanction is placed under the general control and supervision of a probation department. The probation department is responsible for reporting to the judge any violations of a community control sanction. An offender can be sentenced to community control sanctions for up to five years.

Probation involves supervision of offenders by a probation officer. The probation officer is responsible for ensuring the offender meets the conditions of community control set by the judge during sentencing. The court imposes additional sanctions to address identified areas of offender needs such as chemical dependency, unemployment, limited education and training, cognitive behavioral training, and mental health. During the period of probation, the offender must abide by the law and not leave the State without permission of the probation officer.

The law for misdemeanor offenders is slightly different. The judge has the option to sentence the offender directly to community control and probation supervision or to jail, suspend the jail sentence, and place the offender on probation.

Legal Authority:

The authority to directly sentence adult offenders to community control is in ORC § 2929.15 for felonies and ORC § 2929.22 for misdemeanors. ORC § 2301.32 authorizes the court of common pleas to contract with the Adult Parole Authority to provide supervision services. ORC § 2301.27 authorizes the common pleas court to establish their own probation department and set specific rules and regulations for operation within the broad outlines of the revised code. ORC § 2301.30 lists the duties of the probation department.

ORC § 1901.33 establishes the operation of a municipal court department of probation. ORC § 1907.201 establishes the operation of a county court department of probation. Adult probation officers in municipal or county court probation departments have all the same powers as a police officer.

ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders. ORC § 2151.14 and 2151.15 establishes juvenile probation departments within the juvenile court and provides powers for juvenile probation officers.

Eligibility:

Adult felony offenders not subject to a mandatory prison term or misdemeanor offenders not subject to a mandatory jail term are eligible for community control sanctions.

Ineligible offenders are those convicted of:

- Aggravated murder;
- Rape or attempted rape if the act if completed would subject the offender to life imprisonment;
- Gross sexual imposition or sexual battery if the victim is under 13, if the offender has a previous conviction for rape; or there is a previous conviction of a sex offense where the victim was under 13;
- Involuntary manslaughter where the death occurred when the offender was operating a vehicle under the influence;
- Aggravated vehicular homicide if the offender has a previous vehicular homicide or assault conviction or was driving under suspension;
- Felonious, aggravated or simple assault of a police officer where there is serious injury;
- Serious drug offenses including trafficking, corrupting another, manufacturing, and possession under specific circumstances;
- First or second degree felony if there is a previous felony conviction for aggravated murder, felony one or felony two offense;
- Third degree felony and the offender falls within the repeat violent offender definition;
- An offense where the offender had a firearm or wore body armor;
- Engaging in a pattern of criminal activity and the conviction was a felony one;
- Any sexual offense with a sexually violent predator specification;
- Illegal conveyance of a firearm or contraband into a correctional facility; or
- Operating a vehicle under the influence after the first offense

Juvenile offenders adjudicated as serious youthful offenders are subject to the same sentences as adult offenders for the offense. Serious youthful offenders would be ineligible for probation for the same offenses specified above. All other youth are eligible for probation.

Who Decides?

The sentencing judge imposes community control sanctions.

Day Reporting

Description: Day reporting centers provide increased supervision for offenders on community control. In general, offenders must physically report to the center daily, provide a schedule of their planned activities, and participate in designated programs and services provided by the center with other community agencies. The offender must report by phone to the center at other times and expect random phone checks by center staff both during the day and at home following curfew.

Day reporting centers are a resource that enables probation or parole officers to tighten control on offenders who are having problems abiding by conditions of supervision. The program can provide direct treatment services to offenders or it can screen and broker services by identifying the community treatment resources offenders need and facilitating their access to those services. Offenders are assessed to determine needs and services are provided life skills, education or training, substance abuse treatment, cognitive behavioral education, and job development to address the identified needs.

Legal Authority: The definition of day reporting is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC §2929.51 allows judges to suspend jail sentence and place the adult misdemeanor offenders on probation. ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge imposes a day reporting sanction.

House Arrest

Description: House arrest restricts offenders to their residences. Offenders are required to remain in residence except if the court specifies release for one of the following reasons:

- Employment,
- Counseling, or
- Education.

While on house arrest, the offender is supervised by a probation or post-release control officer.

A judge can sentence a felony offender, misdemeanor offender or delinquent offender directly to house arrest or house arrest in conjunction with another community control sanction. House arrest is frequently used as a sanction for offenders who are having difficulty adjusting to community supervision and need more security. House arrest can also be used for offenders who are awaiting trial.

Legal Authority: The definition of house arrest is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2151.19 authorizes juvenile judges to use house arrest up to age 21 for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.

Eligibility: Offenders who are eligible for community control sanctions.

Who Decides? The sentencing judge places an offender on house arrest.

Electronic Monitoring

Description: Electronic monitoring is the use of a device to determine the location of a person. The technological advances in electronic devices during the 1990s and since the turn of the century are amazing. Devices can include breathalyzers, voice recognition, retina scanners, and global positioning systems. Each year has seen an advance in the technology.

Due to the advances in technology, the law was changed (effective January 2004) to be more flexible. The technical specifications previously included in the law are no longer in effect. The device need only:

- Have a transmitter and receiver that can monitor and determine the location of a person at any time through a central computer or other electronic means; and
- Have a transmitter and receiver that, through the central computer or other electronic monitor, can determine the transmitter has been turned off or altered without permission.

To accommodate future technological changes the law allows any technology approved by the Director of the Ohio Department of Rehabilitation and Correction that can track or locate a person at any time.

Research has shown that an electronic monitoring program by itself is not effective. Most jurisdictions use electronic monitoring as an enhancement of another program such as violation sanction, house arrest or intensive supervision probation.

Legal Authority: The definition of house arrest is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2151.19 authorizes juvenile judges to use electronic monitoring up to age 21 for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders. Ohio Administrative Code § 5120:12-02 authorizes the use of electronic monitoring as a step down for transitional control offenders.

Eligibility: Offenders who are eligible for community control sanctions and step down in the transitional control program.

Who Decides? The sentencing judges place an offender on electronic monitoring if the offender is under the control and supervision of the court. The Adult Parole Authority or a parole board hearing officer places a parolee or post-release control violator on electronic monitoring as an intermediate sanction. The Adult Parole Authority places a transitional control offender on electronic monitoring in their home placement if they are employed and complying with program requirements.

Community Service

Description: Community service is when an offender works for a public or non-profit agency without pay. Community service is a sanction the court may use by itself or in conjunction with other community control sanctions. Statutory limitations on the maximum number of hours are as follows:

- Felony offender – 500 hours
- Misdemeanor 1 offender – 500 hours
- Misdemeanor 2 to 4 offender – 200 hours
- Minor misdemeanor offender – 30 hours
- Unruly juvenile – 175 hours
- Delinquent juvenile – same hours as adult offenders based on offense
- Child endangering offenders – 200 hours

The law requires that the offender perform community service work under the authority of health districts, park districts, counties, municipalities, townships, state agencies or any of their subdivisions, other political subdivisions, or charitable operations that render services to the community. The agency or charitable organization must agree to accept the offender. The agency or charitable organization is required to provide a qualified person to supervise the offender's work.

Community service work cannot be used as a sanction unless the offender agrees to perform the work. Community service orders require offenders to work without pay. The court may require an offender to pay a "reasonable fee" to cover the costs of participation in the program. Community service programs may be supervised by probation departments or the court may enter into an agreement with the county department of job and family services for supervision.

Community service may also be used as a means for indigent offenders to pay their fines.

Legal Authority: The authority to use the sanction is in ORC §2929.17 for felony offenders, ORC §2929.27 for misdemeanor offenders, ORC §2151.354 for unruly juveniles, ORC §2152.19 for juvenile delinquent or traffic offenders and ORC § 2919.22 for child endangering. ORC §2151.02 is the statutory description of community service.

Eligibility: Adult and juvenile offenders who are eligible for community control sanctions.

Who Decides? The sentencing judge may order community service work if the offender agrees.

Drug Treatment

Description:

Drug treatment is defined as any program where a person undergoes assessment and treatment designed to reduce or eliminate the person's physical or emotional dependence upon alcohol or another drug. Substance treatment programs may be outpatient or residential. Drug treatment is a sanction that may be imposed alone or with another sanction. Offenders sentenced to drug treatment are under the supervision of a probation department. Drug treatment programs are certified by the Ohio Department of Alcohol and Drug Addiction Services under ORC Chapter 3793.

A separate program is established for a person charged with a misdemeanor who is taken before the court and the judge determines that the person is an alcoholic or suffering from acute alcohol intoxication. The judge may place the person in an inpatient drug or alcohol treatment program for a period not to exceed five days.

If the judge determines at the time of sentencing that the offender is suffering from acute alcohol intoxication, the person charged and convicted under the following is eligible for treatment and may be committed to a certified drug or alcohol program:

- ORC § 2917.11(B) disorderly conduct,
- ORC § 4511.19(B) (under age 21) operating a vehicle under the influence (OVI),
- ORC § 2919.25 misdemeanor domestic violence, or
- ORC § 2919.27 violation of a protection order.

A person convicted of OVI must be in treatment for at least three days. A person convicted for misdemeanor domestic violence or violating a protection order must voluntarily agree to treatment. The term of commitment for treatment may not exceed the term of imprisonment. If the offender successfully completes the treatment, the judge may dismiss any of these charges.

Legal Authority:

The definition of a drug treatment program is in ORC § 2929.01. The authority to use the sanction is in ORC § 2929.17 for felony offenders and ORC § 2929.27 for misdemeanor offenders. The misdemeanor treatment program is described in ORC § 2935.33. ORC § 2152.19 allows the juvenile judge to order substance abuse treatment at the security level deemed appropriate for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.

Eligibility:

Offenders eligible for community control sanctions.

Who Decides?

The sentencing judge decides on drug treatment options.

Drug Testing

Description:

Drug Testing is listed as a separate sanction under the new community control sentencing provisions but is generally used in conjunction with other sanctions. Drug testing is defined as “a procedure in which blood or urine specimens are collected from individuals chosen by automatic, random selection and without prearrangement or planning, for the purpose of scientifically analyzing the specimens to determine whether the individual ingested or was injected with a drug of abuse.”

The drug testing may be completed by the probation department or by a contracted laboratory. If a contracted laboratory is used, the laboratory must comply with policies and procedures established by the Ohio Department of Rehabilitation and Correction for analysis.

If the offender is in a nonresidential sanction, the offender may be charged a fee for the cost of testing.

Legal Authority:

ORC § 5120.63 defines “random drug testing.” The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2951.05 discusses the parameters of a drug-testing program. ORC § 2152.19 allows a juvenile judge to monitor a juvenile’s use of drugs or alcohol but does not specifically reference drug testing.

Eligibility:

Offenders currently in the community on a community control sanction or post-release control with substance abuse problems.

Who Decides?

The sentencing judge makes the initial determination for drug testing at sentencing for community control offenders. The probation officers make the decision when to test the offender.

The parole board sets the condition of random drug testing for offenders on post-release control. The parole officers determine when to test the offender.

Intensive Supervision Probation

- Description:** Intensive Supervised Probation (ISP) is a program designed to provide increased levels of control of offenders without incarceration. ISP provides greater surveillance through smaller caseloads (20 to 25 probationers per officer) than regular probation, which is usually 50-200 probationers per officer. The offender has an increased number and type of contacts with his/her probation officer, including evening checks at his/her residence. In addition, the ISP client is usually required to attend various community programs. ISPs incorporate surveillance aids such as electronic monitoring, police-aided surveillance, random home visits, or daily face-to-face contact. The programs may require several contacts per week during the initial phase of ISP and then reduce the intensity of supervision over time. The length of stay in ISP is usually six to 12 months.
- Legal Authority:** The definition of intensive probation supervision is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.
- Eligibility:** Offenders eligible for community control sanctions.
- Who Decides?** The sentencing judge decides on intensive supervision.
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Monitored Time

Description: Many offenders are assessed as being low risk. Research has shown that low risk offenders have a higher likelihood of committing new crimes if they are required to complete treatment programs. What works with these offenders is a hands-off approach. Monitored time falls within this category.

Monitored time is defined as a period of time the offender is under the control of the sentencing court or parole board but is subject to no conditions other than leading a law-abiding life. An offender on monitored time may have to periodically notify the supervising organization as to where he/she is currently living, but does not need to report in person.

Legal Authority: The definition of monitored time is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.

Eligibility: Offenders eligible for community control sanctions.

Who Decides? The sentencing judge decides on monitored time.

Curfew

- Description:** Curfew is a sanction that is usually used in conjunction with other community control sanctions. Curfew refers to the requirement that an offender be somewhere at a designated time. Generally, intensive supervision probation and day reporting programs make use of curfews. The offender is required to be home after a certain time at night or when they are not in the day reporting program. The curfew is then monitored by the supervising agency through visits and phone calls.
- Legal Authority:** The definition of curfew is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2152.19 provides the authority to use the sanction for juvenile delinquent or traffic offenders and ORC § 2151.354 for unruly offenders.
- Eligibility:** Offenders eligible for community control sanctions.
- Who Decides?** The sentencing judge decides on whether to set a curfew.
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Counseling, Employment, Education or Training

Description: The use of counseling, employment, education, or training as a community control sanction is usually in conjunction with other sanctions. The court can require an offender to participate in counseling, obtain or maintain employment, complete a GED or complete other educational and vocational programs to remain on a community sanction.

Legal Authority: The definition of education and training is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders.

ORC § 2152.19 allows the court to order a juvenile delinquent or traffic offender to obtain a high school diploma, a certificate of high school equivalence, vocational training, or employment. ORC § 2152.19 allows the court to require a juvenile delinquent or traffic offender not to be absent without legitimate excuse from the public school the juvenile is supposed to attend for five or more consecutive days, seven or more school days in one school month, or 12 or more school days in a school year. ORC § 2151.354 allows the use of this sanction for unruly offenders.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge decides on whether counseling, employment, education, or training is needed.

Victim-Offender Mediation

- Description:** Victim-offender mediation programs are designed to make the criminal justice system more responsive to victims. The victim-offender mediation program allows crime victims to meet with the offenders who committed the crimes with a trained mediator present. The purpose of the program is to allow the victim to confront the offender and to have the offender understand and make restitution for the harm he/she has caused. The program promotes healing and restoration of victims, acknowledgement of responsibility by offenders, and promotes the remorse of offenders.
- Legal Authority:** The definition of victim-offender mediation is in ORC §2929.01. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2152.19 provides for the use of victim-offender mediation for juvenile delinquent and traffic offenders. ORC § 2151.354 allows the judge to use this sanction for unruly offenders.
- Eligibility:** Adult and juvenile offenders eligible for community control sanctions.
- Who Decides?** The sentencing judge makes the decision with the prior approval of the victim.
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License Violation Report

- Description:** Under Ohio law, certain occupations require a license to practice, such as those involving nurses, lawyers, doctors, accountants, cosmetologists, embalmers, social workers, and realtors. Many of these licenses contain provisions where a conviction for a criminal offense could result in suspension or revocation of the license. In cases where the convicted offender maintains a license to practice an occupation, the court has the ability to send a report to the licensing authority regarding the circumstances of the crime and conviction.
- Legal Authority:** The authority to use the license violation report is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders.
- Eligibility:** Felony offenders or misdemeanor offenders eligible for community control sanctions. This sanction is not available for juveniles.
- Who Decides?** The sentencing judge decides if a license violation report is to be filed.
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Domestic Violence Counseling Program

Description: A specialized disposition exists for offenders convicted of a domestic violence, felonious assault, aggravated assault, or assault, where the following conditions exist:

- The victim was a family or household member;
- The offense was in the vicinity of one or more children who were not victims of the offenses; and
- The offender or victim was the parent, guardian, custodian, or person in *loco parentis* of one or more of the children.

If all of the conditions are met, the court may require the offender to obtain counseling. Generally, in these cases, counseling is only one community sanction imposed by the court.

Legal Authority: The authority to use counseling for the specified offenses is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. This sanction is not available for juvenile offenders.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge decides on the domestic violence counseling program.

Judicial Release

Description:

Judicial release is the process where the sentencing judge can release an offender from prison or juvenile correctional facility and place them on probation prior to the expiration of the sentence. The offender may apply for the judicial release, a juvenile's parent or guardian may apply for release, the Department of Youth Services may request an early release, or the court can grant release at its own discretion. For adult offenders, the court must have a hearing before granting judicial release. The hearing must be within 60 to 180 days of the request. For juvenile offenders, the court has the option of granting the release without a hearing, holding a hearing within 30 days, or rejecting the request.

If a judicial release hearing is granted, the offender must attend the hearing if required to do so by the court. If judicial release is granted, the court may impose any community control sanctions needed. If the offender violates the community control, the court may reinstate the remainder of the term of incarceration.

Legal Authority:

Judicial release is defined in ORC § 2929.20 for adults and ORC § 2152.22 for juveniles.

Eligibility:

Adult offenders who are serving a prison term are eligible if:

- The prison term is 10 years or less;
- The prison term is not a mandatory term; or
- The stated term includes a mandatory term, but the mandatory term has already been served.

Adult offenders are eligible to apply as follows:

- Between 30 and 90 days of commitment if the conviction is for a felony four or five;
- After four years of incarceration if the conviction was for a fourth- or fifth-degree felony and the sentence(s) was of five years duration;
- After five years of incarceration if the conviction was for a fourth- or fifth-degree felony and the sentence(s) was between five and 10 years duration;
- Anytime after 180 days of commitment if the conviction was for a first-, second-, or third-degree felony and the offender has served at least four years of a five-year sentence or five years of a sentence between five and 10 years.

The offender is eligible to apply for judicial release within these times as long as any mandatory sentences have been served. If not, the time clock for filing begins after the mandatory sentence has been served. The offender is entitled to only one hearing during the period of incarceration for judicial release.

Adult offenders convicted of drug offenses are not eligible for early release unless the court makes a finding that a sanction other than prison would adequately punish the offender, there is no threat to public safety, and the release would not demean the seriousness of the offense.

Any juvenile offender committed to the legal custody of the Department of Youth Services under ORC Chapter 2152 is eligible for judicial release. Juvenile offenders are committed for indeterminate sentences that include a minimum or maximum, or until age 21. Consideration for judicial release to probation occurs as follows:

- During the first half of the minimum term of commitment, or
- During the first half of the period between the day of commitment and the youth attaining age 21, if committed until age 21.

If an initial request for judicial release is rejected by the juvenile judge, a second request may be made no earlier than 30 days from the initial journal entry. If the second request is rejected, no further requests for judicial release to probation may be made.

Any juvenile offender committed to the legal custody of the Department of Youth Services is eligible to judicial release to Department of Youth post-release control supervision. Consideration for judicial release to post-release control occurs as follows:

- During the second half of the minimum term of confinement, or
- During the second half of the period between the day of commitment and the youth attaining age 21, if committed until age 21.

If the initial request by the youth or the youth's parent for judicial release is rejected under these provisions, one additional request may be made during each period of 90 days the youth is in a secure facility following the journal entry. There is no limit on the number of requests that can be made. The Department of Youth Services may also make requests for judicial release under these provisions.

Who Decides?

The sentencing judge makes the determination for judicial release.

Parole (Adult offenders convicted of an offense committed prior to July 1, 1996 can be placed on parole, as well as all juvenile offenders committed to the Department of Youth Services)**Description:**

Adult offenders who committed offenses prior to July 1, 1996, received indeterminate sentences specifying the minimum and maximum time to be spent in prison. These offenders are released from institutions on parole. Parole refers to the supervision of offenders released from a state institution with conditions, and is subject to penalties or reincarceration for violations. Parole is a traditional form of early release and the most common form of correctional supervision after probation.

Ohio Law, prior to 1996, provided an adult person's maximum term of incarceration cannot exceed the maximum sentence given by the judge. Moreover, it provides that the minimum term of incarceration to be served cannot be less than the minimum sentence given by the judge, less any time off for good behavior while institutionalized ("good time"). Within these parameters, the actual time served by an offender depends on his parole date established by the Ohio Adult Parole Board. Parole is the most common mode of releasing a prison inmate from an indeterminate sentence.

Juvenile offenders are released to parole from state juvenile correctional facilities if they have not reached their maximum sentence or age 21, when committed to 21. Juvenile parole supervision incorporates the components of community protection, accountability, and competency development as youth transition back into the community. This is accomplished through a supervision and case management system that enforces the rules of parole, holds the youth accountable to the community and places them in programs and services that contribute to competency development and self-sufficiency.

Juvenile offenders may be released to parole supervision under judicial release. The juvenile court must receive monthly reports on these youth from the Department of Youth Services unless an agreement exists for a longer reporting period.

Legal Authority:

Parole for adult offenders is under the authority of the Department of Rehabilitation and Correction, Division of Parole and Community Services (Sec. § 5120.06). The division is required to manage and supervise the Adult Parole Authority (APA) (ORC Chapter 5149). The APA governs a Parole Supervision Section that must monitor and keep records on parolees (ORC Sec. § 5149.03). The Parole Board holds the actual hearings on granting or denying parole. Its membership and duties are specified in § 5149.10, and § 5149.11. The Parole Board has used parole guidelines since 1986 to guide release decisions.

Parole for juvenile offenders is authorized by ORC § 2152.16. Determination to release offenders is made by the Release Authority, a bureau of the Department of Youth Services. The Release Authority is established under ORC § 5139.50. ORC § 5139.51 through 5139.54 and Administrative Rule Chapter 5138-68 provide the rules and operation of parole.

Eligibility:

Adult prison inmates serving indeterminate terms for offenses committed prior to July 1, 1996 become eligible for parole after serving their minimum sentences plus any mandatory time, minus reductions for good time or similar programs described elsewhere. Inmates serving determinate sentences offenses committed prior to July 1, 1996 are not eligible for parole. Instead, they are given unsupervised final releases at the end of their determinate sentences, reduced by good time, etc.

Juvenile offenders committed to the Department of Youth Services are eligible for parole at any time after the minimum sentence and any specification time has been served. A juvenile committed to the Department of Youth Services until age 21 may not be released on parole prior to age 21 unless the youth has been granted judicial release.

Who Decides?

The Ohio Parole Board, based on a review by a hearing officer and a parole plan developed by the Ohio Adult Parole Authority, makes the determination for adults. The Releasing Authority of the Ohio Department of Youth Services decides parole releases, based on reviews by hearing officers and board members, or the case plan developed by the parole officer in collaboration with the institutional social worker.

Post-release Control (Adult offenders convicted of an offense committed after July 1, 1996)

Description: Post-release control applies to offenders who committed crimes after July 1, 1996 with determinate sentences. After serving the sentence, they are released from prison. Following release, the offender may be supervised in the community. The supervision following release from prison is called post-release control. Post-release control replaces parole in Ohio. While on post-release control, offenders receive services from other community programs including education, counseling and vocational training. Most offenders are required to maintain employment.

Legal Authority: ORC § 2967.28 provides the definition of post-release control and when it is to be used. Post-release control supervision is under the authority of the Department of Rehabilitation and Correction, Division of Parole and Community Services (Sec. § 5120.06). The division is required to manage and supervise the Adult Parole Authority (APA) (ORC Chapter 5149). The APA governs a Parole Supervision Section that must monitor and keep records on parolees (ORC Sec. § 5149.03). The Parole Board holds the actual hearings on granting or denying parole. Its membership and duties are specified in § 5149.10, and § 5149.11. The Parole Board has used parole guidelines since 1986 to guide release decisions.

Eligibility: Offenders convicted of a felony 1, felony 2, felony sex offense, or felony 3 where there was a threat or actual physical harm must be placed on post-release control supervision. The term of post-release control is as follows:

- Felony 1 or felony sex offense – five years
- Felony 2 that is not a sex offense – three years, and
- Felony 3 that is not a sex offense and where there was harm – three years.

Any felony three, four or five that is not included in these classes may be subject to a period of up to three years of post-release control. The Ohio Parole Board makes the determination if post-release control is needed for these offenders. The Ohio Parole Board also sets the terms and conditions of the post-release control and if additional sanctions are needed such as placement in a halfway house, financial sanctions or other community program.

Who Decides? The Ohio Parole Board, based on information from state institutional staff and a parole officer investigatory report with recommendations.

Residential Sanctions

Community Based Correctional Facilities

Description: Community Based Correctional Facilities (CBCFs) are secure residential programs for adult offenders administered by Facility Governing Boards. Legislation was introduced in 2005 to change the governance of the facility to a Facility Governing Board with a Judicial Advisory Board. The Facility Governing Board is composed of at least six members, two-thirds appointed by the Judicial Advisory Board and one-third, or portion thereof, by the board(s) of commissioners of the member county(ies). Counties or groups of counties with a population of 200,000 or more are eligible to formulate a community-based correctional proposal for the establishment of a CBCF. Single county programs exist in major urban areas and regional facilities provide services to the rest of the state.

A CBCF is a statutorily established facility designed to be the most restrictive sanction before offenders are committed to prison. Offenders are restricted to the facility during an orientation period of at least 30 days. Participation in community programming such as education and training is gradually implemented over the length of stay. Offenders are committed for up to six months.

CBCFs offer assessments and specialized treatment to help offenders reintegrate into the community. These services include individual and group counseling, cognitive behavioral training, employment, education and vocational training, literacy, substance abuse treatment, community service, and life skills training.

Legal Authority: ORC § 2301.51 through 2301.58 provide the statutory authority for the establishment and operation of CBCFs. ORC § 2929.16 provides the sentencing authority for felony offenders. Operational guidelines for the facility are in the Ohio Administrative Code Chapter 5120:1-14-08.

Eligibility: By statute, all felony offenders who are eligible for community control sanctions are eligible for participation in a CBCF. The facility governing boards can establish rules for eligibility specific to the facility under their jurisdiction. Offenders must be willing to participate in the program prior to acceptance.

Who Decides? The sentencing court decides to sentence an offender to a CBCF.

Community Correctional Facilities

Description: A Community Correctional Facility (CCF) is a secure community based residential facility for youth based on the CBCF model. The facilities are funded by the Ohio Department of Youth Services but are operated locally. Each of the facilities is different, but includes programming such as education, job training, and substance abuse counseling. Families are involved in all of the programming.

CCFs are statutorily established facilities designed to be the most restrictive sanction before juveniles are committed to state juvenile correctional facilities. Juveniles are restricted to such a facility during assessment and introductory phases. Participation in community programming such as education and training is gradually implemented over the length of stay.

Legal Authority: ORC § 5139.36 provides the statutory authority for the establishment and operation of CCFs. ORC § 2152.19 provides the sentencing authority for delinquent juveniles. Operational guidelines for the facility are in the Ohio Administrative Code Chapter 5139:61.

Eligibility: Delinquent offenders eligible for community control sanctions.

Who Decides? The sentencing court determines if a juvenile offender is sentenced to a CCF.

Jail

Description: Jail is a secure facility used to provide a short-term holding and sentencing option for the court. A person who is convicted of one or more misdemeanors and sentenced to a term of imprisonment generally serves the term of imprisonment in a county, multi-county, or municipal jail or workhouse. The definite term of sentencing for misdemeanor offenders is as follows:

- Misdemeanor 1 up to 180 days,
- Misdemeanor 2 up to 90 days,
- Misdemeanor 3 up to 60 days, and
- Misdemeanor 4 up to 30 days.

Felony offenders eligible for community control sanctions may be sentenced to a jail for a term up to six months. Offenders convicted of a felony OVI (operating a vehicle under the influence) may be sentenced for up to one year. Jails also hold persons awaiting trial, sentencing, transfer to prison, and under revocation proceedings for probation, furlough or parole.

Juveniles may only be held in a jail for a period not to exceed six hours if the child is alleged to be delinquent for an offense that would be a felony. The period may not to exceed three hours if the child is alleged to be delinquent for an offense that would be a misdemeanor; violation of a valid court order; an unruly offense or traffic offense. The child must be out of touch of all adults; supervised by an adult at all times; and may not be physically secured to a stationary object during the detention.

In addition, certain nonviolent fourth- and fifth-degree felons may be committed to local jails under contract with the State. To date, no state offenders have been housed in county jails under this provision.

Legal Authority: ORC § 1.05 defines imprisonment in a jail. ORC § 307.93, § 341, and § 753.16 provide the statutory authority for operation of a jail. The authority to use the sanction is in ORC § 2929.17 for felony offenders and ORC § 2929.27 for misdemeanor offenders. ORC § 2151.311 provides the procedures for holding juveniles in jails. ORC § 5120.161 gives the Ohio Department of Rehabilitation and Correction the authority to contract with jails to house inmates. ORC § 5120.10 gives the Ohio Department of Rehabilitation and Correction the authority to establish standards for jails. Ohio Administrative Code Chapters 5120:1 - 8, 5120:1 - 10, and 5120:1 - 12 are the regulations for full-service, five-day and eight-hour jails.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions. Certain OVI offenders have mandatory jail sentences the length of which is dependant on prior OVI offenses. Driving under suspension also has a mandatory jail sentence.

Who Decides? The sentencing judge decides on jail.

Work Release

- Description:** Work release involves allowing an offender to leave a residential setting or jail for the purpose of continuing their regular employment but requires them to report to the facility during non-working hours. This permits the offender to provide financial assistance to their families and meet any financial sanctions. Some programs either provide services, such as chemical dependency treatment and educational and vocational training, or refer offenders to outside resources for these services.
- Legal Authority:** Work release is authorized by the “intermittent confinement” provisions of ORC §2929.16(B) for felons and ORC 2929.24(B) and § 2929.26(B)(1) for misdemeanants. It authorizes the judge to permit the offender to serve the sentence in intermittent confinement overnight, on weekends, or both, or at any other time or times that will allow him to continue at his occupation or care for his family.
- Eligibility:** Offenders residing in jails, minimum security jails, and community based correctional facilities.
- Who Decides?** The sentencing judge can sentence to work release directly. For offenders sentenced to jail, the jail officials may decide which offenders participate.
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Minimum-Security Jail

- Description:** Minimum-security jails (MSJ) provide counties, municipal corporations, or affiliated counties and municipal corporations with an alternative means of confinement for persons sentenced for nonviolent misdemeanors, traffic, and fourth- and fifth-degree felonies. Offenders sentenced to MSJs must be classified by the jail administration as minimum security based on escape risk, propensity for assault or violent behavior, and prior criminal history. The Department of Rehabilitation and Correction, through its Bureau of Adult Detention, develops minimum standards and minimum renovation, modification, and construction criteria for minimum-security jails. Generally, MSJ facilities provide intensive treatment programs for the offenders incarcerated, such as substance abuse, cognitive treatment, and education.
- Legal Authority:** ORC §341.34 and §753.21 provide for the establishment and operation of minimum-security jails. ORC §5120.10 gives the Ohio Department of Rehabilitation and Correction the authority to establish standards for jails. The authority to use the sanction is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders.
- Eligibility:** Non-violent offenders convicted of misdemeanor, traffic, or fourth- or fifth-degree felony offenses.
- Who Decides?** The sentencing judge decides on MSJ sanction.
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Jail Industry Program

- Description:** The mission of jail industry programs as specified in the Ohio Revised Code is to employ as many qualified prisoners as possible in jail manufacturing and service industries; agriculture, both public and private; public works; institutional jobs; or maintenance of the jail. Jail industries were designed to be self-supporting programs via profits from these activities.
- Participation in a jail industry program improves discipline by decreasing prisoner idle time, giving participants job skills to help reintegration into the community and teaching responsibility. Participants' earnings are used to reimburse the county for the direct cost of administering the program, housing the prisoner while in the program, for support of any dependents as ordered by the sentencing judge, necessary expenses incidental to employment, payment of fines, court costs, and debts acknowledged by the prisoner prior to sentencing. Any remaining wages are kept by the participant. A jail industry board comprised of persons with knowledge or experience in social services, labor, law enforcement and business oversees the programs.
- Legal Authority:** ORC § 5147.30 authorizes the establishment of a jail industry program and provides operational guidelines.
- Eligibility:** Prisoners residing in jails.
- Who Decides?** The jail industry board establishes the rules for who is eligible for the program. The jail administrator selects prisoners to participate.
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Detention Home

Description: Detention homes are secure facilities operated by juvenile courts to provide a short-term holding and sentencing option. The facility may be used to detain delinquent children awaiting disposition for evaluation purposes, for adjudicated delinquent children for up to 90 days, and adjudicated juvenile traffic offenders. Juvenile traffic offenders must be separated from delinquent offenders. Detention homes are required to maintain an education program during the school year, recreational programs, and adequate medical and mental health programs.

Legal Authority: ORC § 2152.41 provides for the establishment of detention homes, ORC § 2152.42 provides for staff and programming in the facility, and ORC §2152.19 and 2152.21 allow the use of detention homes for dispositions. ORC § 5139.281 authorizes the Department of Youth Services to fund detention homes and develop standards for operation of those homes. Administrative Rules Chapter 5139-37 provides for the licensing, funding and operation of detention homes licensed by the Department of Youth Services. ORC § 5139.31 allows the Department of Youth Services to inspect any facility receiving subsidy funding.

Eligibility: Accused and adjudicated delinquent or juvenile traffic offenders are eligible to be housed in detention homes.

Who Decides? The juvenile judge determines the use of detention homes.

Juvenile Rehabilitation and Treatment Centers

- Description:** Juvenile rehabilitation and treatment centers are operated by the juvenile court as secure dispositional options. Adjudicated delinquent, dependent, neglected, abused, and juvenile traffic offenders may be held in the facilities for training, treatment, and rehabilitation. Rehabilitation and treatment centers are designed to hold juveniles for extended periods. Facilities are designed to have educational programs for youth, preparing them for graduation from high school. In addition, most facilities have vocational programs, cognitive treatment, mental health treatment, recreational programs, and other programs that meet the needs of juveniles.
- Legal Authority:** ORC § 2151.65 allows for the establishment of juvenile facilities. ORC §2152.19 and 2152.21 allow the use of detention homes for dispositions. Administrative Rules Chapter 5139-35 provides for the licensing, funding and operation of rehabilitation and treatment centers licensed by the Department of Youth Services. ORC § 5139.31 allows the Department of Youth Services to inspect any facility receiving subsidy funding.
- Eligibility:** Adjudicated delinquent, dependent, neglected, abused, and juvenile traffic offenders are eligible.
- Who Decides?** The juvenile judge sentences to juvenile rehabilitation and treatment centers.
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Halfway Houses

Description: A halfway house is a residential facility where sentenced or unsentenced offenders may be placed when they are in need of a more structured setting. The primary purpose of a halfway house is to monitor an offender’s activities while encouraging reintegration into society through employment, training, education, treatment, habilitation, compliance with financial sanctions, community service, restitution, and other activities designed to rehabilitate the offender and deter future crime.

Legal Authority: The definition of a halfway house is in ORC § 2929.01. The authority to sentence directly to a halfway house is in ORC §2929.17 for felony offenders and ORC §2929.27 for misdemeanor offenders. ORC § 2967.14 gives the Adult Parole Authority permissive authority to use halfway houses for housing parolees and offenders on post-release control. ORC § 2967.14 also gives the Ohio Department of Rehabilitation and Correction the authority to license halfway houses. Ohio Administrative Code Chapter 5120:1-3 provides regulations governing licensure.

Eligibility: Offenders convicted of misdemeanor or felony offenses are eligible for halfway houses regardless of offense. Offenders diverted through intervention in lieu of conviction are also eligible. Halfway houses often deal with difficult offenders in need of specialized services. However, they may exclude certain classes of violent and sexual offenders due to their specialized treatment needs.

Who Decides? Offenders being released from state institutions on parole or post-release control may be placed in halfway houses upon the recommendation of the Adult Parole Authority. The sentencing judge decides for intervention in lieu or probationers. However, the halfway house administrator has the final approval of whether the offender is accepted into the program.

Group Homes

- Description:** Group homes are non-secure residential facilities operated by private non-profit and public children services agencies. Delinquent, dependent, neglected, abused, unruly, and juvenile traffic offenders may be placed in the group for treatment and rehabilitation. Frequently, group homes are used when the juvenile offender is unable to return to their family. Group homes are designed to hold juveniles for extended periods. Most facilities have cognitive treatment, mental health treatment, recreational programs and other programs that meet the needs of juveniles. One is allowed to leave the home for education and training in the community.
- Legal Authority:** Group homes are funded through the Department of Jobs and Family Services and are regulated under ORC § 5103.03, and Administrative Rules 5101:2-9-03 and 25.
- Eligibility:** Delinquent, dependent, neglected, abused, unruly and juvenile traffic offenders are eligible.
- Who Decides?** The juvenile judge sentences to group homes.
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Transitional Control

Description: Transitional control is a phased re-entry program designed to ease the offender’s transition from prison to the community. The Adult Parole Authority monitors the behavior and adjustment of the offender during this time. Transitional control takes place during the last 180 days of the inmate’s sentence. The offender is still considered on inmate status during transitional control. Transitional control inmates are placed in local residential programs like halfway houses and are required to wear electronic monitoring devices. The court of common pleas in the county of conviction has the right to disapprove the inmate’s placement on transitional control. Participants may be charged a fee for the cost of the program while in transitional control.

A prisoner who violates any rule established by the Department of Rehabilitation and Correction under this section may be returned to prison. The inmate receives credit towards completion of his sentence for the time the prisoner was on transitional control.

Legal Authority: Transitional control is defined in ORC § 2967.26. Ohio Administrative Code Chapter 5120:12 provides administrative regulations governing transitional control.

Eligibility: Prison inmates, other than those serving mandatory or life terms, who are within 180 days of release are eligible.

Who Decides? The Adult Parole Authority determines inmate eligibility for transitional control.

Alternative Residential Facility

Description:	<p>The ORC makes a provision for alternative residential facilities as a sentencing option. It is defined as a residence, other than the offender's home, that:</p> <ul style="list-style-type: none">• Provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation;• Has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation or service; and• Is not a community based correctional facility, jail, halfway house, or prison. <p>The law does not designate any specific facilities that fall within this definition, but they could include facilities such as a non-secure substance abuse facility, a mental health residential facility, or a group home for mentally retarded offenders. The language is permissive to allow courts flexibility in placing offenders with special needs.</p>
Legal Authority:	<p>The authority to use alternative residential for the specified offenses is in ORC §2929.16 for felony offenders and ORC §2929.26 for misdemeanor offenders.</p>
Eligibility:	<p>Felony offenders or misdemeanor offenders eligible for community control sanctions.</p>
Who Decides?	<p>The sentencing judge determines the placement in an alternative residential facility.</p>

Specialized Court Dockets

Drug Courts

Description: Drug courts began because of the number of offenders in the system that have substance abuse problems who cycle through treatment programs and the criminal justice system without changing their habits.

Drug courts:

- ◆ Identify offenders with substance abuse problems that have contributed to their criminal acts;
- ◆ Treat offenders, not just the offense, while protecting communities;
- ◆ Serve lower level, drug-involved offenders;
- ◆ Conduct court proceedings that are non-adversarial, consisting of reviews of the offender's progress in meeting treatment and behavioral goals;
- ◆ Provide treatment that includes sanctions for inappropriate behavior and rewards for accomplishments;
- ◆ Supply substance abuse, education, employment, counseling and life skills training; and
- ◆ Establish phases of treatment that lead to successful graduation and the likelihood that offenders will not be rearrested in the future.

Both national and Ohio research has shown that non-violent offenders participating in drug courts are significantly less likely to be rearrested than drug offenders served by more traditional sentencing approaches.

Legal Authority: According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) & (C) allows courts and judges the flexibility to create "particular sessions" or "specialized dockets" for cases involving the same subject-matter as long as the basic criteria outlined in the rule is met for the type of case involved.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge determines if an offender is eligible and should be placed with the court.

Mental Health Courts

Description: Specialized mental health dockets were started to try to solve the problem of the increasing number of offenders in the system with mental health problems. The mentally ill offenders seemed to be cycling through the system on continual petty offenses. The success of the drug courts led to the efforts to have other specialized dockets to work with specific problems.

Mental health courts:

- ◆ Identify offenders with mental health problems that contribute to their criminal behavior;
- ◆ Treat offenders for underlying mental illnesses;
- ◆ Provide medication monitoring, individual or group therapy, substance abuse counseling, vocational training, life skills training and stable housing;
- ◆ Require offenders to appear before the judge on a regular basis to review treatment goals and progress;
- ◆ Establish sanctions and rewards to change offender behavior; and
- ◆ Offer to remove original charges once offenders successfully complete the program and remain crime free.

Mental health courts help create safer communities by providing a structured court process that addresses treatment needs and reduces recidivism.

Legal Authority: According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) & (C) allows courts and judges the flexibility to create “particular sessions” or “specialized dockets” for cases involving the same subject-matter as long as the basic criteria outlined in the rule are met for the type of case involved.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge determines if an offender is eligible and should be placed with the court.

Reentry Courts

Description: Reentry courts were developed as the result of a national initiative to have courts become more involved with offenders after their return from prison.

Reentry courts:

- ◆ Evaluate offenders prior to sentencing to determine treatment and educational needs;
- ◆ Link a court officer, offenders and prison staff while offenders are still in prison;
- ◆ Involve a court officer in the development of reentry plans for offenders;
- ◆ Coordinate the delivery of services to offenders once released to the community;
- ◆ Build offender accountability with appearances before the judge on a regular basis;
- ◆ Share sanction decisions for offender violations jointly between the court and Adult Parole Authority; and
- ◆ Require offenders to remain crime free, employed and in treatment for at least one year after release.

By addressing a wide range of complex issues and concerns, reentry courts provide a promising strategy for offenders returning to communities — and remaining crime free.

Legal Authority: According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) & (C) allows courts and judges the flexibility to create “particular sessions” or “specialized dockets” for cases involving the same subject-matter as long as the basic criteria outlined in the rule are met for the type of case involved.

In Ohio, the treatment services are provided through a contract with the Ohio Department of Rehabilitation and Correction. Legislation is being proposed to formalize the court’s ability to work with offenders on parole and post-release control through the addition of a code section (proposed ORC §2967.281). Offenders can also be released under ORC §2929.20 judicial release.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge determines if an offender is eligible and should be placed with the court.

Domestic Violence Courts

Description: Domestic violence has a long-range impact on families and creates a cycle of violence among family members. Courts have tried various strategies to reduce domestic violence. Specialized court dockets for domestic violence have been tried in several states.

Domestic violence courts:

- ♦ Have a specialized caseload of indicted domestic violence cases in the jurisdiction;
- ♦ Involve a network of criminal justice and social service partners to provide treatment;
- ♦ Provide specialized training to personnel to work with the offender and victims of domestic violence;
- ♦ Require offenders meet regularly with the judge;
- ♦ Define procedures for the routine use and enforcement of protective orders;
- ♦ Provide batterers' treatment that is long term;
- ♦ Monitor the defendant to ensure accountability with protection order and victim safety; and
- ♦ Provide enhanced safety and services to victims.

Programs that have shown promise have been those that developed a strong defendant monitoring and accountability module. Recent research is beginning to show that protection orders do provide increased protection for women in domestic violence situations. Batterers' treatment continues to be debated and many existing programs do not show positive results.

Legal Authority: According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) & (C) allows courts and judges the flexibility to create "particular sessions" or "specialized dockets" for cases involving the same subject-matter as long as the basic criteria outlined in the rule is met for the type of case involved.

Eligibility: Felony offenders or misdemeanor offenders eligible for community control sanctions.

Who Decides? The sentencing judge determines if an offender is eligible and should be placed with the court.

Sex Offender Courts

Description Delaware juvenile court established a community sex offender program that included a sex offender court.

Sex offender courts:

- Have a specialized caseload of sex offender cases in the jurisdiction;
- Involve the probation department in coordinating treatment services and supervision of the offender;
- Require offenders to appear before the judge on a regular basis to review treatment goals and progress;
- Monitor the offender to ensure community and victim safety; and
- Provide psychological services for offenders at the court.

The Delaware court has show a marked decrease in recidivism of juvenile sex offenders.

Legal Authority According to Rule 36(B) of the Rules of Superintendence, courts are required to develop a case assignment system whereby cases are assigned to one judge who becomes primarily responsible for the determination of every issue and proceeding in the case until its termination. Superintendence Rule 36(B) & (C) allows courts and judges the flexibility to create “particular sessions” or “specialized dockets” for cases involving the same subject-matter as long as the basic criteria outlined in the rule is met for the type of case involved.

Eligibility Felony or misdemeanor sex offenders or delinquent offenders eligible for community control sanctions.

Who Decides? The sentencing judge determines if an offender is eligible and should be placed with the court.

Appendix I: Sex Offender Classification and Adjudication

**A Guide to Offender Classification and Adjudication
under ORC Chapter 2950
As amended by Am.Sub.S.B. No. 5,
2003 Ohio Laws File 29**

**The information provided in this section is current through
December 31, 2007, at which time new legislation will take effect.
New changes will be made available after January 1, 2008.**

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PREFACE

The following guide outlines the classification and adjudication of offenders in Ohio who commit sexually oriented offenses and child-victim oriented offenses, as provided in ORC Chapter 2950. The guide includes the changes made by Am.Sub.S.B. No. 5, 2003 Ohio Laws File 29, effective July 31, 2003, that directly impact the classification and adjudication of such offenders.

This guide was conceived to aid general division judges in Ohio’s courts of common pleas. To that end, this guide does not cover individuals adjudicated as delinquent for committing a sexually oriented offense or a child-victim oriented offense. Nor does this guide address the requirements imposed by the legislation upon others, such as sheriffs departments, the Attorney General of Ohio or the Ohio Bureau of Criminal Identification and Investigation.

While this guide is offered as an aid to common pleas court judges, it should not be considered the end of a judge’s research on the issues covered within, but, rather, the starting point. In the opinion of the authors, the legislation is complicated and, at times, confusing. It is likely that new issues raised by the legislation will be addressed by a myriad of court decisions, just as ORC Chapter 2950 has been since its reenactment in 1997 by Am.Sub.H.B. No. 180, 146 Ohio Laws, Part II, 2560. Therefore, where appropriate, this guide points out some of the issues that appear unresolved by the new legislation.

Any opinions expressed in this guide are entirely those of the authors.

Introduction - Applicable Offenses

To Whom Does ORC Chapter 2950 Apply?

ORC 2950 applies to defendants who plead guilty, or are convicted, of **sexually oriented offenses** or ***child-victim oriented offenses***.

Sexually Oriented Offenses (ORC 2950.01(D))

Category I (ORC 2950.01(D)(1)(a))

- rape (ORC 2907.02)
- sexual battery (ORC 2907.03)
- gross sexual imposition (ORC 2907.05)
- importuning (ORC 2907.07)

Category II (ORC 2950.01(D)(1)(b))

When the victim is under 18 years of age:

- kidnapping to engage in sexual activity (ORC 2905.01(A)(4))
- corruption of a minor (ORC 2907.04)
- sexual imposition (ORC 2907.06)
- voyeurism (ORC 2907.08)
- compelling prostitution (ORC 2907.21)
- pandering obscenity involving a minor (ORC 2907.321(A)(1) or (3))
- pandering sexually oriented matter involving a minor (ORC 2907.322(A)(1) or (3))
- illegal use of a minor in nudity-oriented material or performance (ORC 2907.323(A)(1) or (2))
- endangering children through obscene material or nudity-oriented matter (ORC 2919.22(B)(5))
- kidnapping committed with sexual motivation (ORC 2905.01)
- menacing by stalking committed with a sexual motivation (ORC 2903.211)
- abduction committed with a sexual motivation (ORC 2905.02)
- unlawful restraint committed with a sexual motivation (ORC 2903.03)
- criminal child enticement committed with a sexual motivation (ORC 2905.05)
- child stealing (ORC 2905.04, repealed on July 1, 1996).

Category III (ORC 2950.01(D)(1)(d); ORC 2971.01(G) and (L))

When the offense is committed *with a sexual motivation*:

- aggravated murder (ORC 2903.01)
- murder (ORC 2903.02)
- felonious assault (ORC 2903.11)
- kidnapping (ORC 2905.01)
- involuntary manslaughter (ORC 2903.04(A))

Category IV (ORC 2950.01(D)(1)(d))

- sexually violent offenders
 - rape (ORC 2907.02)
 - sexual battery (ORC 2907.03)
 - gross sexual imposition involving a victim under the age of 13 (ORC 2907.05(A)(4))
 - felonious sexual penetration (ORC 2907.12, repealed September 3, 1996)
 - homicide with a sexual motivation *specification*
 - assault with a sexual motivation *specification*
-
-

- kidnapping with a sexual motivation *specification*

Category V (ORC 2950.01(D)(1)(f))

Defendants who have violated an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.

Category VI (ORC 2950.01(D)(1)(g))

Convictions or guilty pleas for attempt, conspiracy or complicity to commit any of the enumerated offenses.

Category VII -- Presumptive registration-exempt sexually oriented offense

When the victim is 18 years of age or older:

- sexual imposition (ORC 2907.06)
- voyeurism (ORC 2907.08)
- menacing by stalking committed with a sexual motivation (ORC 2903.211)
- This includes any of the above committed by a juvenile whose case has been transferred to the common pleas court.

Any violation of an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.

Any attempt to commit, conspiracy to commit, or complicity in committing any of the above offenses.

Any person who has been convicted of, pleaded guilty to or adjudicated a delinquent child for committing *any* other sexually oriented offense, including a prior presumptive registration-exempt offense, **does not qualify** for presumptive registration-exempt status. ORC 2950.01(P)(1)(e).

Child-Victim Oriented Offense (ORC 2950.01(S))

When the victim is under 18 years old and is not a child of the person who commits the offense:

- kidnapping (ORC 2905.01(A)(1),(2), (3), or (5))
- abduction (ORC 2905.02)
- unlawful restraint (ORC 2905.03)
- criminal child enticement (ORC 2905.05)
- child stealing (former ORC 2905.04),

Any violation of an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.

Any attempt to commit, conspiracy to commit, or complicity in committing any of the above offenses.

Does not include any offense listed above that is a sexually violent offense. An offense listed above that is a sexually violent offense is within the definition of a sexually oriented offense. ORC 2950.01 (S)(2)

NOTE: If the offense as defined above is committed by a person who is under 18, and the case has been transferred for criminal prosecution to the common pleas court, see ORC 2950.01(S)(b).

CLASSIFICATIONS UNDER ORC CHAPTER 2950

Classification of Sexually Oriented Offenders

Habitual Sexual Offender (ORC 2950.01(B))

A habitual sexual offender is a person who is convicted of or pleads guilty to a sexually oriented offense that is not a registration-exempt sexually oriented offense;

and

who previously has been convicted of or pleaded guilty to one or more sexual offenses or child-victim oriented offenses; **or** the person was previously adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense **and** was classified a juvenile offender registrant in any state.

Sexual Predator (ORC 2950.01(E)(1))

A sexual predator is a person who has been convicted of or pleaded guilty to committing a sexually oriented offense (that is not registration exempt) **and** is likely to engage in the future in one or more sexually oriented offenses.

Sexually Violent Offender (ORC 2971.01(G) and (L))

Sexually violent offenders are those who commit rape, sexual battery, gross sexual imposition involving a victim under the age of 13, or felonious sexual penetration. Sexually violent offenders are also those who commit homicide, assault or kidnapping with a sexual motivation *specification*.

Classification of Persons Who Commit Child-Victim Offenses

Habitual Child-Victim Offender (ORC 2950.01(T))

A habitual child-victim offender is a person who is convicted of or pleads guilty to a child-victim oriented offense;

and

Has at least one prior conviction of a child-victim oriented offense **or** has at least one prior adjudication as a delinquent child for committing one or more child-victim oriented offenses and was classified a juvenile offender registrant or out-of-state juvenile offender registrant based on that adjudication(s). (Note: For more on juveniles, see ORC 2950.01(T)(1)(a) & (b)(ii)).

Includes a person who was previously convicted of a child-victim oriented offense and who, on and after 7/31/03, is **automatically classified a habitual child-victim offender** pursuant to ORC 2950.091(E). (ORC 2950.01(T)(2))

Child-Victim Predator (ORC 2950.01(U))

A child-victim predator is a person who has been convicted of or pleads guilty to a child-victim oriented offense **and** is likely to engage in the future in one or more child-victim oriented offenses. ORC 2950.01(U)(1).

**SUMMARY OF REGISTRATION AND
COMMUNITY NOTIFICATION PROVISIONS**

Sexually Oriented Offenses Requiring Registration (ORC 2950.04)

A. Persons with a Duty to Register: The following offenders who are **convicted** or **plead guilty** to a **sexually oriented offense** have a duty to register, regardless of whether they are adjudicated a sexual predator or habitual sexual offender:

1. Any person sentenced to prison or “confinement” and is released in any manner on or after 7/1/1997, regardless of when the offense was committed;

a. Confinement includes, but is not limited to, a community residential sanction. ORC 2950.01(A).

2. Any person sentenced to prison or “confinement” on or after 7/1/97, regardless of when the offense was committed;

3. Any “habitual sexual offender” required to register before 7/1/97;

4. Any person required to register as a sex offender or child-victim offender in any other state, nation or jurisdiction;

5. Any person who is convicted of or who pleaded guilty to a sexually oriented offense “that is not registration exempt” in another state, federal court, military court, Indian tribal court or in a court in any other nation, regardless of whether the offender had a prior duty to register for the offense **if**

- the offender resides or is domiciled in Ohio, even temporarily; or
- the offender enters Ohio to attend a school or institution of higher education, either on a full-time or part-time basis; or
- the offender is employed in Ohio “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”

NOTE: For purposes of determining the responsibility to register with regard to employment, the statute sets forth the following as the relevant time period: “more than 14 days or for an aggregate period of 30 or more days in a calendar year.” It is unclear whether the responsibility to register is triggered by 14 *consecutive* days and whether those days are calendar days, work days, etc.

6. Any person sentenced to prison or “confinement” and is released in any manner on or after 7/1/97, regardless of when the offense was committed, and the person is adjudicated to be a sexual predator subsequent to the release.

Child-Victim Oriented Offenses Requiring Registration (ORC 2950.041)

A. Persons with a Duty to Register: The following persons who are **convicted** or **plead guilty** to a **child-victim oriented offense** have a duty to register:

1. Offenders convicted of a child-victim oriented offense **in Ohio** who
 - Are sentenced for a child-victim oriented offense (regardless of when the offense was committed) to a prison term or any type of confinement, and are released on or after 7/31/03; **or**
 - Are sentenced for a child-victim oriented offense on or after 7/31/03; **or**
 - Were sentenced prior to 7/31/03 for a sexually oriented offense that is now a child-victim oriented offense and were required to register under ORC 2950.04 (continuation of prior duty) ORC 2950.041(A)(1)(a)-(c).
2. Offenders who, subsequent to their release, are **adjudicated a child-victim predator** under ORC 2950.09(C). ORC 2950.041(A)(4)
3. Offenders convicted of a child-victim oriented offense **in a foreign jurisdiction** (any other state or nation, including military court or tribal court) who **have a duty to register** in the foreign jurisdiction as a result **or are released from confinement** imposed as a result of the child-victim oriented offense on or after 7/31/03; **and**
 - move to and reside in Ohio or temporarily are domiciled in Ohio for more than five days; **or**
 - enter Ohio to attend any school or institution of higher education on full or part-time basis; **or**
 - are employed in Ohio for more “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”

NOTE: For purposes of determining the responsibility to register with regard to employment, the statute sets forth as the relevant time period: “more than 14 days or for an aggregate period of 30 or more days in a calendar year.” It is unclear whether the responsibility to register is triggered by 14 *consecutive* days and whether those days are calendar days, work days, etc.

Duties of Persons Required to Register Based Upon Sexually Oriented Offenses or Child-Victim Oriented Offenses

A. Initial Registration: Persons required to register based upon sexually oriented offenses or child-victim oriented offenses must initially:

1. Register personally with the county sheriff within **5 days**
 - where the offender resides;
 - anywhere the offender is domiciled for more than 5 days;
 - any county in which the offender attends any school (full-time or part-time)
 - any county in which the offender is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year” even if the offender does not have a temporary or permanent residence in this state;
 - register “with the sheriff or other appropriate person” in any other state in which the offender attends a school or institution of higher learning or is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”
-
-

2. Complete sheriff's registration form, which includes a photo of the offender and the information required by ORC 2950.04(C). (This information will be forwarded to BCI pursuant to ORC 2950.04(D)).

B. Notice of change of address; registration of new address (ORC 2950.05)

1. Offender must provide written notice of address change to the sheriff with whom offender most recently registered the address.

- a. **20 days prior** to changing address of **residence** or **school**.
- b. **Within 5 days of** changing address of **employment**.

2. Offender must also register with sheriff of county where new residence, school, or employment is located.

C. Registration of Addresses Outside of Ohio: The initial registration and change of address registration requirements apply even where the residence, school, or employment is outside Ohio.

- a. Registration law of new state: If new address is in another state, the offender must register in the manner required by that state.

- i. Timing: Registration must be complete seven days prior to changing the address, or the time period required by the foreign jurisdiction, **whichever period is earlier**.

D. Periodic Verification of Current Address (of residence, school, and employment)

1. Frequency

Every 90 days after initial registration, if offender:

- is required to register based on a sexually oriented offense; **or**
- has been **adjudicated a sexual predator**; **or**
- is **required to register as a result of an aggravated sexually oriented offense**; **or**
- is required to register based on a child-victim oriented offense **and** has been **adjudicated a child-victim predator**.

Otherwise, offender shall verify addresses **annually** on each anniversary of initial registration date. (ORC 2950.06)

Duration of Duty to Register (ORC 2950.07)

A. Commencement: For commencement of duty to register, see ORC 2950.07(A).

B. Duration of Duty to Register

1. Category One (ORC 2950.07(B)(1))

For persons

- **adjudicated a sexual predator relative to a sexually oriented offense** that is not a registration-exempt sexually oriented offense; **or**
- convicted of a sexually oriented offense and **offender has a duty to register as a result of an aggravated sexually oriented offense**; **or**
- **adjudicated a child-victim predator**

Duty continues until **death** and shall **not be removed or terminated**.
(ORC 2950.07(A)(1))

2. Category Two (ORC 2950.07(B)(2))

For persons

- **adjudicated a habitual sex offender; or**
- **adjudicated a habitual child-victim offender; or**
- **automatically classified as a habitual child-victim offender**

Duty continues until **death OR 20 years**. (ORC 2950.091(E))

a. Duty is **20 years for habitual sex offender if both apply**:

i. At least one of the sexually oriented offenses for which the offender has been convicted and is included in the habitual sex offender determination is

- sexual imposition (ORC 2907.06(A)(1) or (5)) involving a victim who is 18 or older; **or**
- voyeurism (ORC 2907.08(A),(B) or (E)) (**Voyeurism**) involving a victim who is 18 or older; **or**
- menacing by stalking (ORC 2903.211) and a misdemeanor.

and

ii. Total of all sexually oriented offenses of which the offense has been convicted and that are included in the habitual sex offender determination **does not include** at least two sexually oriented offenses that are **not** described above in (i).

b. Otherwise, duty to register continues to death.

3. Category Three (ORC 2950.07(B)(3))

For persons not covered under Category One or Category Two, duty to register lasts **10 years**.

C. Tolling of Duty to Register: The number of years an offender is required to register is tolled for any period during which offender is returned to confinement in a secure facility for any reason. The duty to register resumes upon offender's release from confinement. ORC 2950.07(D).

D. "Credit" for Time Registered in Foreign Jurisdiction (ORC 2950.07(E))

1. Applicable Offenders: Applies to offenders who have been adjudicated in a court in another state, federal court, military court, Indian tribal court, or court of any other nation for committing a sexually oriented offense or child-victim offense that is not a registration-exempt offense.

- a. Process: The offender can apply to the sheriff of any county where offender
- resides (or is temporarily domiciled); **or**
 - attends school or an institution of higher learning; **or**
 - is employed;
-
-

to ask the sheriff for credit against duty to register from the time that offender has complied with registration requirements of another jurisdiction

b. Determination: Sheriff **shall** grant credit if offender provides adequate proof that offender complied with foreign jurisdiction’s registration requirements.

NOTE: The statute does not define what proof constitutes “adequate” proof.

c. Right of Appeal: Offender can **appeal to court of common pleas** if he/she disagrees with sheriff’s determination.

Persons Subject to Community Notification (ORC 2950.11(F))

A. Persons Subject to Community Notification Provision: The following offenders are subject to notification of their presence in the community:

1. an offender adjudicated as a **sexual predator**;
NOTE: ORC 2950.11 refers only to persons *adjudicated* as sexual predators. Presumably, the general assembly also meant to include those persons automatically *classified* as sexual predators (i.e sexually violent offenders and offenders designated as sexual predators in another jurisdiction)
2. an offender adjudicated as a **child-victim predator**;
3. an offender adjudicated as a **habitual sex offender *when the trial court determines that the offender should be subject to community notification***;
4. an offender adjudicated as a **habitual child-victim offender *when the trial court determines that the offender should be subject to community notification***;
5. an offender who has committed an **aggravated sexually oriented offense**.
 - a. Aggravated sexually oriented offenses are
 - Rape of a child under the age of 13 (ORC 2907.02(A)(1)(b))
 - Forcible rape (ORC 2907.02(A)(2)) committed on or after 7/31/03

Duties of Persons Subject to Community Notification (ORC 2950.04(G); ORC 2950.041(G))

- A. Send sheriff of the county in which offender intends to reside notice **at least 20 days prior** to residency, stating;
- Offender’s name;
 - Address/addresses at which the offender intends to reside;
 - Sexually oriented offense or child-victim oriented offense of which the offender was convicted;
 - Statement that the offender has been adjudicated a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender (or has committed an aggravated sexually oriented offense) and that, as of the date of the notice, the determination has not been removed under ORC 2152.84 or ORC 2152.85.

Residency Prohibited Within 1,000 Feet of Any School (ORC 2950.031)

- A. No person who has been convicted of or pleaded to either
- a sexually oriented offense that is not a registration-exempt sexually oriented offense;
 - or**
 - a child-victim oriented offense
- shall establish a residence or “occupy residential premises” within 1,000 feet of any school premises.

NOTE: The definition of “school premises” is borrowed from the drug offense statute and is broadly defined as “any parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises * * *.”

B. Injunctive Relief

1. An owner or lessee of real property that is located within 1,000 feet of any school has a cause of action for injunctive relief against an offender who establishes or occupies a residence within 1,000 feet of that school.
2. The owner or lessee does **not** have to prove irreparable harm in order to obtain the relief.

Penalties For Violating Registration and Community Notification Requirements
(ORC 2950.99)

A. Category One (ORC 2950.99(A)(1)(b)(i)-(iv))

1. Prior Conviction for Violation of Duties: Applies where an offender **previously has been convicted of a violation of duties** to register, to notify of intent to reside or change address, or to periodically verify current address based upon sexually oriented offense or child-victim offense.

2. Punishment

If the most serious sexually oriented offense or child-victim offense upon which the above duties were based was

- a. Aggravated murder, murder, or a F1, F2, F3, or F4, then offender is guilty of a F3.
- b. F5, then offender is guilty of a F4.
- c. M1, then offender is guilty of a F4.
- d. Misdemeanor other than a M1, then offender is guilty of a misdemeanor that is one degree higher than the most serious sexually oriented offense/child-victim offense upon which the above duties were based.

B. Category Two (ORC 2950.99(A)(1)(a)(i)-(ii))

1. No Prior Conviction for Violation of Duties: Applies where there has been **no prior conviction of a violation of duties** to register, to notify of intent to reside or change

address, or to periodically verify current address based upon sexually oriented offense or child-victim offense.

2. Punishment

If the most serious sexually oriented offense or child-victim oriented offense upon which the above duties were based was

- a. Aggravated murder, murder, or a F1, F2, or F3, then offender is guilty of a F3.
- b. F4, F5, or misdemeanor, then offender is guilty of a felony or misdemeanor of the same degree of the most serious sexually oriented offense/child-victim offense upon which the above duties were based.

C. Probation/Parole/Post-Release Control: Where offender from either category is **on probation or parole or subject to post-release control**, the violation shall constitute a violation of the conditions of probation, parole, or other post-release control. ORC 2950.99(A)(2).

CLASSIFICATION AND ADJUDICATION OF SEXUALLY ORIENTED OFFENSES

Presumptive Registration-Exempt Sexually Oriented Offenses

A. Applicable Offenses (ORC 2950.01(P)(1)(e))

When the victim is 18 years of age or older:

- sexual imposition (ORC 2907.06)
- voyeurism (ORC 2907.08)
- menacing by stalking committed with a sexual motivation (ORC 2903.211)

This includes any of the above committed by a juvenile whose case has been transferred to the common pleas court.

Any violation of an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.

Any attempt to commit, conspiracy to commit, or complicity in committing any of the above offenses.

B. Removal of Presumption: (ORC 2950.021) *A trial court may require an offender who commits a presumptive registration-exempt offense to register.*

1. In making a determination whether to remove the presumption of registration exempt, the trial court shall consider **all relevant factors, including, but not limited, to:**

- a. **public safety;**
- b. **interests of justice;**
- c. any of the determinations, findings and declarations made by the general assembly regarding sex offenders in ORC 2905.02, including:
 - “sex offenders pose a risk of engaging in further sexually abusive behavior” and protection of the public is a “paramount governmental interest[.]”
 - a sex offender “has a reduced expectation of privacy because of the public’s interest in public safety[.]”
 - with notice, members of the community can prepare themselves

2. Timing: The court must make a determination about registration **prior to imposing a sentence** upon the offender. ORC 2950.021(A).

3. Hearing: A hearing is **not** required.

C. Result of Determination Not to Remove Presumptive Exemption

If a court does not remove the presumptive exemption, the offense is classified as a registration-exempt offense. The offender is **not** subject to registration under ORC 2950.04 or any other duties and responsibilities imposed by Chapter ORC 2950.

D. Duties of Trial Court After Removing Presumptive Exemption (ORC 2950.021(B)(1))

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1. When the trial court removes the presumptive exemption, the trial court shall
 - a. **issue an order** “that contains its determination and removes the presumptive exemption from registration;”
 - b. **include** the order in the offender’s sentence;
 - c. **enter the order in the record of the case;** and
 - d. **inform** the offender of his/her duties to
 - i. register personally with the county sheriff within **5 days**;
 - where the offender resides
 - anywhere the offender is domiciled for more than five days
 - any county in which the offender attends any school (full-time or part-time)
 - any county in which the offender is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year” even if the offender does not have a temporary or permanent residence in this state
 - register “with the sheriff or other appropriate person” in any other state in which the offender attends a school or institution of higher learning or is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”
 - ii. provide notice of a change of residential address, even if temporary;
 - iii. provide notice of attending a school or institution of higher education;
 - iv. provide notice if he/she takes employment in another state;
 - v. verify addresses in another state if he/she is temporarily domiciled, attends a school or institution of higher learning or is employed in another state;
 - vi. verify addresses, as applicable for
 - residences
 - school/institution of higher education
 - place of employment
 - vii. provide notice of change of address for
 - school/institution of higher education
 - place of employment
 - e. require the offender to **read and sign a form** stating the offender’s duties, warning of criminal penalties for failure to verify or register addresses when required; and affirming that the judge explained the duties to him/her;
 - i. If the offender is unable to read the judge must certify on the form that the judge specifically informed the offender of the duties and the offender indicated an understanding of the duties; (ORC 2950.03).
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ii. The trial court must provide a copy of the signed and/or verified form to the offender;

iii. Within three days, the trial court must provide a copy of the signed and/or verified form to the Ohio Bureau of Criminal Identification & Investigation and the sheriff of the county in which the offender expects to reside;

f. **determine** the offender's name, identifying factors, the offender's expected future residences in any state, criminal/delinquent history, photograph, fingerprints, expected future school/institution of higher learning, and address of Ohio employer(s);

g. The trial court must forward this information to the Ohio Bureau of Criminal Identification & Investigation, the sheriff of the county where the offender expects to reside, the sheriff of the county where the offender attends (or plans to attend) school, and the sheriff of the county where the offender is/will be employed.

E. Duties of Offender After Removal of Presumptive Exemption (ORC 2950.021(B)(2))

1. When the trial court removes the presumptive exemption, the offender is subject to registration under ORC 2950.04 and **all other duties and responsibilities** imposed in ORC Chapter 2950 upon persons who are convicted or plead guilty to other sexually oriented offenses, including:

a. the duty to register;

b. the duty to provide notice of a change of address, even if temporary;

c. the duty to provide notice of attending a school or institution of higher education;

d. the duty to provide notice if he/she takes employment in another state; (ORC 2950.03(A)).

e. the duty to verify addresses, as applicable for residences, school/institution of higher education and place of employment;

d. the responsibility not to establish or occupy residential premises within 1000 feet of any school premises. (ORC 2950.031)

NOTE: There appears to be no requirement in the statute to provide *advance* notice to an offender who has committed a presumptive registration-exempt that the exemption may be removed. However, a trial court should consider providing such a notice prior to accepting plea to insure that plea is knowing and voluntary.

NOTE: The duties of trial court when removing the presumptive exemption are ambiguous. For example, it is unclear whether the requirement to issue an order that contains the determination imposes a duty on the trial court to specify the *reasons* for removing the

exemption. Also, it is unclear whether the requirement “to enter the order in the record” is simply requires the trial court to file the order with the record of the case or *state the order on the record* at or before sentencing.

Sexual Predator Classification and Adjudication

A. “Sexual Predator” Defined: A sexual predator is a person who

- has been **convicted of or pleaded guilty to a sexually oriented offense** (not including registration-exempt offenses); **and**
- is **likely** to engage in the **future** in one or more sexually oriented offenses.
(ORC2950.01(E))

1. For purposes of sexual predator determination, the sexually oriented offenses are:

- rape (ORC 2907.02)
- sexual battery (ORC 2907.03)
- gross sexual imposition (ORC 2907.05)
- importuning (ORC 2907.07)
- aggravated murder (ORC 2903.01) *with a sexual motivation*
- murder (ORC 2903.02) *with a sexual motivation*
- felonious assault (ORC 2903.11) *with a sexual motivation*
- kidnapping (ORC 2905.01) *with a sexual motivation*
- involuntary manslaughter (ORC 2903.04(A)) *with a sexual motivation*

When the victim is under the age of 18:

- kidnapping to engage in sexual activity (ORC 2905.01(A)(4))
- corruption of a minor (ORC 2907.04)
- sexual imposition (ORC 2907.06)
- voyeurism (ORC 2907.08)
- compelling prostitution (ORC 2907.21)
- pandering obscenity involving a minor (ORC 2907.321(A)(1) or (3))
- pandering sexually oriented matter involving a minor (ORC 2907.322(A)(1) or (3)), illegal use of a minor in nudity-oriented material or performance (ORC 2907.323(A)(1) or (2))
- endangering children through obscene material or nudity-oriented matter (ORC 2919.22(B)(5))
- kidnapping committed with sexual motivation (ORC 2905.01)
- menacing by stalking committed with a sexual motivation (ORC 2903.211)
- abduction committed with a sexual motivation (ORC 2905.02)
- unlawful restraint committed with a sexual motivation (ORC 2903.03)
- criminal child enticement committed with a sexual motivation (ORC 2905.05)
- child stealing (ORC 2905.04, repealed on July 1, 1996)
- Any law or ordinance of another nation, state, federal law, military law or Indian tribal law that is **substantially equivalent** to any of the above offenses
- Convictions or guilty pleas for attempt, conspiracy or complicity to commit any of the above offenses

(ORC 2950.09(D))

B. Classification: There are two groups of persons who are **automatically classified** as sexual predators.

1. Any person who is convicted of or pleads guilty to a **sexually violent predator specification**.

2. Any person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense in another nation, state, or in a federal court, military court, or an Indian tribal court and is required, under the law of that jurisdiction **to register as a sex offender until death.**

ORC 2950.09(A); ORC 2950.09(B)(5).

C. Adjudication: For anyone not automatically classified as a sexual predator who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a sexually oriented offense (that is not registration exempt), the trial court must hold a hearing to determine whether the offender is a sexual predator. (ORC 2950.09(A))

1. Timing of the adjudicatory hearing

a. The adjudicatory hearing is conducted by the **sentencing judge**

- i. **prior** to sentencing if the underlying offense is a **misdemeanor**
 - ii. **prior or concurrent** to sentencing if the underlying sexually oriented offense for which the offender is to be sentenced is a **felony**
- ORC 2950.09(B)(2)

iii. unless the offender **waives** the timing provisions.

State v. Bellman (1999), 86 Ohio St.3d 208, 210-211 (defendant may waive requirement that hearing should precede sentencing); see, also, *State v. Echols* (May 5, 2000), 2nd Dist. App. Nos. 99CA60, 99CA82

2. Notice of the adjudicatory hearing

a. The trial court shall give the offender and the prosecutor who prosecuted the offender for the sexually oriented offense **notice of the time, date and location** of the sexual predator hearing **prior** to sentencing. ORC 2950.09(B)(2).

i. Notice must specifically address the sexual predator hearing. Notice that there will be a sentencing hearing is inadequate.

State v. Higgenbotham (Mar. 21, 2000), 7th Dist. App. No. 97 BA 70; *State v. Thomas* (Aug. 10, 1999), 4th Dist. App. No. 98CA16; *State v. McCane* (Dec. 1, 1997), Twelfth Dist. App. No. CA97-03-023.

ii. Failure to give adequate notice is plain error and is not waived by the offender's failure to object.

State v. Gowdy (2000) 88 Ohio St.3d 387, 2000-Ohio-355; *State v. Hatfield*, 2nd Dist. App. No. 2002 CA 4, 2002-Ohio-4968.

3. Hearing Procedure

a. The offender has the **right to counsel**, and, if indigent, the **right to court-appointed counsel**.

b. During the hearing, the offender and the prosecutor must be afforded the opportunity to

- i. testify

ii. present evidence

iii. call and examine witnesses and experts

iv. cross-examine witnesses and experts

– Neither party is *required* to present new evidence or call and examine witnesses.

State v. Boshko (2000), 139 Ohio App.3d 827, 840; See ORC 2950.09(B)(2).

c. The Rules of Civil Procedure govern, unless clearly inapplicable.

d. The Rules of Evidence do **not** strictly apply.

State v. Cook (1998), 83 Ohio St.3d 404, 425.

e. In addition to evidence presented at the hearing, the trial court may consider

i. transcripts of the underlying trial or guilty plea

ii. victim impact statements

iii. presentence investigation reports

iv. prior history of arrests and convictions

State v. Eppinger (2001), 91 Ohio St.3d 158, 162.

4. Expert Witnesses

a. ORC Chapter 2950 does **not** require a determination to be based on expert testimony.

b. The offender and prosecutor must be provided with the **opportunity** to call and examine experts about the likelihood of recidivism.

c. The trial court must provide an expert witness to an **indigent offender** if the court determines that the services of an expert are **reasonably necessary** to determine whether the offender is a sexual predator.

i. It is within the trial court's discretion to determine whether the services of an expert are reasonably necessary.

State v. Eppinger (2001), 91 Ohio St.3d 158, 162.

5. Adjudicatory Factors

a. In determining whether an offender is a sexual predator, the trial court shall consider all relevant factors, including, but not limited to:

i. The offender's age;

ii. The offender's prior criminal record regarding all offenses, including, but not limited to, all sexual offenses;

iii. The age of the victim of the sexually oriented offense for which sentence is to be imposed;

iv. Whether the sexually oriented offense for which sentence is to be imposed involved multiple victims;

v. Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

vi. If the offender previously has been convicted of or pleaded guilty to any criminal offense, whether the offender completed any sentence imposed for the prior offense and, if the prior offense was a sex offense or a sexually oriented offense, whether the offender participated in available programs for sexual offenders;

vii. Any mental illness or mental disability of the offender;

viii. The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

ix. Whether the offender, during the commission of the sexually oriented offense for which sentence is to be imposed, displayed cruelty or made one or more threats of cruelty;

x. Any additional behavioral characteristics that contribute to the offender's conduct.

ORC 2950.09(B)(3)

b. The court may also consider other factors not enumerated in the statute, including, but not limited to:

i. Whether the offender completed sexual offender programs;

State v. Philpott (2002), 147 Ohio App.3d 505, 512

ii. The offender's penitentiary disobedience report;

State v. Philpott (2002), 147 Ohio App.3d 505, 512; *State v. Birt* (June 29, 2001), 2nd Dist. App. No. 18595; but, see, *State v. Winchester* (2001), 145 Ohio App.3d 92, 96 (noting that prison disciplinary report is not indicative of recidivism)

iii. The offender's criminal history;

State v. McFadden, 10th Dist. App. No. 01AP-1476, 2002-Ohio-5073; *State v. Johnson* (March 13, 2001), 10th Dist. App. No. 00AP-763

iv. The offender's lack of remorse or acceptance of responsibility;

v. The offender's possession or use of pornography;

vi. The offender's history of promiscuity;

State v. Ivory, 8th Dist. App. No. 79722, 2002-Ohio-1275; *State v. Birt* (June 29, 2001), 2nd Dist. App. No. 18595.

vii. The offender's aberrant sexual behavior;

viii. The offender's abuse of drugs;

State v. Kairis (Feb. 27, 2001), 10th Dist. App. No. 00AP-1053; *State v. Ballard* (Jan. 10, 2000), 12th Dist. App. No. CA99-06-067; *State v. Lauderdale* (Dec. 31, 1998), 2nd Dist. App. No. 17036

ix. Any sexually oriented offenses for which the offender has not been charged;

State v. Leyman (Dec. 31, 2001), 5th Dist. App. No. 2001CA00175; *State v. Reed*, 7th Dist. App. No. 00 JE 22, 2001-Ohio-3271; *State v. Burgess* (July 10, 2000), 12th Dist. App. No. CA99-08-21; *State v. Pryce* (June 28, 2000), 9th Dist. App. No. 19888; *State v. McGowin* (Feb. 16, 1999), 12th Dist. App. No. CA98-08-92; *State v. Bedinghaus* (July 31, 1998), 1st Dist. App. No. C-970833

x. Diagnostic tools (e.g. Violence Risk Appraisal Guide (“VRAG”), the Sex Offender Risk Assessment Guide (“SORAG”) and the Minnesota Multiphasic Personality Inventory (“MMPI”)); and
State v. Bowman, 12th Dist. App. Nos. CA2001-05-117, CA2001-06-147, 2002-Ohio-4373; *State v. Hammerberg*, 6th Dist. App. No. L-01-1377, 2002-Ohio-3050; *State v. Dodson*, Franklin App. Nos. 02AP-141, 02AP-169, 02AP-142, 02AP-168, 2002-Ohio-4771; *State v. Barber*, 2nd Dist. App. No. 18804, 2002-Ohio-1785.

xi. Whether the offender’s victim was a child.
See State v. Eppinger (2001), 91 Ohio St.3d 158, 162

6. Adjudication

a. The trial court’s determination must be supported by **clear and convincing evidence**.

i. If the court determines that the offender **is not** a sexual predator
-- the court must so specify in the offender’s sentence and judgment of conviction; **and**
-- **state the reason(s) why the court determined the offender is not a sexual predator.**

ii. If the court determines that the offender **is** a sexual predator
-- the court must so specify in the offender’s sentence and judgment of conviction.
(ORC 2950.09(B)(4))

D. Duties of Trial Court After Adjudicating an Offender as a Sexual Predator (ORC 2950.03 and 2950.09)

1. When the trial court adjudicates an offender to be a sexual predator, the trial court shall

- a. **specify in the offender’s sentence** that the offender is a sexual predator;
- b. **inform** the offender of his/her duties to
 - i. register personally with the county sheriff within **5 days**;
 - where the offender resides
 - anywhere the offender is domiciled for more than five days
 - any county in which the offender attends any school (full-time or part-time)

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- any county in which the offender is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year” even if the offender does not have a temporary or permanent residence in this state
 - register “with the sheriff or other appropriate person” in any other state in which the offender attends a school or institution of higher learning or is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”

- ii. provide notice of a change of residential address, even if temporary;
- iii. provide notice of attending a school or institution of higher education;
- iv. provide notice if he/she takes employment in another state;
- v. verify addresses in another state if he/she is temporarily domiciled, attends a school or institution of higher learning or is employed in another state;
- vi. verify addresses, as applicable for
 - residences
 - school/institution of higher education
 - place of employment
- vii. provide notice of change of address for
 - school/institution of higher education
 - place of employment

c. require the offender to **read and sign a form** stating that the offender has been adjudicated a sexual predator (and any other classifications); indicating whether the offender’s offense was an aggravated sexually oriented offense; stating the offender’s duties; warning of criminal penalties for failure to verify or register addresses when required; and affirming that the judge explained the duties to him/her;

- i. If the offender is unable to read the judge must certify on the form that the judge specifically informed the offender of the duties and the offender indicated an understanding of the duties.
(ORC 2950.03).
- ii. The trial court must provide a copy of the signed and/or verified form to the offender.
- iii. Within three days, the trial court must provide a copy of the signed and/or verified form to Bureau of Criminal Identification & Investigation and the sheriff of the county in which the offender expects to reside.

d. **determine** the offender’s name, identifying factors, the offender’s expected future residences in any state, criminal/delinquent history, photograph,

fingerprints, expected future school/institution of higher learning, and address of Ohio employer(s);

i. The trial court must forward this information to the Bureau of Criminal Identification & Investigation, the sheriff of the county where the offender expects to reside, the sheriff of the county where the offender attends (or plans to attend) school, and the sheriff of the county where the offender is/will be employed.

Adjudication as a Habitual Sexual Offender

A. Alternative or Concurrent Classification: A court may determine that an offender is **both** a sexual predator and a habitual sexual offender if the offender satisfies the criteria for both classifications. Alternatively, a court may determine that an individual is a habitual sexual offender, but not a sexual predator. (ORC 2950.09(E)(1))

1. Permanent Classification: If a court determines that an offender is a habitual sexual offender, the classification is **permanent** for the duration of the offender’s life.

2. Timing: The determination is conducted by the **sentencing judge prior** to sentencing

B. Habitual Sex Offender Defined: A habitual sex offender is a person who

- has been **convicted of or pleaded guilty to a sexually oriented offense** (not including registration-exempt offenses); **and**
- has been **previously** convicted or pleaded guilty to one or more **sexually oriented offenses** or **child-victim oriented offenses**; **or** was previously adjudicated a delinquent child for committing one of more sexually oriented offenses or child-victim oriented offenses **and** was classified a juvenile offender registrant.

1. For purposes of habitual sexual offender classification, the sexually oriented offenses are:

- rape (ORC 2907.02)
- sexual battery (ORC 2907.03)
- gross sexual imposition (ORC 2907.05)
- importuning (ORC 2907.07)
- aggravated murder (ORC 2903.01) *with a sexual motivation*
- murder (ORC 2903.02) *with a sexual motivation*
- felonious assault (ORC 2903.11) *with a sexual motivation*
- kidnapping (ORC 2905.01) *with a sexual motivation*
- involuntary manslaughter (ORC 2903.04(A)) *with a sexual motivation*

When the victim is under the age of 18:

- kidnapping to engage in sexual activity (ORC 2905.01(A)(4))
 - corruption of a minor (ORC 2907.04)
 - sexual imposition (ORC 2907.06)
 - voyeurism (ORC 2907.08)
 - compelling prostitution (ORC 2907.21)
 - pandering obscenity involving a minor (ORC 2907.321(A)(1) or (3))
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- pandering sexually oriented matter involving a minor (ORC 2907.322(A)(1) or (3)), illegal use of a minor in nudity-oriented material or performance (ORC 2907.323(A)(1) or (2))
- endangering children through obscene material or nudity-oriented matter (ORC 2919.22(B)(5))
- kidnapping committed with sexual motivation (ORC 2905.01)
- menacing by stalking committed with a sexual motivation (ORC 2903.211)
- abduction committed with a sexual motivation (ORC 2905.02)
- unlawful restraint committed with a sexual motivation (ORC 2903.03)
- criminal child enticement committed with a sexual motivation (ORC 2905.05)
- child stealing (ORC 2905.04, repealed on July 1, 1996)
- any law or ordinance of another nation, state, federal law, military law or Indian tribal law that is **substantially equivalent** to any of the above offenses
- convictions or guilty pleas for attempt, conspiracy or complicity to commit any of the above offenses

2. For purposes of habitual sexual offender classification, the child-victim oriented offenses are:

All of the following offenses, when the **victim is under 18 years of age and is not a child of the offender**:

- kidnapping (ORC 2905.01(A)(1),(2), (3), or (5))
- abduction (ORC 2905.02)
- unlawful restraint (ORC 2905.03)
- criminal child enticement (ORC 2905.05)
- child stealing (former ORC 2905.04)
- any law or ordinance of another nation, state, federal law, military law or Indian tribal law that is **substantially equivalent** to any of the above offenses
- convictions or guilty pleas for attempt, conspiracy or complicity to commit any of the above offenses

a. “Child-victim oriented offense” **does not include** any of the above offenses that is a sexually violent offense. An offense that is a sexually violent offense is within the definition of a sexually oriented offense.

NOTE: Under the definition of “sexually violent offense,” only kidnapping, presumably with sexual motivation, qualifies as a sexually violent offense.)

C. Result of Determination of Habitual Sexual Offender Classification (ORC 2950.09(E))

1. If the court determines that the offender does **not** meet the criteria of a habitual sexual offender

- a. the court must so specify in the offender’s sentence and judgment of conviction.

2. If the court determines that the offender **does** meet the criteria of a habitual sexual offender

a. the court must so specify in the offender’s sentence; and

b. determine whether the offender will be subject to community notification provisions

i. **Automatic:** any habitual sexual offender who was also adjudicated a **sexual predator**, or pleaded guilty or was convicted of an **aggravated sexually oriented offense** is **automatically** subject to community notification provisions, or was determined to be a habitual sex offender subject to community notification provisions in a foreign jurisdiction.

-- Aggravated sexually oriented offenses are

- Rape of a child under the age of 13 (ORC 2907.02(A)(1)(b))
- Forcible rape (ORC 2907.02(A)(2)) committed on or after 7/31/03

ii. **Presumed:** It is presumed that any habitual sexual offender who has committed two or more child-oriented offenses or sexually oriented offenses against a victim under the age of 18 that “subjecting the offender to community notification provisions is necessary in order to comply with” the purposes of Chapter 2950.

NOTE: There is nothing in the statute indicating how the presumption is rebutted and whether the offender has the burden to overcome the presumption or if the trial court must remove the presumption in making its determination.

iii. **Court Imposed:** For any offender where community notification is not presumed or automatic, the court **may** subject the offender to community notification provisions.

NOTE: There are no standards in the statute by which the court is to make the determination as to whether to subject the offender to community notification provisions. Thus, it is recommended that the court base its decision on the purposes and principles of Chapter 2950 as set forth in ORC 2950.02, including:

- “sex offenders pose a risk of engaging in further sexually abusive behavior” and protection of the public is a “paramount governmental interest[.]”
 - a sex offender “has a reduced expectation of privacy because of the public’s interest in public safety[.]”
 - with notice, members of the community can prepare themselves
- ORC 2950.01(D)(1)(g)
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CLASSIFICATION AND ADJUDICATION OF CHILD-VICTIM OFFENSES

Child-Victim Predator Classification and Adjudication

A. “Child-victim predator” defined: A child-victim predator is a person who

- has been convicted of (or pleaded to) a child-victim oriented offense **and**
- is likely to engage in the future in one or more child-victim oriented offenses.

(R.C 2950.01(U)(1)).

1. For purposes of child-victim predator classification and adjudication, the child-victim oriented offenses are:

*When the victim is under 18 years old and is **not** a child of the person who commits the offense:*

- kidnapping (ORC 2905.01(A)(1),(2), (3), or (5))
- abduction (ORC 2905.02)
- unlawful restraint (ORC 2905.03)
- criminal child enticement (ORC 2905.05)
- child stealing (former ORC 2905.04),
- any violation of an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.
- any attempt to commit, conspiracy to commit, or complicity in committing any of the above offenses.

B. Prior Sexual Predator Classification Remains in Effect (ORC 2950.091(A)(1))

1. Applicable Offenders

Offenders who were

- convicted of (or pleaded guilty to) a sexually oriented offense prior to 7/31/03; **and**
- **automatically classified** as a sexual predator pursuant to ORC 2950.09(A) (by being convicted of a sexually violent offense with a sexually violent predator specification); **and**
- on or after 7/31/03, the sexually oriented offense upon which the classification was based is no longer considered a sexually oriented offense but a child-victim oriented offense.
- **Result:** The sexual predator classification remains valid and in effect.

C. Automatic Classification as Child-Victim Predator: The following offenders are automatically classified as child-victim predators.

1. Category One (ORC 2950.091(A)(2))

a. Applicable Offenders: Offenders who were:

- convicted of (or pleaded guilty to) a sexually oriented offense prior to 7/31/03; **and**
 - **adjudicated** a sexual predator in relation to that offense under ORC 2950.09; **and**
-
-

- on or after 7/31/03, the sexually oriented offense upon which the adjudication was based is no longer considered a sexually oriented offense but is instead a child-victim oriented offense.

2. Category Two

- a. Applicable Offenders: Offenders who were
- **convicted of** (or pleaded guilty to) **committing a child-victim oriented offense in a foreign jurisdiction** (another state, federal court, military court, Indian tribal court, or in a court of another nation); **and**
 - **were required** by that foreign jurisdiction **to register as a child-victim offender or sex offender until the offender's death.**

b. Challenge: A person may challenge the automatic classification based upon a conviction and registration requirement from a foreign jurisdiction. See ORC 2950.07(F).

D. Adjudication as Child-Victim Predator: For anyone not automatically classified as a child-victim predator who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a child-victim oriented offense and is being sentenced after 7/31/03, the trial court must hold a hearing to determine whether the offender is a child-victim predator.

1. Timing

- a. The adjudicatory hearing is conducted by the sentencing judge
- i. **prior** to sentencing if the underlying child-victim oriented offense is a **misdemeanor.**
 - ii. **prior or concurrent** to sentencing if the underlying offense is a **felony.**

2. Notice and Rights

- a. Court shall **notify** the offender and the prosecutor who prosecuted the offender **notice of date, time, and location** of the hearing. ORC 2950.091(B)(2).
- b. Offender and prosecutor have the same opportunities and rights as provided in ORC 2950.09(B)(2) regarding sexual predator hearings. ORC 2950.091(B)(2).
- c. Right of Appeal: Offender or prosecutor may appeal as a matter of right the court's determination. ORC 2950.091(B)(4).

3. Hearing procedure

- a. The offender has the **right to counsel**, and, if indigent, the **right to court-appointed counsel.**
- b. During the hearing, the offender and the prosecutor must be afforded the opportunity to:

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- i. testify
 - ii. present evidence
 - iii. call and examine witnesses and experts
 - iv. cross-examine witnesses and experts

4. Adjudicatory factors: In making a determination as to whether an offender is a child-victim predator, the judge shall consider **all relevant factors, including but not limited to, all of the factors identified in ORC 2950.09(B)(3) regarding sexual predator hearings.** These factors are:

- i. The offender's age;
 - ii. The offender's prior criminal record regarding all offenses, including, but not limited to, all child-victim oriented offenses;
 - iii. The age of the victim of the child-victim oriented offense for which sentence is to be imposed;
 - iv. Whether the child-victim oriented offense for which sentence is to be imposed involved multiple victims;
 - v. Whether the offender used drugs or alcohol to impair the victim of the child-victim oriented offense or to prevent the victim from resisting;
 - vi. If the offender previously has been convicted of or pleaded guilty to any criminal offense, whether the offender completed any sentence imposed for the prior offense and, if the prior offense was a child-victim oriented offense, whether the offender participated in available programs for child-victim offenders;
 - vii. Any mental illness or mental disability of the offender;
 - viii. The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the child-victim oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;
 - ix. Whether the offender, during the commission of the child-victim oriented offense for which sentence is to be imposed, displayed cruelty or made one or more threats of cruelty;
 - x. Any additional behavioral characteristics that contribute to the offender's conduct.
- ORC 2950.09(B)(3)

NOTE: All references to a "sexual offense" or "sexually oriented offense" that are in made in the sexual predator determination section are construed as being references to a "child-victim oriented offense"

and all references to “sexual offenders” are construed as being references to “child-victim offenders.” ORC 2950.091(B)(3).

- 4. Standard: After reviewing all testimony and evidence presented at the hearing, the court shall determine **by clear and convincing evidence** whether the offender is a child-victim predator. ORC 2950.091(B)(1)(4).
 - If the court determines that offender is **not** a child-victim predator, it shall so state in offender’s sentence and judgment of conviction and **provide the reason(s) why the court determined that the offender is not a child-victim predator.** ORC 2950.091(B)(1)(b)(4).
 - If court determines that offender **is** a child-victim predator, it shall so state in offender’s sentence and judgment of conviction and specify that the determination was pursuant to ORC 2950.091(B)(1)(b)(4).
 - The offender or prosecutor may appeal as a matter of right as to the judge’s determination of whether the offender is or is not a child-victim predator. ORC 2950.091(B)(1)(b)(4).

E. Duties of Trial Court upon Determination the Offender is a Child-Victim Predator

1. When the trial court adjudicates an offender to be a child-victim predator, the trial court shall

- a. **specify in the offender’s sentence** that the offender is a child-victim predator;
- b. **inform** the offender of his/her duties to
 - i. register personally with the county sheriff within **5 days**;
 - where the offender resides
 - anywhere the offender is domiciled for more than five days
 - any county in which the offender attends any school (full-time or part-time)
 - any county in which the offender is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year” even if the offender does not have a temporary or permanent residence in this state
 - register “with the sheriff or other appropriate person” in any other state in which the offender attends a school or institution of higher learning or is employed “for more than 14 days or for an aggregate period of 30 or more days in a calendar year.”
 - ii. provide notice of a change of residential address, even if temporary;
 - iii. provide notice of attending a school or institution of higher education;
 - iv. provide notice if he/she takes employment in another state;

v. verify addresses in another state if he/she is temporarily domiciled, attends a school or institution of higher learning or is employed in another state;

vi. verify addresses, as applicable for

- residences
- school/institution of higher education
- place of employment

vii. provide notice of change of address for

- school/institution of higher education
- place of employment

c. require the offender to **read and sign a form** stating that the offender has been adjudicated a child-victim predator (and any other classifications); whether any of the offender's offenses was an aggravated sexually oriented offense; stating the offender's duties; warning of criminal penalties for failure to verify or register addresses when required; and affirming that the judge explained the duties to him/her;

i. If the offender is unable to read the judge must certify on the form that the judge specifically informed the offender of the duties and the offender indicated an understanding of the duties. (ORC 2950.03).

ii. The trial court must provide a copy of the signed and/or verified form to the offender.

iii. Within three days, the trial court must provide a copy of the signed and/or verified form to bureau of criminal investigation and the sheriff of the county in which the offender expects to reside.

d. **determine** the offender's name, identifying factors, the offender's expected future residences in any state, criminal/delinquent history, photograph, fingerprints, expected future school/institution of higher learning, and address of Ohio employer(s);

i. The trial court must forward this information to the bureau of criminal investigation, the sheriff of the county where the offender expects to reside, the sheriff of the county where the offender attends (or plans to attend) school, and the sheriff of the county where the offender is/will be employed.

F. Duration of Classification or Adjudication: Classification or adjudication of the offender as a child-victim predator is **permanent** and **continues in effect until the offender's death** and **in no case shall it be removed or terminated**. ORC 2950.091(D)(2).

Classification and Adjudication of Habitual Child-Victim Offenders

A. “Habitual Child-Victim Offender” Defined: A habitual child-victim offender is a person who is convicted of or pleads guilty to a child-victim oriented offense;

and

Has at least one prior conviction of a child-victim oriented offense **or** has at least one prior adjudication as a delinquent child for committing one or more child-victim oriented offenses and was classified a juvenile offender registrant or out-of-state juvenile offender registrant based on that adjudication(s).

Includes a person who was previously convicted of a child-victim oriented offense and who, on and after 7/31/03, is **automatically classified a habitual child-victim offender** pursuant to ORC 2950.091(E). ORC 2950.01(T)(2)

1. For purposes of habitual child-victim offender classification and adjudication, the child-victim oriented offenses are:

When the victim is under 18 years old and is not a child of the person who commits the offense:

- kidnapping (ORC 2905.01(A)(1),(2), (3), or (5))
- abduction (ORC 2905.02)
- unlawful restraint (ORC 2905.03)
- criminal child enticement (ORC 2905.05)
- child stealing (former ORC 2905.04)
- any violation of an *existing or former* law or ordinance of another nation, state, federal law, military law or Indian tribal law that is substantially equivalent to any of the above offenses.
- any attempt to commit, conspiracy to commit, or complicity in committing any of the above offenses.

B. Whether Prior Habitual Sexual Offender Adjudication Remains in Effect (ORC 2950.091(A)(1))

1. Applicable Offenders

- prior to 7/31/03, a person was convicted of or pleaded to a sexually oriented offense, **and**
- after 7/31/03, the sexually oriented offense is no longer a sexually oriented offense but is a child-victim oriented offense, **and**
- prior to 7/31/03, a judge determined that the offender was a habitual sex offender

2. Determination

a. Habitual Sexual Offender Remains in Effect: **If one or more of the offenses that was the basis of the offender being a habitual sex offender remains after 7/31/03 a sexually oriented offense**, notwithstanding the re-designation of the offense, the determination and classification of that person as a habitual sex offender **remains valid and in effect**. (ORC 2950.091(E)(1)).

b. Automatic Classification as Habitual Child-Victim Offender: If none of the offenses that was the basis of the offender being a habitual sex offender remains

after 7/31/03 a sexually oriented offense, on or after 7/31/03, the offender is **automatically classified** a habitual child-victim offender. (ORC 2950.091(E)(2)).

C. Where Offender Is Sentenced to a Child-Victim Oriented Offense After 7/31/03

1. Determination: The court must determine whether offender is a habitual child-victim offender. (ORC 2950.091(E)(3)).

a. Finding that an offender **is** a habitual child-victim offender

If a judge determines that offender has been previously convicted of or pleaded to a child-victim oriented offense and that the offender satisfies all other criteria for being a habitual child-victim offender, the judge shall so specify in the offender's sentence and the judgment of conviction

i. Community Notification: The court may impose a requirement that offender be subject to community notification provisions of ORC 2950.10 and ORC 2950.11 **only if** imposed in offender's sentence and the judgment of conviction. (Unless the offender has also been adjudicated a child-victim predator.) (ORC 2509.091(E)(4)).

NOTE: There are no standards in the statute by which the court is to make the determination as to whether to subject the offender to community notification provisions. Thus, it is recommended that the court base its decision on the purposes and principles of Chapter 2950 as set forth in ORC 2950.02, including:

- “sex offenders pose a risk of engaging in further sexually abusive behavior” and protection of the public is a “paramount governmental interest[.]”
 - a sex offender “has a reduced expectation of privacy because of the public's interest in public safety[.]”
 - with notice, members of the community can prepare themselves
- ORC 2950.01(D)(1)(g)

b. Finding that an offender is **not** a habitual child victim offender

If judge determines that the offender previously has not been convicted or pleaded guilty to committing a child-victim oriented offense or that the offender otherwise does not satisfy the criteria for being a habitual child-victim offender, the judge shall specify in the offender's sentence that the offender is not a habitual child-victim offender. (ORC 2950.091(E)(4)).

D. Determination in Foreign Jurisdiction that Offender Is a Habitual Child-Victim Offender

1. Automatic Classification: If a court of a foreign jurisdiction determines a person is a habitual child-victim offender in that jurisdiction, that person is considered a habitual child-victim offender in Ohio.

a. Community Notification: If another jurisdiction has subjected the offender to community as to place of residence, the offender is subject to place of residence notification as in R.C 2950.10 and 2950.11

i. Exception: **Unless** foreign court determines the person is no longer subject to community notification.

E. Duration of Classification as habitual child-victim offender. Classification or adjudication of the offender as **a habitual child-victim offender is permanent.** (ORC 2950.091(E)(4)).

OFFENSES COMMITTED PRIOR TO JANUARY 1, 1997

Sexual Predator Adjudication for Offenses Committed Prior to January 1, 1997

A. Role of ODRC: ODRC **must** assess all offenders who were convicted of or pleaded guilty to a sexually oriented offense “that is not registration exempt” on or after January 1, 1997 and the offender is serving a term of imprisonment. (ORC 2950.09(C)).

NOTE: According to the statute, an offense only becomes registration exempt *after* a court determines not to remove the presumption of exemption from a presumed registration-exempt offense. Thus, it is unclear whether ODRC has duties for sexually oriented offenses that are presumed registration exempt.

1. Automatic Referral: ODRC must notify the trial court for purposes of sexual predator adjudication of all offenders who committed:

- aggravated murder (ORC 2903.01) *with a sexual motivation*
- murder (ORC 2903.02) *with a sexual motivation*
- felonious assault (ORC 2903.11) *with a sexual motivation*
- kidnapping (ORC 2905.01) *with a sexual motivation*
- involuntary manslaughter (ORC 2903.04(A)) *with a sexual motivation*
- rape (ORC 2907.02)
- sexual battery (ORC 2907.03)
- gross sexual imposition involving a victim under the age of 13 (ORC 2907.05(A)(4))
- felonious sexual penetration (ORC 2907.12, repealed September 3, 1996)
- homicide, assault or kidnapping with a sexual motivation *specification*.

2. Recommendation: For all sexually oriented offenses in which automatic referral does not apply, ODRC must consider the sexual predator factors and determine whether or not to recommend the offender for adjudication as a sexual predator. ODRC **must** notify the trial court of its determination ***in all cases***.

B. Role of the Trial Court for Automatic Referrals: The trial court **must** conduct a **sexual predator hearing** after receiving automatic referrals from ODRC.

C. Recommended Offenders: The trial court **must** conduct a **sexual predator hearing** after receiving a **recommendation** of ODRC that an offender be adjudicated as a sexual predator.

1. Timing: The trial court must hold the hearing **prior** to the offender’s release from incarceration or within **one year after release**.

2. “Discovery”: The prosecutor may collect from ODRC all “**relevant and necessary**,” non-privileged, non-confidential information about the offender regarding whether the offender is a sexual predator.

3. Notice: The trial court must provide **notice** of the **date, time and place** of hearings to the offender and the prosecutor (or successor in office) who prosecuted the offender for the sexually oriented offense.

4. Determination the Offender **Is Not** a Sexual Predator:

- a. If the court determines that the offender **is not** a sexual predator
 - the court must so specify in the offender's institutional records; and
 - **state the reason(s) why the court determined the offender is not a sexual predator**

- b. If the offender has been convicted of or pleaded guilty to a sexually oriented offense of child-victim oriented offense other than the offense that was the basis for the hearing, the court must then determine whether the offender is a **habitual sexual offender**.
 - i. If the court determines that the offender is a habitual sexual offender
 - the court must so specify in the offender's sentence and institutional record;
 - determine whether to impose a community notification requirement; and
 - provide a copy of the determination to ODRC, the prosecutor and the offender.

- c. Right of Appeal: The prosecutor may appeal the determination that the offender is not a sexual predator. The offender may appeal the determination that the offender is a habitual sexual offender.

5. Determination That the Offender **Is** a Sexual Predator:

- a. If the court determines the offender is a sexual predator:
 - the court must so specify in the offender's sentence and institutional records; and
 - provide a copy of the determination to ODRC, the prosecutor and the offender

- b. Right of Appeal: The offender may appeal the determination that the offender is a sexual predator.

D. Non-Recommended Offenders: When ODRC sends a notice indicating that it does not recommend that an offender be adjudicated to be a sexual predator, the trial court **shall not** make any determination regarding the **sexual predator status**, but **shall** determine whether the offender should be subject to **community notification** requirements.

- 1. Habitual Sexual Offender Determination: The trial court must determine whether the offender is a habitual sexual offender and should be subject to a community notification requirement.
 - a. Hearing Required: The trial court must provide a hearing to the offender prior to imposing a community notification requirement.

 - b. Institutional Record: The trial court shall include in the offender's institutional record any determinations made with regard for non-recommended offenders.
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Child-Victim Predator Adjudication for Offenses Committed Prior to 1/1/97

A. Recommended Offenders: The trial court must determine whether an offender is a **child-victim predator** after receiving a recommendation from ODRC that an offender be adjudicated as a child-victim predator.

1. Applicability:

a. Applies where an offender:

- was convicted of or pleaded guilty to a sexually oriented offense that is no longer considered a sexually oriented offense but instead a child-victim oriented offense; **and**
- was sentenced for the offense prior to 1/1/97; **and**
- was serving a term of imprisonment in a state correctional institution on or after 7/31/03; **and**
- is recommended by ODRC to be adjudicated a child-victim predator. (ORC 2950.091(C)(1))

2. Hearing

a. Hearing Required: A hearing **is** required for those offenders who are not automatically classified as child-victim predators.

b. Hearing Not Required: A new hearing **is not** required where,

- prior to 7/31/03, the court previously conducted a hearing regarding the offense while it was still classified a sexually oriented offense to determine whether the offender was a sexual predator. (ORC 2950.091(C)(3)); **or**
- prior to 7/31/03, ODRC recommended that the offender be adjudicated a sexual predator regarding a sexually oriented offense that is now a child-victim oriented offense **and** the court **denied the recommendation and** determined that the offender was not a sexual predator without a hearing **unless** the offense in question was:
 - aggravated murder (ORC 2903.01)
 - murder (ORC 2903.02)
 - felonious assault (ORC 2903.11)
 - kidnapping (ORC 2905.01)
 - involuntary manslaughter (ORC 2903.04) that is committed with a sexual motivation. (ORC 2950.091(C)(3))

c. Timing: The trial court must hold the hearing **prior** to offender's release from imprisonment **or within one year after release**. (ORC 2950.091(C)(2)(a)).

4. Notice and Rights

a. Notice: The court shall **notify** the offender and prosecutor who prosecuted the offender notice of **date, time, and location** of the hearing. (ORC 2950.091(C)(2)(c))

b. Rights: Offender and prosecutor have the same opportunities and rights as provided in ORC 2950.09(B)(2) regarding sexual predator hearings. (ORC 2950.091 (C)(2)(c))

c. Appeal: Offender or prosecutor may appeal as a matter of right the court's determination. (ORC 2950.091(C)(2)(c)(iii))

5. Determination: In making a determination as to whether an offender is a child-victim predator, the judge shall consider **all relevant factors**, including but not limited to, all of the factors identified in ORC 2950.09(B)(3). (ORC 2950.091(C)(2)(c)).

6. Standard: After reviewing all testimony and evidence presented at the hearing, the court shall determine **by clear and convincing evidence** whether the offender is a child-victim predator. (ORC 2950.091(C)(2)(c))

7. Court Determines That the Offender Is Not a Child-Victim Predator: If the court determines that the offender is **not** a child-victim predator, the court **shall** also determine whether the offender previously has been convicted of or pleaded guilty to a child-victim oriented offense other than the offense in relation to which the hearing is being conducted.

a. Other Child-Victim Offenses: If there **ARE** other child-victim oriented offenses, the court **shall** include in offender's institutional record that the offender is a **habitual child-victim offender** and the reasons why it determined that the offender is not a child-victim predator. (ORC 2950.091(C)(2)(c))

i. The court shall attach the determinations and the reasons to the offender's sentence, specifying that the determinations were made in accordance with ORC 2950.091(C)

ii. The court shall provide copies to the offender, prosecutor, and ODRC.

iii. The court may impose a requirement that the offender be subject to community notification under ORC 2950.10 and 2950.11. (If these are imposed, the offender may appeal the habitual child-victim offender determination.)

b. No Other Child-Victim Offenses: If there are **NOT** other child-victim oriented offenses, the court shall include, in the offender's institutional record, its determinations and the reasons why it determined that the offender is not a child-victim predator. (ORC 2950.091(C)(2)(c)(i)).

8. Court Determines That the Offender Is a Child-Victim Predator: If the court determines that the offender **is** a child-victim predator, the court shall enter its determination in the offender's institutional record.

- The court shall attach the determinations and the reasons to the offender's sentence, specifying that the determinations were made in accordance with ORC 2950.091(C)
 - The court shall provide copies to the offender, prosecutor, and ODRC.
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a. Right of Appeal: The offender or prosecutor may appeal this determination.

B. Non-recommended Offenders: ODRC may send a notice indicating that it does not recommend that an offender be adjudicated a child-victim predator.

1. Applicability:

Applies where, prior to 7/31/03, the offender:

- was convicted of or pleaded guilty to a sexually oriented offense that is no longer considered a sexually oriented offense but instead a child-victim oriented offense; **and**
- was not sentenced for the offense on or after 1/1/97; **and**
- was serving a term of imprisonment in a state correctional institution on or after 7/31/03; **and**
- ODRC sends a determination that it **is not recommending** that an offender be adjudicated a child-victim predator.
(ORC 2950.091(C)(2)(b))

2. Determination: The court **shall not** make a determination as to whether offender should be classified as child-victim predator, but shall determine whether the offender is a **habitual child offender**. ORC 2950.091(C)(2)(b).

3. Hearing

a. Not Required: A hearing is not required to make determination of whether offender previously has been convicted of or pleaded guilty to a child-victim oriented offense other than the one in relation to which the department made its recommendation. ORC 2950.091(C)(2)(b)

b. Hearing **Required**: A hearing is **required** if the court is going to impose community notification obligations. (ORC 2950.091(C)(2)(b))

4. Record of Determination: The court shall include in the offender's institutional record any determination made as to whether the offender previously has been convicted of or pleaded guilty to a child-victim oriented offense and whether the offender is a habitual child-victim offender. (ORC 2950.091(C)(2)(b)).

SUSPENSION OF DUTIES AND REMOVAL OF CLASSIFICATIONS

Suspension of Community Notification (ORC 2950.11(H))

A. Motion to Suspend Community Notification: All of the following may file a motion to suspend community notification:

- an offender, ***unless***
 - the offender is a sexually violent predator
 - the offender is a habitual sexual offender or habitual child-victim oriented offender who, subsequent to being subjected to a community notification requirement, has pleaded guilty or has been convicted of a sexually oriented offense or a child-victim oriented offense
 - the offender is a sexual predator or a child-victim predator, who, subsequent to being subjected to a community notification requirement, has pleaded guilty or has been convicted of a sexually oriented offense or a child-victim oriented offense
- the prosecuting attorney of the county in which the offender was convicted or pleaded guilty to the offense requiring notification
- the sentencing judge or that judge’s successor in office

NOTE: The statute provides that removal of the requirement can occur “upon the *motion* of the sentencing judge * * *.” It is unclear whether this really means that the judge may *sua sponte* reconsider the requirement.

1. Timing: A motion to suspend may be made upon the expiration of **20 years** after the duty to register for the subject offense begins.

a. Subsequent Motions: After the initial motion, subsequent motions may be made every **five years** from the entry of an order denying a previous motion.

2. Hearing: A hearing is **not** required, but the judge cannot suspend the notification requirement without a hearing.

3. Determination: In making a determination whether to remove the community notification requirement, the trial court shall consider the factors used to determine whether an individual is a sexual predator:

- The offender’s age;
 - The offender’s prior criminal record regarding all offenses, including, but not limited to, all sexual offenses;
 - The age of the victim of the sexually oriented offense for which sentence is to be imposed;
 - Whether the sexually oriented offense for which sentence is to be imposed involved multiple victims;
 - Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;
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- If the offender previously has been convicted of or pleaded guilty to any criminal offense, whether the offender completed any sentence imposed for the prior offense and, if the prior offense was a sex offense or a sexually oriented offense, whether the offender participated in available programs for sexual offenders;
 - Any mental illness or mental disability of the offender;
 - The nature of the offender’s sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;
 - Whether the offender, during the commission of the sexually oriented offense for which sentence is to be imposed, displayed cruelty or made one or more threats of cruelty;
 - Any additional behavioral characteristics that contribute to the offender’s conduct.
- ORC 2950.09(B)(3)

NOTE: The statute requires the court to consider “all of the” factors in 2950.09(B)(3); it is unclear whether the court may consider “all relevant factors, including, but not limited to” those factors.

NOTE: When considering community notification imposed upon habitual child-victim offenders, all references to a “sexual offense” or “sexually oriented offense” that are made in the sexual predator determination section are construed as being references to a “child-victim oriented offense” and all references to “sexual offenders” are construed as being references to “child-victim offenders.” ORC 2950.091(B)(3).

a. Burden: The **offender** must prove by clear and convincing evidence that the offender is **unlikely** to commit in the future a sexually oriented offense or a child-victim oriented offense

NOTE: Although the prosecuting attorney and trial judge may initiate proceedings to remove the notification requirement, the statute places the burden on the offender in **all** instances.

b. Test: The judge must find by clear and convincing evidence

i. that the offender is **unlikely** to commit in the future a sexually oriented offense or a child-victim oriented offense;

and

ii. suspending the community notification requirement is in the **interest of justice**.

NOTE: The statute does not define “interest of justice.”

4. Duties Upon Determination: Upon determining that the community notification requirement should be removed, the trial court shall:

a. File an **order** containing the following **findings**:

i. that the offender is **unlikely** to commit in the future a sexually oriented offense or a child-victim oriented offense;

and

ii. suspending the community notification requirement is in the **interest of justice**.

b. Serve a copy of the order upon

i. the sheriff with whom the offender most recently registered

ii. the Bureau of Criminal Identification and Investigation

5. Impact on other Duties: Suspension of community notification does **not** suspend the offender’s registration duties or victim notification.

6. Right of Appeal: The prosecuting attorney and the offender may appeal any order approving or denying a motion to suspend community notification.

Removal of Sexual Predator Classification (ORC 2950.09(F))

A. Petition to Remove Sexual Predator Classification: An offender classified as a sexual predator may petition the common pleas court to enter a determination that the offender is not a sexual predator if:

- the offender was convicted of or pleaded guilty to a sexually oriented offense in any jurisdiction other than Ohio; **and**
- as a result of that conviction or plea, the offender is required to register as a sex offender until the offender’s death; **and**
- the offender was automatically classified as a sexual predator in this state as a result.

1. Burden: The **petitioner** has the burden of proving by **clear and convincing evidence** that the requirement of registration of the other jurisdiction is **not substantially similar** to the stated reasons for sexual predator classification stated in ORC Chapter 2950.

2. Reasons for Removal: If the court determines that the petitioner “is not an adjudicated sexual predator in this state for [the stated purposes in Chapter 2950], the court shall include in the determination a **statement of the reason or reasons why it so determined.**”

Removal of Child-Victim Predator Classification (ORC 2950.091(F))

A. Petition to Remove Child-Victim Predator Classification: An offender may petition the common pleas court in the county in which the offender resides or temporarily is domiciled to enter a determination that the offender is not an adjudicated child-victim predator in this state for purposes of registration and community notification provisions if:

- the offender was convicted or pleaded guilty to a child-victim oriented offense in a court of another state, in a federal court, military court, or Indian tribal court, or in a court in any other nation; **and**

- as a result, the offender is required under the law of the foreign jurisdiction to register as a child-victim offender until the offender's death; **and**
- The offender was **automatically classified** a child-victim predator under ORC 2950.091(A) in relation to this conviction.

1. Burden: The petitioner has the burden of proving by **clear and convincing evidence** that the requirement of the other jurisdiction that the offender register as a child-victim offender until the offender's death **is not substantially** similar to a classification as a child-victim predator for purposes of this chapter.

2. Reasons for Removal: If the court grants the petition, it shall include in its determination a statement of the reason or reasons why it so determined. (ORC 2950.091(F)(2))

APPENDIX A

Sections of the Revised Code Affected by Am.Sub.S.B. 5

Sections of the Revised Code that have been amended or added by Am.Sub.S.B. 5 include the following:

- 2901.07——Testing of offenders sentenced to incarceration
 - 2907.07——Importuning⁺
 - 2919.24 ——Contributing to unruliness or delinquency of a child
 - 2929.01——Definitions (Penalties and Sentencing)*
 - 2929.13——Guidance by degree of felony
 - 2929.19——Sentencing Hearing
 - 2929.21——Penalties for misdemeanor
 - 2935.36——Pre-trial diversion programs for certain offenders
 - 2950.01——Definitions*
 - 2950.02——Legislative determinations & intent to provide information to protect public safety
 - 2950.021 ——Presumptive registration-exempt offenses; whether offender is required to register*
 - 2950.03 ——Notice to offender of duty to register and update address
 - 2950.031 ——Residency prohibited within 1,000 feet of school*
 - 2950.04——Duty to register based upon sexually oriented offense*
 - 2950.041 ——Duty to register based upon child-victim oriented offense*
 - 2950.05 ——Notice of change of address; registration of new address*
 - 2950.06——Periodic verification of current address*
 - 2950.07——Commencement of duty to register; duration*
 - 2950.08——Persons Authorized to inspect records
 - 2950.081 ——Disclosure of sex offender registration information in possession of sheriff
 - 2950.09——Classification as sexual predator; determination hearing*
 - 2950.091 ——Classification as child-victim predator*
 - 2950.10——Notice to victim of offender’s registration or change of information
 - 2950.11——Persons to be notified within geographical area
 - 2950.111—— Requests for verification of offender’s residence address
 - 2950.12——Immunity
 - 2950.13——Duties of attorney general
 - 2950.14——Information to be provided to BCI&I prior to release
 - 2950.99——Penalties*
 - 2971.01——Definitions (Sentencing of sexually violent predators)

 - 109.42 ——Victim’s bill of rights pamphlet
 - 109.57 ——Duties of superintendent of bureau

 - 311.171——Fees charged by sheriff
 - 325.32 ——Reduction or remission of fees

 - 1923.01——Jurisdiction in forcible entry and detainer; definitions
 - 1923.02——Persons subject to forcible entry and detainer action
 - 1923.051 ——Procedure when restitution sought on basis of drug offenses

 - 2152.02——Definitions (Delinquent Children)
 - 2152.19——Additional orders of disposition; victim restitution, impact statement
 - 2152.191 ——Children subject to sex offender registration and notification law
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- 2152.811 ---Children adjudicated delinquent for committing a presumptive registration-exempt sexually oriented offense
- 2152.82 ---Order at time of dispositional order classifying child as juvenile sex offender registrant
- 2152.83 ---Subsequent orders classifying child as juvenile sex offender registrant
- 2152.84 ---Hearing upon completion of disposition on whether to continue classification or determination
- 2152.85 ---Petition requesting reclassification or declassification
- 2152.851 ---Effect of redesignation of sexually oriented offense as child-victim offense
- 2743.191 ---Reparations fund
- 2743.69 ---Annual report by attorney general
- 3319.20 ---Prosecutor to notify board of nonlicensed employee's guilty plea or conviction of certain offenses
- 3319.31 ---Grounds for refusing, suspending, revoking or limiting license
- 5139.13 ---Duties as to facilities and treatment and training of children
- 5321.01 ---Definitions (Landlords and Tenants)
- 5321.03 ---Action by landlord authorized

NOTE: After 1/1/04, new versions of sections 109.42, 2152.02, 2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 2950.99, and 5321.01 are to take effect (some of these are modifications to changes that became effective 7/31/03).

* Indicates sections cited in this guide.

+ Note that the offense of importuning was amended to remove the same sex language found to be unconstitutional by the Ohio Supreme Court in *State v. Thompson*, 95 Ohio St.3d 264, 2002-Ohio-2124.

APPENDIX B

**Quick Reference Chart Summarizing
Registration and Community Notification Requirements in ORC Chapter 2950**

Category	Registration			Community Notification	
	Required?	Duration	Frequency	Required?	Duration
Registration Exempt Sexually Oriented Offender	No	N/A	N/A	No	N/A
Sexually Oriented Offense	Yes	10 Years	Annual	No	N/A
Aggravated Sexually Oriented Offense	Yes	Life	90 days	Yes	20 Years/Life
Habitual Sexual Offender	Yes	20Years/Life	Annual	Presumed	20 Years/Life
Sexual Predator	Yes	Life	90 days	Yes	20 Years/Life
Child-Victim Offense	Yes	10 Years	Annual	No	N/A
Habitual Child-Victim Offender	Yes	20 Years	Annual	Court's Discretion	20 Years/Life
Child-Victim Predator	Yes	Life	90 days	Yes	20 Years/Life

Appendix II: Mental Health Bench Sheet

PSYCHOTROPIC MEDICATION GUIDE
FOR
INVOLUNTARY MEDICATION HEARINGS

PREPARED BY

Kathryn A. Burns, M.D., M.P.H. and Howard H. Sokolov, M.D.

Since 1991, Probate Courts have been authorized to provide substituted consent for psychotropic medication to judicially committed mentally ill individuals who lack the capacity to give informed consent. (ORC §2101.24(T))

Most judicially committed patients have the capacity to give informed consent. For the minority of patients who lack this capacity, administration of involuntary medication upon the approval of the court remains the most effective medical means of improving the symptoms of severe mental illness.

Involuntary psychotropic medications should only be administered when the medication is specifically indicated as appropriate and effective for treatment of a particular psychiatric condition. Involuntary psychotropic medication should only be administered if the benefits of the medication substantially outweigh the risks involved in terms of side effects and potential adverse reactions.

Probate Court authorization to approve involuntary psychiatric medication and procedural issues have been addressed in the Ohio Supreme decision in *Steele v. Hamilton County Mental Health Board*, 90 Ohio St.3d 176 (2000)

The following guide to psychotropic medication is designed for rapid reference to the most commonly requested involuntary medication. The guide includes the trade and generic name of each medication, special information about route of administration if other than oral, dosage range, and side effects as well as potential severe adverse reactions. More comprehensive information can be found in the references noted at the end of the guide.

We hope this guide will prove useful in involuntary medication hearings.

June 2004

FREQUENTLY PRESCRIBED PSYCHOTROPIC MEDICATIONS

with special application to Involuntary Medication Hearings

TRADITIONAL ANTIPSYCHOTIC MEDICATIONS			
<p>Indications: Treatment of psychosis (thought disorganization; delusions; hallucinations; agitation; other symptoms)</p> <p>NOTE: <i>These medications may be requested as an oral dose, but with a request for permission to administer the short-acting injectable form if the oral dose is refused. The short-acting injectable form may also be requested as "back up" if a "Next Generation" or one of the newer antipsychotic medications is requested but the patient refuses to swallow the medication. (Most of the "Next Generation" antipsychotics are not available in injectable form.)</i></p>			<p>Side effects: dry mouth, drowsiness, blurred vision, tremor, sun sensitivity, constipation, weight gain, extreme restlessness (akathisia), sudden muscle spasm/stiffness (dystonia), Parkinsonism, tardive dyskinesia (a long term, uncontrolled movement disorder, usually involving muscles of the face and mouth).</p> <p>See section on SIDE EFFECT MEDICATIONS below.</p>
Trade Name	Generic Name	Usual daily dose	Special Information (if any)
Haldol	haloperidol	1-100 mg	Available as tablets, liquid concentrate, short acting injectable & long-acting injectable. The long-acting form is usually given every 4 weeks. The medication should be started with either the oral or short-acting forms and when the dose is right, the patient can be switched to the long-acting form.
Loxitane	loxapine	20-250 mg	Available as capsules, oral solution (liquid) and injectable (short-acting) forms.
Mellaril	thioridazine	50-800 mg	Available as tablets and oral solution (liquid) forms. May cause a problem with heart conduction; use is now reserved for patients with symptoms that haven't responded to other medications.
Navane	thiothixene	5-60 mg	Available as capsules, oral solution (liquid) & powder (for injection) forms.
Prolixin	fluphenazine	0.5-20 mg	Available as tablets, liquid concentrate, short acting injectable & long-acting injectable. The long-acting form is usually given every 2 weeks. The medication should be started with either the oral or short-acting forms and when the dose is right, the patient can be switched to the long-acting form.
Stelazine	trifluoperazine	2-40 mg	Available as tablets, oral solution (liquid) and injectable (short-acting) forms.
Thorazine	chlorpromazine	75-1000 mg	Available in tablet, oral solution (liquid) and short-acting injectable forms.

SIDE EFFECT MEDICATIONS (used with “Traditional” Antipsychotic Medications)

Indications: Treatment/prevention of the movement side effects caused by the “Traditional” antipsychotic medications

NOTE: Generally, unnecessary to administer these medications involuntarily by court order; if patient experiences side effects, can be medicated immediately in an emergency without order OR patient consents to take orally to prevent/ameliorate side effects.

Common side effects: dry mouth, dry eyes, constipation

<i>Trade Name</i>	<i>Generic Name</i>	<i>Usual daily dose</i>	<i>Special Information (if any)</i>
Artane	trihexyphenidyl	2-15 mg	Some abuse potential – some patients have reported experiencing a type of “high” or “buzz” (more intense if crushed and smoked)
Benadryl	diphenhydramine	50-400 mg	Sedating
Cogentin	benztropine	1-6 mg	May be given as a tablet (oral) or injection
Inderal	propranolol	20-120 mg	Also a blood pressure medication so it may lower blood pressure; sometimes used to treat impulsivity, aggression and symptoms of panic
Symmetrel	amantadine	100-400 mg	Available as capsule or syrup (liquid)

“ATYPICAL” or “NEXT GENERATION” ANTIPSYCHOTIC MEDICATIONS			
Indications: Treatment of psychosis (thought disorganization; delusions; hallucinations; agitation; other symptoms) & some are approved for treatment of bipolar disorder		Side effects: In general, much less likely to cause movement-related side effects. Many patients on these newer medications gain a significant amount of weight and some have developed an elevated blood sugar and even diabetes. There are new recommendations therefore to monitor blood sugar when patients are taking these medications. (A court order may be sought for both the medication AND laboratory testing of blood sugar.)	
<i>Trade Name</i>	<i>Generic Name</i>	<i>Usual daily dose</i>	<i>Special information (if any)</i>
Abilify	aripiprazole	10-30mg	Tablet form only.
Clozaril	clozapine	50-900 mg	Tablet form only. Useful in treatment of patients with symptoms that have not responded to treatment with other medications. There is a risk of agranulocytosis (decreased white blood cells that fight infection) which can be fatal. Weekly blood work (and later bi-weekly) MUST be done to check on the white blood cell count. (The blood work is REQUIRED by the FDA.)
Geodon	ziprasidone		Available in capsule and short-acting injectable forms
Risperdal	risperidone	1-8 Mg	Available in tablet & oral solution (liquid) & quick dissolvable tablet forms; recently released in long-acting injectable form
Seroquel	quetiapine	100-600 mg	Tablet form only
Zyprexa	olanzapine	7.5-30 mg	Available in tablet & oral dissolving tablet forms. (The dissolving form is helpful in eliminating the possibility of “cheeking” or not swallowing the medication.) Recently released a short-acting injectable.

MEDICATIONS FOR BIPOLAR DISORDER/MOOD STABILIZATION

Indications: treatment of mania, long-term control of cycling in bipolar disorder; aggression/impulsivity

Common side effects: side effects differ based on which medication is used

<i>Trade Name</i>	<i>Generic Name</i>	<i>Usual daily dose</i>	<i>Special Information (if any)</i>
Depakote, Depakene	valproic acid	750-3000 mg	May affect platelet production (platelets are a normal component of blood and work in the clotting process) and liver function. Blood levels can and should be monitored
Eskalith	lithium carbonate	600-1800 mg	Side effects include: drowsiness, tremor, weakness, increased thirst, frequent urination, weight gain; may affect thyroid functioning; may be fatal in overdose. Blood levels MUST be monitored. The “therapeutic range” for this medication is 0.5-1.5 mEq/L.
Klonopin	clonazepam	Dosage varies depending on use – for acute mania: 4-24 mg	This medication is chemically related to valium and other medications called “benzodiazepines” as a group. Level cannot be monitored in the blood and over the course of time, tolerance/dependence issues arise (physical and psychological).
Neurontin	gabapentin	900-3600 mg	Blood levels can be monitored
Tegretol	carbamazepine	200-1600 mg	May affect liver function, bone marrow production or blood cell types – blood levels of medication and other periodic bloodwork (to check for side effects) must be monitored.
Topamax	topiramate	50-400 mg	Risk of kidney stones with chronic therapy – ensure adequate fluid intake
Trileptal	oxcarbazepine	600-1200 mg	25-30% patients with reactions to carbamazepine may also have reactions to Trileptal; blood sodium level should be monitored.

ANTIDEPRESSANTS

Indications: treatment of depression, depressed phase of bipolar disorder, some are used in treating anxiety disorders, post-traumatic stress disorder, obsessive-compulsive disorder

These chemical classes of antidepressants are grouped together in the chart that follows: Tricyclic antidepressants were developed first, followed by the SSRIs (Selective Serotonin-Reuptake Inhibitors) and "Others." In general, these medications **MUST** be swallowed by the individual (they aren't available as injectable medications), so they cannot be administered involuntarily.

The "tricyclic" antidepressants can be fatal in overdose and their use has decreased in favor of the newer medications to prevent the possibility of suicide.

<i>CLASS</i>	<i>Trade Name</i>	<i>Generic Name</i>	<i>Usual daily dose</i>	<i>Special Information (if any)</i>
TRICYCLICS	Anafranil	clomipramine	75-300 mg	Tablets only
	Ascendin	amoxapine	100-600 mg	Tablets only
	Elavil	amitriptyline	75-300 mg	Available in tablet & oral suspension (liquid) forms
	Norpramin	desipramine	75-300 mg	Tablets only
	Pamelor	nortriptyline	40-200 mg	Available in capsule & syrup forms
	Sinequan	doxepin	75-300 mg	Capsules only
	Tofranil	imipramine	75-300 mg	Available in tablet & capsule forms
SSRI	Celexa	citalopram	10-60 mg	Available in tablets & oral solution (liquid) forms
	Lexapro	escitalopram	10-20 mg	Available in tablet and oral solution (liquid) forms
	Luvox	fluvoxamine	50-300 mg	Tablets only
	Paxil	paroxetine	20-60 mg	Available in tablet, oral suspension (liquid) & controlled release tablets
	Prozac	fluoxetine	10-80 mg	Available in capsules, oral solution (liquid) & long-acting pellets (last 1 week)
	Zoloft	sertraline	50-200 mg	Available in tablet/capsule & oral solution (liquid) forms

<i>CLASS</i>	<i>Trade Name</i>	<i>Generic Name</i>	<i>Usual daily dose</i>	<i>Special Information (if any)</i>
"OTHER"	Desyrel	trazodone	150-600 mg	Tablets only
	Effexor	venlafaxine	75-375 mg	Available as tablets & sustained release tablets
	Remeron	mirtazapine	15-60 mg	Available as tablet & oral disintegrating (dissolving) forms
	Wellbutrin	bupropion	50-450 mg	Available as tablets & sustained release tablets

NOTE: There are many other psychotropic medications in the classes of medication presented here. There are also other classes of psychotropic medication that have not been presented here (e.g. anti-anxiety medication) because they are not commonly requested in Involuntary Medication proceedings.

References:

Physicians' Desk Reference 2003

Bezchlibnyk-Butler KZ & Jeffries JJ: Clinical Handbook of Psychotropic Drugs; 13th Edition; Hogrefe & Huber; 2003.

Prepared by: Kathryn A. Burns, MD, MPH
June 2004

Appendix III: Survey of Adult Probation Departments

Introduction

The Ohio Office of Criminal Justice Services contacted adult probation departments in the spring and summer of 2003 to obtain information about programs in their communities. The following pages provide a summary of the information collected from those counties responding to the survey. For further information about a program see Appendix IV for a court contact in the county.

Conditional Bonds

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X				X	X	26
Allen	Not Available						
Auglaize	Not Available						
Clark	X				X	X	
Clermont	X		?	6 Months	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X				X	X	25
Cuyahoga	X				X	X	18-32
Darke	Not Available						
Defiance	X				X	X	
Delaware	X				X	X	29
Fairfield	X						
Fayette	Not Available						
Franklin	X				X	X	
Fulton	X				X	X	
Gallia	Not Available						
Guernsey		X			X	X	
Harrison	X				X	X	
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas	X				X	X	
Marion	X			25 Days	X	X	25
Medina	X	X		Varies	X	X	All
Mercer	X				X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	X				X	X	
Pickaway	X				X	X	
Portage	Not Available						
Preble	X				X	X	
Richland	X		1,000.00		X	X	27
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						
Summit	X				X	X	24

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	Not Available						
Van Wert	X		0	90 Days	X	X	26
Wayne	X				X	X	
Wood	X			X	X		

Fines

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X				X	X	26
Allen	X				X	X	
Auglaize	Not Available						
Clark	X				X	X	
Clermont	X		\$250	3 Years	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$1500		X	X	
Cuyahoga	X				X	X	
Darke		X			X	X	
Defiance	Not Available						
Delaware	Not Available						
Fairfield	X						
Fayette	X			5 Years	X	X	23.5
Franklin	X				X	X	
Fulton	X				X	X	
Gallia	X				X	X	
Guernsey	X				X	X	30
Harrison	X				X	X	
Huron		X			X	X	
Jefferson	X						
Lawrence	X						
Licking	X				X	X	
Lorain	X				X	X	
Lucas	X				X	X	
Marion	X		\$100	2 Years	X	X	23
Medina	X		Varies		X	X	All
Mercer	X						
Montgomery	X						
Ottawa	X				X	X	
Paulding	X				X	X	
Pickaway	X				X	X	
Portage		X	Varies		X	X	
Preble	X				X	X	
Richland	X		\$1500		X	X	
Seneca	X				X	X	
Shelby	X						
Stark	X						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	Not Available						
Trumbull	X		X	X			
Van Wert	X		\$350		X	X	26
Wayne	X				X	X	
Wood	X				X	X	

Fee for Supervision

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X		\$15	3 Years	X	X	26
Allen	X		\$15/Month		X	X	
Auglaize	Not Available						
Clark	X		\$5/Monthly		X	X	
Clermont	X		\$250	3 Years	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$15/Month		X	X	
Cuyahoga	X		\$100-200		X	X	
Darke	Not Available						
Defiance	Not Available						
Delaware	Not Available						
Fairfield	X		Sliding Scale up to \$50/Month				
Fayette	X		\$350 Per Client	5 Years	X	X	23.5
Franklin	X		\$60 Flat Fee		X	X	
Fulton	Not Available						
Gallia	X		\$50/Month		X	X	
Guernsey	X		\$20/Month	3-5 Years	X	X	30
Harrison	X		\$20/Month		X	X	30
Huron	X						
Jefferson	X		\$25				
Lawrence	X		\$40	3 Years	X	X	30's
Licking	X		\$250		X	X	
Lorain	X		\$10/Month				
Lucas	X		\$8/Month		X	X	
Marion	X		\$15/Month	2 Years	X	X	30
Medina	X		\$20/Month		X	X	All
Mercer	Not Available						
Montgomery	X		\$50				
Ottawa	Not Available						
Paulding	X				X	X	
Pickaway	Not Available						
Portage	X		\$50 Felony \$25 Misd.	2 Years	X	X	
Preble	Not Available						
Richland	X		\$20/Month		X	X	
Seneca	X		\$20/Month		X	X	
Shelby	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Stark	X		\$20/Month		X	X	
Summit	Not Available						
Trumbull	X		\$20/Month	2-5 Years	X	X	
Van Wert	X		\$12		X	X	26
Wayne	X				X	X	
Wood	X				X	X	

Restitution

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X						26
Allen	Not Available						
Auglaize	Not Available						
Clark	X				X	X	
Clermont	X		?	3 Years	X	X	27
Clinton	Not Available						
Coshocton	X						
Crawford	X				X	X	
Cuyahoga	X				X	X	18-32
Darke	X				X	X	
Defiance	X				X	X	
Delaware	X		Varies		X	X	
Fairfield	X						
Fayette	X				X	X	23.5
Franklin	X				X	X	
Fulton	X				X	X	
Gallia	X		Varies		X	X	
Guernsey	X				X	X	
Harrison	X				X	X	
Huron		X					
Jefferson	X	X			X	X	
Lawrence	X				X	X	
Licking	X				X	X	
Lorain	X	X			X	X	
Lucas	X				X	X	
Marion	X		?	2 Years	X	X	25
Medina	X		Varies		X	X	All
Mercer	X				X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	X				X	X	
Perry							
Pickaway	X				X	X	
Portage	X		Varies	2 Years	X	X	
Preble	X				X	X	
Richland	X		Varies		X	X	30
Seneca	X						
Shelby	X				X	X	
Stark	X						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	X				X	X	
Trumbull	X				X	X	
Van Wert	X		\$250		X	X	26
Wayne	X				X	X	
Wood	X				X	X	

Financial Management

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont		X	?	3 Months	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	Not Available						
Darke		X			X	X	
Defiance	X				X	X	
Delaware		X			X	X	
Fairfield	Not Available						
Fayette	Not Available						
Franklin	X				X	X	
Fulton	Not Available						
Gallia	Not Available						
Guernsey	X				X	X	30
Harrison	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking		X				X	X
Lorain	Not Available						
Lucas	Not Available						
Marion		X	0				
Medina	Not Available						
Mercer		X			X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland		X			X	X	30
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						
Summit	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull		X			X	X	
Van Wert	X						
Wayne	Not Available						
Wood		X			X	X	

Pre-Trial Release

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen	X				X	X	31
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	X				X	X	18-32
Darke	Not Available						
Defiance	X				X	X	
Delaware	X				X	X	29
Fairfield	X						
Fayette	Not Available						
Franklin	X				X	X	
Fulton	X				X	X	
Gallia	X		\$6/Day		X	X	25
Guernsey		X		30 Days	X	X	30
Harrison	X				X	X	
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	X			4 Months	X	X	
Lorain	X			12 Months	X	X	
Lucas	Not Available						
Marion	X		\$1200/Year	60 Days	X	X	30
Medina	Not Available						
Mercer	X				X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	X				X	X	
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X				X	X	27
Seneca	Not Available						
Shelby	Not Available						
Stark	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	X				X	X	24
Trumbull	X			30-180 Days	X	X	
Van Wert	X		0	90 Days	X	X	26
Wayne	Not Available						
Wood	X				X	X	

Intervention in Lieu

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen	X			18 Months	X	X	
Auglaize	Not Available						
Clark	X			1 Year	X	X	
Clermont	X			2 Years	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$600	1year	X	X	25
Cuyahoga	X				X	X	18-32
Darke	X				X	X	
Defiance	X			2 ½ Years	X	X	30-40
Delaware	X				X	X	
Fairfield	X			1 Year			
Fayette	X				X	X	30
Franklin	X				X	X	
Fulton	X				X	X	
Gallia	X			1 Year	X	X	23
Guernsey	X				X	X	
Huron		X			X	X	
Jefferson		X			X	X	
Lawrence	Not Available						
Licking	Not Available						
Lorain	X		None	1 Year	X	X	
Lucas	X				X	X	
Marion	X		0	18 Months	X	X	25
Medina	X			1-3 Years	X	X	All
Mercer	X			Min 1 Year	X	X	
Montgomery	X		\$2.34/Day		X	X	
Ottawa	X			2-3 Years	X	X	
Paulding	Not Available						
Pickaway	X				X	X	
Portage	X			1 Year	X	X	
Preble	X				X	X	
Richland	X				X	X	30
Seneca	X						
Shelby		X			X	X	
Stark	Not Available						
Summit	X			1 ½ Years	X	X	Varies

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X			1 Year	X	X	
Van Wert	X		0	1year	X	X	26
Wayne	X				X	X	
Wood	X				X	X	

Community Control/Probation

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			3 Years	X	X	26
Allen	X				X	X	
Auglaize		X					
Clark	X			2.5 Years	X	X	
Clermont	X			3 Years	X	X	27
Clinton	X	X					
Coshocton	X			3 Years	X	X	25-30
Crawford	X		\$15/Month	2-3 Years	X	X	24
Cuyahoga	X				X	X	18-32
Darke	X				X	X	
Defiance	X		\$25-\$35/Day	2 ½ Years	X	X	28-35
Delaware	X		\$10/Month		X	X	29
Fairfield	X			3-5 Years			19-20
Fayette	X		\$600/Client	5 Years	X	X	23.5
Franklin	X		\$60 Flat Fee		X	X	
Fulton	X			1 ½ Years	X	X	31
Gallia	X		\$50/Month	Varies	X	X	25
Guernsey	X		\$20/Month	3-5 Years	X	X	30
Harrison	X			2 Years	X	X	30
Huron	X						
Jefferson	X						
Lawrence	X			2 Years	X	X	30's
Licking	X			2 Years	X	X	
Lorain		X		1 ½ Years	X	X	
Lucas	X		\$8/Month	29 Months	X	X	
Marion	X		\$1200/Year	1 Year	X	X	30
Medina	X			6 Months- 5 Years	X	X	All
Mercer	X				X	X	
Montgomery	X		\$2.34/Day	18 Months	X	X	
Ottawa	X			2-3 Years	X	X	
Paulding	X				X	X	32
Pickaway	X			3 Years	X	X	
Portage	X			2 Years	X	X	
Preble	X				X	X	
Richland	X			3 Years	X	X	33
Seneca	X			3 Years	X	X	
Shelby	X				X	X	
Stark	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	X			1 ½-2 Years	X	X	24
Trumbull	X			2-5 Years	X	X	21-28
Van Wert	X			1 Year	X	X	26
Wayne	X		\$175	24 Months	X	X	
Wood	X				X	X	

Day Reporting/Treatment

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	X			145.6 Days	X	X	23
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	Not Available						
Darke	Not Available						
Defiance	Not Available						
Delaware	X				X	X	29
Fairfield	Not Available						
Fayette	X				X	X	23.5
Franklin	X				X	X	
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron	Not Available						
Jefferson		X			X	X	
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas	Not Available						
Marion	Not Available						
Medina	Not Available						
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	X				X	X	
Portage	Not Available						
Preble	Not Available						
Richland	Not Available						
Seneca	Not Available						
Shelby	Not Available						
Stark	X			1 Year	X	X	
Summit		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	Not Available						
Wayne	Not Available						
Wood	Not Available						

Electronic Monitoring for Pre-Trial Release

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			3 Months	X	X	26
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	X			Less Than 90 Days	X	X	18-32
Darke	Not Available						
Defiance	X			30-90 Days	X	X	
Delaware	X		\$3.50/Day	60 Days	X	X	29
Fairfield	X						
Fayette	X			6 Months	X	X	23.5
Franklin	Not Available						
Fulton		X			X	X	
Gallia	X				X	X	
Guernsey		X	\$320	30 Days	X	X	30
Harrison	X				X	X	
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	X		\$6/Day	Varies	X	X	
Lucas	X				X	X	
Marion	Not Available						
Medina	Not Available						
Mercer	X		\$10/Day	Varies	X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X		\$8/Day	90 Days	X	X	27
Seneca	Not Available						
Shelby	Not Available						
Stark	X				X	X	
Summit		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X		\$7/Day	90-180 Days	X	X	
Van Wert	X		\$25	60 Days	X	X	26
Wayne	Not Available						
Wood	X		\$16.77	62.6 Days	X	X	

Electronic Monitoring for Probation

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			6 Months	X	X	26
Allen	Not Available						
Auglaize	Not Available						
Clark		X	\$10/Day	60 Days	X	X	
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$150/Person	1 Year	X	X	Varies
Cuyahoga	X		\$7/Day	90 Days	X	X	18-32
Darke	X				X	X	
Defiance		X			X	X	
Delaware	X		\$3.50/Day	45 Days	X	X	29
Fairfield	X		\$250	30days			
Fayette	X		\$10/Day	120 Days	X	X	23.5
Franklin	Not Available						
Fulton		X			X	X	
Gallia	X				X	X	
Guernsey		X	\$320	30 Days	X	X	30
Harrison	X				X	X	
Huron	Not Available						
Jefferson		X					
Lawrence	X		\$10/Day	180 Days	X	X	30's
Licking	Not Available						
Lorain	X		\$6/Day	30 Days	X	X	
Lucas	Not Available						
Marion	X		\$10/Day	30 Days	X	X	30
Medina		X	\$7/Day	30-180 Days	X	X	All
Mercer	X		\$10/Day	6 Months	X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway		X			X	X	
Portage	X		Varies Per Diem Based		X	X	
Preble	Not Available						
Richland	X		\$100	1 Year	X	X	27
Seneca	Not Available						
Shelby	X		\$100/Weekly		X	X	
Stark	X		\$4.75/Day		X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull	X		\$7/Day	60 Days	X	X	
Van Wert	X		\$25	60 Days	X	X	26
Wayne	X		\$6/Day	90 Days	X	X	
Wood	X		\$16.77	62.6 Days	X	X	

Community Service

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			100 Hrs.	X	X	26
Allen	X				X	X	
Auglaize	Not Available						
Clark	X			80 Hrs.	X	X	
Clermont	X			1 Year	X	X	27 Years
Clinton	X						
Coshocton	Not Available						
Crawford	X		\$1/Hr.	20 Hrs.	X	X	22
Cuyahoga		X	\$65		X	X	18-32
Darke	X				X	X	
Defiance	X			20-60 Hrs.	X	X	28-35
Delaware	X			60 Hrs.	X	X	29
Fairfield	X						
Fayette	X		Free	120 Hrs.	X	X	
Franklin	X				X	X	
Fulton	Not Available						
Gallia	X			500 Hrs.	X	X	21-23
Guernsey	X			200 Hrs.	X	X	
Harrison	X				X	X	
Huron		X					
Jefferson	X			100 Hrs.	X	X	
Lawrence	X				X	X	30's
Licking	Not Available						
Lorain	X		None	200 Hrs.	X	X	
Lucas	X				X	X	
Marion	X		0	20 Days	X	X	21
Medina	X		\$50-\$250	24-250 Hrs.	X	X	All
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	X				X	X	
Portage	X	X		75 Hours	X	X	
Preble	Not Available						
Richland	X			150 Hrs.	X	X	30
Seneca	X				X	X	
Shelby	X			40 Hrs.	X	X	
Stark	X				X	X	
Summit	X			50 Hrs.	X	X	24

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X			40 Hrs.	X	X	21-28
Van Wert	X		0		X	X	26
Wayne	X		0	80 Hrs.	X	X	
Wood		X			X	X	

Alcohol Treatment

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen	X	X			X	X	
Auglaize	Not Available						
Clark		X					
Clermont		X		6 Months	X	X	27
Clinton		X					
Coshocton		X					
Crawford	X				X	X	
Cuyahoga	X	X			X	X	18-32
Darke		X			X	X	
Defiance	X	X			X	X	
Delaware		X			X	X	
Fairfield		X					
Fayette		X		2 Yrs	X	X	23.5
Franklin		X			X	X	
Fulton		X			X	X	
Gallia		X	Sliding Scale	6 Months	X	X	40
Guernsey		X			X	X	
Harrison		X			X	X	
Huron		X			X	X	
Jefferson		X			X	X	
Lawrence	X				X	X	
Licking		X			X	X	
Lorain	X	X	Varies		X	X	
Lucas	X	X	\$2300/Yr	Up To 7 Months	X	X	
Marion		X	\$20				
Medina		X	Varies	Varies	X	X	All
Mercer		X			X	X	
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway		X			X	X	
Portage		X					
Preble		X			X	X	
Richland		X		Varies	X	X	30
Seneca		X					
Shelby		X			X	X	
Stark	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X			X	X	
Van Wert		X			X	X	26
Wayne		X			X	X	
Wood		X			X	X	

Drug Treatment

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X					26
Allen	X	X			X	X	
Auglaize	Not Available						
Clark		X					
Clermont		X		6 Months	X	X	27
Clinton		X					
Coshocton		X					
Crawford		X			X	X	
Cuyahoga	X	X			X	X	18-32
Darke		X			X	X	
Defiance	X	X			X	X	
Delaware		X			X	X	
Fairfield		X					
Fayette		X		2 Years	X	X	23.5
Franklin		X			X	X	
Fulton		X			X	X	
Gallia		X	Sliding Scale	6 Months	X	X	40
Guernsey		X			X	X	
Harrison		X			X	X	
Huron		X			X	X	
Jefferson		X			X	X	
Lawrence	X				X	X	
Licking		X			X	X	
Lorain	X	X	Varies		X	X	
Lucas	X	X	\$2300/Year	Up To 7 Months	X	X	
Marion		X	\$20				
Medina		X	Varies	Varies	X	X	All
Mercer		X			X	X	
Montgomery	X	X			X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway		X			X	X	
Portage		X					
Preble		X			X	X	
Richland		X		Varies	X	X	30
Seneca		X					
Shelby		X			X	X	
Stark	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X			X	X	
Van Wert		X			X	X	26
Wayne		X			X	X	
Wood		X			X	X	

Drug Testing

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X				X	X	26
Allen	X		\$1.55/Panel		X	X	
Auglaize	Not Available						
Clark	X				X	X	
Clermont	X		\$1.50/Test	3 Years	X	X	27
Clinton	X						
Coshocton	X				X	X	25
Crawford	X		\$5-\$60/Test		X	X	25
Cuyahoga	X		\$7/2 Tests \$1/Add'l Test		X	X	18-32
Darke	X				X	X	
Defiance	X		0		X	X	
Delaware	X		\$1/Test		X	X	
Fairfield	X	X	\$7.50-35/Test				
Fayette	X		\$10/Client	5 Years	X	X	23.5
Franklin	X		\$2/Test	1-3 Months	X	X	
Fulton	X		\$4.50-\$10/Test		X	X	30-40
Gallia	X		\$19/Test		X	X	35
Guernsey	X		\$12/Test		X	X	
Harrison	X		\$7/Day		X	X	30
Huron	X						
Jefferson		X	\$35		X	X	
Lawrence	X		\$2/Test		X	X	
Licking	X		\$2.50/Test		X	X	
Lorain	X		\$10/Test		X	X	
Lucas	X				X	X	
Marion	X		\$2/Test	2 Years	X	X	25
Medina	X		\$10		X	X	All
Mercer	X		\$15/Test		X	X	
Montgomery	X				X	X	
Ottawa	X		\$20/Test		X	X	
Paulding	X				X	X	
Pickaway	X				X	X	
Portage	X		\$10 test	2 years	X	X	
Preble		X			X	X	
Richland	X		\$5.50/Test		X	X	30
Seneca		X					
Shelby	X		\$2.50/Test		X	X	
Stark	X	X					

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X	\$8/Day		X	X	
Trumbull	X				X	X	
Van Wert	X		\$8/Test		X	X	26
Wayne	X	X	\$10/Test; \$17/Substance				
Wood	X				X	X	

Intensive Supervision Probation

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			6 Months	X	X	26
Allen	X		\$1,971		X	X	
Auglaize	Not Available						
Clark	X		\$1,800/Year	1 Year	X	X	26
Clermont	X		?	6 Months	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$15/Month	3 Years	X	X	25
Cuyahoga	X			1 Year	X	X	18-32
Darke	X				X	X	
Defiance	X		0	3 Years	X	X	28-35
Delaware	X		\$1.30/Day				
Fairfield	X		\$1800	1year			
Fayette	X			1 Year	X	X	
Franklin	X		\$60 Flat Fee	6 Months	X	X	
Fulton	Not Available						
Gallia	Not Available						
Guernsey	X			1 Year	X	X	30
Harrison	X			1 Year	X	X	30
Huron	X						
Jefferson	X						
Lawrence	X			9 Months	X	X	30's
Licking	X			18 Months	X	X	
Lorain	X		None	1 Year	X	X	
Lucas	X		\$2,300/Client	7 Months	X	X	
Marion	X		\$1,200/Year	2 Years	X	X	23
Medina	X			1 Year	X	X	All
Mercer	X		\$4/Day	11 Months	X	X	
Montgomery	X		\$1.92/Day		X	X	
Ottawa	Not Available						
Paulding	X				X	X	
Pickaway	Not Available						
Portage	X			1 year	X	X	
Preble	Not Available						
Richland	X		2\$0/Month	1 Year	X	X	27
Seneca	Not Available						
Shelby	X				X	X	25
Stark	X			1 Year	X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	X			8 Months	X	X	24
Trumbull	X				X	X	21-28
Van Wert	X			3 Years	X	X	26
Wayne	X		0	12 Months	X	X	
Wood	X				X	X	

Domestic Violence Program

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X						32
Allen		X			X	X	
Auglaize	Not Available						
Clark		X			X	X	
Clermont	Not Available						
Clinton		X					
Coshocton		X					
Crawford		X			X	X	
Cuyahoga	X	X			X	X	18-32
Darke	Not Available						
Defiance		X			X	X	
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin		X			X	X	
Fulton		X			X	X	
Gallia	X		\$180	18 Sessions	X		
Guernsey		X			X	X	
Harrison		X			X	X	
Huron		X			X	X	
Jefferson	Not Available						
Lawrence		X					
Licking		X			X		
Lorain		X	\$35/Session		X	X	
Lucas		X			X	X	
Marion		X	\$20				
Medina	Not Available						
Mercer		X			X	X	
Montgomery	X	X			X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway	Not Available						
Portage		X					
Preble		X			X	X	
Richland	X		\$20/Month	1 Year	X	X	30
Seneca		X					
Shelby		X			X	X	
Stark	X			1 Year	X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull	Not Available						
Van Wert	X		0	10 Weeks	X	X	26
Wayne		X	Sliding Scale	6 Months			
Wood		X			X	X	

Education Program

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen		X			X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont		X		1 Year	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford		X			X	X	
Cuyahoga		X			X	X	
Darke		X			X	X	
Defiance	Not Available						
Delaware		X			X	X	
Fairfield		X					
Fayette	Not Available						
Franklin		X			X	X	
Fulton	Not Available						
Gallia		X			X	X	23
Guernsey		X			X	X	
Harrison		X			X	X	
Huron		X			X	X	
Jefferson	Not Available						
Lawrence	X						
Licking	Not Available						
Lorain		X			X	X	
Lucas	X		0		X	X	
Marion		X	0				
Medina		X			X	X	All
Mercer	Not Available						
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway		X			X	X	
Portage	Not Available						
Preble	X				X	X	
Richland		X		1 Year	X	X	30
Seneca	Not Available						
Shelby	Not Available						
Stark	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X			X	X	
Van Wert		X	\$40		X	X	26
Wayne		X	0	6 Months	X	X	
Wood	Not Available						

Life Skills Training

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen		X			X	X	
Auglaize	Not Available						
Clark		X			X	X	
Clermont		X		6 Months	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga		X			X	X	
Darke	Not Available						
Defiance	Not Available						
Delaware		X			X	X	
Fairfield	Not Available						
Fayette	Not Available						
Franklin		X			X	X	
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas		X			X	X	
Marion	X		0				
Medina	X		\$40	8 Hrs.	X	X	All
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	Not Available						
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	Not Available						
Trumbull		X			X	X	
Van Wert	X		\$20/Week	44-52 Weeks	X	X	26
Wayne		X			X	X	
Wood	Not Available						

Mental Retardation Program

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	?
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	X	X			X	X	
Darke	Not Available						
Defiance	Not Available						
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	Not Available						
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron		X					
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	X		None	Varies	X	X	
Lucas	Not Available						
Marion	Not Available						
Medina		X	Varies	Varies	X	X	All
Mercer	Not Available						
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	Not Available						
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						
Summit	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	Not Available						
Van Wert		X			X	X	
Wayne	Not Available						
Wood	Not Available						

Mental Health Services

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen		X			X	X	
Auglaize	Not Available						
Clark		X					
Clermont		X		2 Years	X	X	27
Clinton		X					
Coshocton		X					
Crawford		X			X	X	
Cuyahoga	X	X			X	X	
Darke		X			X	X	
Defiance	X	X			X	X	
Delaware		X			X	X	
Fairfield	X						
Fayette		X	Client's Cost	2 Years	X	X	23.5
Franklin		X			X	X	
Fulton		X			X	X	
Gallia		X		6 Months To 1 Year	X	X	40
Guernsey		X			X	X	
Harrison		X			X	X	
Huron		X					
Jefferson		X			X	X	
Lawrence	X						
Licking		X			X	X	
Lorain	X		Varies		X	X	
Lucas		X			X	X	
Marion		X	20.00				
Medina	X	X		Varies	X	X	All
Mercer		X			X	X	X
Montgomery		X			X	X	
Ottawa		X			X	X	
Paulding		X			X	X	
Pickaway	X				X	X	
Portage	X	X		2 years	X	X	
Preble	X				X	X	
Richland		X			X	X	30
Seneca		X					
Shelby	Not Available						
Stark		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X			X	X	
Van Wert		X			X	X	26
Wayne	Not Available						
Wood		X			X	X	

Sex Offender Treatment

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X					26
Allen	Not Available						
Auglaize	Not Available						
Clark		X			X	X	
Clermont		X		2 Years	X	X	27
Clinton	Not Available						
Coshocton		X					
Crawford	Not Available						
Cuyahoga	X	X			X	X	18-32
Darke		X			X	X	
Defiance		X			X	X	
Delaware	Not Available						
Fairfield		X					
Fayette	Not Available						
Franklin		X			X	X	
Fulton		X			X	X	
Gallia	Not Available						
Guernsey		X			X	X	
Harrison	Not Available						
Huron		X					
Jefferson	Not Available						
Lawrence	X				X	X	
Licking	Not Available						
Lorain		X			X	X	
Lucas	X		\$2300/Year	3-4 Years	X	X	
Marion		X	\$50				
Medina		X	Varies	Varies	X	X	All
Mercer		X			X	X	
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway		X			X	X	
Portage		X					
Preble	Not Available						
Richland		X		18 Months			
Seneca		X					
Shelby		X			X	X	
Stark		X					

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	X	X			X	X	
Trumbull		X		18 Months	X	X	
Van Wert		X			X	X	
Wayne		X			X	X	
Wood		X			X	X	

Victim Offender Mediation

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen		X			X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	Not Available						
Darke	Not Available						
Defiance		X					
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	Not Available						
Fulton	Not Available						
Gallia	Not Available						
Guernsey		X			X	X	
Harrison	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas		X			X	X	
Marion		X					
Medina	Not Available						
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X			2 Weeks	X	X	27
Seneca	Not Available						
Shelby	Not Available						
Stark	X						
Summit	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	Not Available						
Van Wert		X	0		X	X	26
Wayne		X	0		X	X	
Wood	Not Available						

Victim Offender Reconciliation

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen		X			X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	Not Available						
Darke	Not Available						
Defiance		X			X	X	
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	Not Available						
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron	Not Available						
Jefferson		X			X	X	
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas	Not Available						
Marion		X	0				
Medina	Not Available						
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway		X			X	X	
Portage	Not Available						
Preble	Not Available						
Richland	X				X	X	
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit	Not Available						
Trumbull	Not Available						
Van Wert	X		0				
Wayne	Not Available						
Wood	Not Available						

Vocational Program

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont		X		6 Months	X	X	27
Clinton	Not Available						
Coshocton	Not Available						
Crawford		X			X	X	
Cuyahoga		X			X	X	
Darke	Not Available						
Defiance	Not Available						
Delaware		X			X	X	
Fairfield	Not Available						
Fayette	Not Available						
Franklin		X			X	X	
Fulton		X			X	X	
Gallia	Not Available						
Guernsey		X			X	X	30
Harrison		X			X	X	
Huron		X					
Jefferson	Not Available						
Lawrence		X					
Licking	Not Available						
Lorain		X			X	X	
Lucas		X			X	X	
Marion		X	0				
Medina	Not Available						
Mercer	Not Available						
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding		X	0		X	X	
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	Not Available						
Seneca	Not Available						
Shelby	Not Available						
Stark		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X			X	X	
Van Wert		X			X	X	26
Wayne		X		12 Weeks	X	X	
Wood	Not Available						

House Arrest

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X				X	X	
Allen	Not Available						
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X		\$200/Month	2 Weeks	X	X	20
Cuyahoga	Not Available						
Darke	X				X	X	
Defiance	X			3 Months	X	X	28-35
Delaware	X		\$3.50/Day	45 Days	X	X	29
Fairfield	X		\$250	30 Days			
Fayette	X		0	90 To 120 Days	X	X	23.5
Franklin	X		\$56/Week	60 Days	X	X	
Fulton	X			45 Days	X	X	31
Gallia	Not Available						
Guernsey	X				X	X	
Harrison	X				X	X	
Huron	Not Available						
Jefferson	Not Available						
Lawrence	X		\$10	180 Days	X	X	30's
Licking	X			90 Days	X	X	
Lorain	X						
Lucas	Not Available						
Marion	Not Available						
Medina		X	\$7/Day	30-180 Days	X	X	All
Mercer	X				X	X	
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X		\$8/Day	45 Days	X	X	27
Seneca	Not Available						
Shelby	X		\$100/Week		X	X	
Stark	Not Available						
Summit		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X		\$7/Day	60 Days	X	X	
Van Wert	Not Available						
Wayne	X		0	90 Days	X	X	
Wood	X				X	X	

Community Based Correctional Facility

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X		6 Months	X	X	26
Allen		X			X	X	
Auglaize	Not Available						
Clark		X		4-6 Months	X	X	
Clermont	Not Available						
Clinton	Not Available						
Coshocton		X			X		
Crawford		X		6 Months	X	X	20-25
Cuyahoga	Not Available						
Darke		X			X	X	
Defiance		X			X	X	
Delaware		X			X	X	
Fairfield		X					
Fayette		X	Free	6 Months	X	X	21
Franklin	X			4 Months	X	X	
Fulton		X			X		
Gallia	Not Available						
Guernsey		X		6 Months	X	X	
Harrison		X			X	X	30
Huron		X			X	X	
Jefferson		X					
Lawrence		X					
Licking		X			X		
Lorain		X	None	4 Months	X	X	
Lucas		X			X	X	
Marion		X	0	6 Months	X	X	22
Medina		X		Varies	X	X	All
Mercer		X			X	X	
Montgomery		X	75.00/Day		X	X	
Ottawa		X			X	X	
Paulding	Not Available						
Pickaway		X			X	X	
Portage		X					
Preble	Not Available						
Richland		X	50.00/Day	120 Days	X	X	27
Seneca		X			X		
Shelby	Not Available						
Stark		X		4 Months	X	X	
Summit	X	X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X			4-6 Months	X	X	
Van Wert		X		100days	X	X	26
Wayne		X		3-4 Months	X	X	
Wood	X				X		

Minimum Security Jail

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X	35.00/Day	3 Months	X	X	26
Allen		X			X	X	
Auglaize		X					
Clark		X			X	X	
Clermont		X					
Clinton		X					
Coshocton		X		50	X	X	
Crawford		X			X	X	
Cuyahoga		X	79.00/Day		X	X	18-32
Darke		X			X	X	
Defiance		X			X	X	
Delaware		X			X	X	
Fairfield		X	40.00	10 Days	X	X	
Fayette		X	30.00/Day	120 Days	X	X	26.5
Franklin		X			X	X	
Fulton		X			X	X	
Gallia		X	55.00/Day	30 Days	X	X	30
Guernsey		X		30-90 Days	X	X	30
Harrison		X			X	X	30
Huron		X			X	X	
Jefferson		X			X	X	
Lawrence		X	32.00/Day		X	X	30's
Licking		X					
Lorain		X					
Lucas		X			X	X	
Marion		X	58.00/Day	15 Days	X	X	25
Medina		X		Varies	X	X	All
Mercer		X			X	X	
Montgomery		X	65.00/Day		X	X	
Ottawa		X			X	X	
Paulding		X			X		
Pickaway		X			X	X	
Portage		X	\$51/Day	Varies	X	X	
Preble		X			X	X	
Richland		X					
Seneca		X					
Shelby		X			X	X	
Stark		X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull		X					
Van Wert		X	10.00	90 Days	X	X	26
Wayne		X	20.00 Day	3-4 Months	X	X	
Wood		X			X	X	

Work Release

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	X			3 Months	X	X	26
Allen	X				X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	X				X	X	
Cuyahoga		X	25% Of Gross Pay	52 Days	X	X	18-32
Darke	X				X	X	
Defiance		X			X	X	
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	X		Sliding Scale	45 Days	X	X	
Fulton		X			X	X	
Gallia	X				X	X	
Guernsey	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence	X		0	6 Months	X	X	30's
Licking	Not Available						
Lorain	X		None		X	X	
Lucas	Not Available						
Marion	X		0	30 Days	X	X	23
Medina	Not Available						
Mercer	X				X	X	
Montgomery	Not Available						
Ottawa	Not Available						
Paulding	X				X		
Pickaway	Not Available						
Portage	X		15% of Gross Check		X	X	
Preble	X				X	X	
Richland	X		12.00/Day	30 Days	X	X	27
Seneca	Not Available						
Shelby	X				X	X	
Stark	Not Available						
Summit	X	X			X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull		X	25.00/Day	30 Days	X	X	
Van Wert		X			X	X	26
Wayne	Not Available						
Wood	X				X	X	

Halfway House Program

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams		X			X	X	26
Allen		X			X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton		X					
Crawford	Not Available						
Cuyahoga		X	45.00/Day	52 Days	X	X	18-32
Darke	Not Available						
Defiance		X			X	X	
Delaware	Not Available						
Fairfield		X					
Fayette	Not Available						
Franklin		X		3 Months	X	X	
Fulton		X			X	X	
Gallia	Not Available						
Guernsey		X		4-6 Months	X	X	30
Harrison	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence		X	180 Days		X	X	30's
Licking		X		6 Months	X	X	
Lorain		X		45 Days	X	X	
Lucas		X			X	X	
Marion		X					
Medina	Not Available						
Mercer	Not Available						
Montgomery		X			X	X	
Ottawa	Not Available						
Paulding		X			X	X	
Pickaway		X			X	X	
Portage	Not Available						
Preble	Not Available						
Richland		X	55.00/Day	60 Days	X	X	27
Seneca	Not Available						
Shelby	Not Available						
Stark	X				X		

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Summit		X			X	X	
Trumbull	Not Available						
Van Wert	Not Available						
Wayne		X		6-9 Months	X	X	
Wood	Not Available						

Drug Court

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen	X				X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	X				X	X	
Darke	Not Available						
Defiance	Not Available						
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	Not Available						
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron	X						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas	Not Available						
Marion	Not Available						
Medina	Not Available						
Mercer	Not Available						
Montgomery	X				X	X	
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X				X	X	
Seneca	Not Available						
Shelby	Not Available						
Stark	X			1 Year	X	X	
Summit	X				X	X	

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	X						
Van Wert	Not Available						
Wayne	Not Available						
Wood	Not Available						

Reentry Court

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Adams	Not Available						
Allen	X				X	X	
Auglaize	Not Available						
Clark	Not Available						
Clermont	Not Available						
Clinton	Not Available						
Coshocton	Not Available						
Crawford	Not Available						
Cuyahoga	Not Available						
Darke	Not Available						
Defiance	Not Available						
Delaware	Not Available						
Fairfield	Not Available						
Fayette	Not Available						
Franklin	Not Available						
Fulton	Not Available						
Gallia	Not Available						
Guernsey	Not Available						
Harrison	Not Available						
Huron	Not Available						
Jefferson	Not Available						
Lawrence	Not Available						
Licking	Not Available						
Lorain	Not Available						
Lucas	Not Available						
Marion	Not Available						
Medina	Not Available						
Mercer	X				X	X	
Montgomery	Not Available						
Ottawa	Not Available						
Paulding	Not Available						
Pickaway	Not Available						
Portage	Not Available						
Preble	Not Available						
Richland	X			1 Year	X	X	30
Seneca	Not Available						
Shelby	Not Available						
Stark	Not Available						
Summit	Not Available						

County	Provided In-House	Provided Outside	Average Cost Per Client	Average Length Of Time Served	Serves Males	Serves Females	Average Age Of Clients
Trumbull	Not Available						
Van Wert	Not Available						
Wayne	Not Available						
Wood	Not Available						

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